City of Pismo Beach

PUBLIC REVIEW DRAFT

Zoning Code/ Implementation Plan

October 2026



LWC

California Coastal Commission
certified XX/XX/XXXX
#LCP

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Part 1: Introduction

Chapter 17.01 Title and Purpose

Sections:

17.01.010 Title

17.01.020 Purpose

17.01.030 Authority and Relationship to General Plan

17.01.040 Local Coastal Program Coastal Implementation Plan (IP)

17.01.050 Applicability of the Zoning Code

17.01.060 Responsibility for Administration

17.01.070 Severability

17.01.010 Title

A. Title 17 of the Pismo Beach Municipal Code is and may be cited as the Pismo Beach Zoning Code, hereafter referred to as "this Zoning Code," or "the Zoning Code."
B. Portions of Title 17 identified in Section 17.01.040, Local Coastal Program Coastal Implementation Plan (IP), shall be known as the "City of Pismo Beach Coastal Implementation Plan" and hereafter referred to as the "Implementation Plan" or "IP." These sections are denoted with an "(IP)" next to the section number.

17.01.020 Purpose

This Zoning Code carries out the policies of the City of Pismo Beach General Plan and Local Coastal Program (GP/LCP) Coastal Land Use Plan (LUP), also referred to as the Local Coastal Plan, and hereafter referred to as the General Plan/Local Coastal Plan, by classifying and regulating the uses of land and structures within the City of Pismo Beach. This Zoning Code is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the city. More specifically, the purposes of this Zoning Code are to:

A. Implement the General Plan by encouraging the uses of land designated by the General Plan/Local Coastal Plan;
B. Provide standards for the orderly growth and development of the city that will assist in protecting the coastal characteristics of the city, including public access and views, and recreational opportunities along the coast;
C. Conserve and protect the city's natural beauty including coastal views, hillside open space, scenic highways, and historic and environmental resources;
D. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, and other public facilities and utilities;
E. Minimize automobile congestion by promoting pedestrian oriented development, safe and effective traffic circulation, and adequate off-street parking facilities; and

F. Ensure compatibility between residential and commercial development and land uses.

17.01.030 Authority and Relationship to General Plan

A. This Zoning Code is enacted based on the authority vested in the City by the State of California, including but not limited to: the State Constitution; the Planning and Zoning Law (California Government Code Sections 65000 et seq.); the California Coastal Act (Public Resources Code Sections 30000 et seq.); the Subdivision Map Act (California Government Code Sections 66410 et seq.); California Environmental Quality Act (Public Resources Code Sections 21000 et seq.); and the California Health and Safety Code.

B. This Zoning Code is the primary tool used by the City to carry out the goals, objectives, and policies of the General Plan/Local Coastal Plan. The Council intends that this Zoning Code be consistent with the General Plan, and that any land use, subdivision, or development approved in compliance with this Zoning Code will also be consistent with the General Plan/Local Coastal Plan.

17.01.040 Local Coastal Program Coastal Implementation Plan (IP)

A. The following portions of Title 17 shall be known as the "City of Pismo Beach Coastal Implementation Plan" and hereafter referred to as the "Implementation Plan" or "IP." The Implementation Plan is a component of the Local Coastal Program, which is comprised of its Coastal Land Use Plan, also referred to as the Local Coastal Plan and this Implementation Plan, serving to carry out the Local Coastal Plan policies. Those components of the Zoning Code which comprise the IP are denoted with an "(IP)".

   a. Section 17.01.040 (Local Coastal Program Coastal Implementation Plan) (IP)

   b. Chapter 17.12 (Coastal Development Permits) (IP)

   c. Chapter 17.18 (Modifications) (IP)

   d. Chapter 17.20 (Variances) (IP)

   e. Chapter 17.22 (Reasonable Accommodations) (IP)

   f. Chapter 17.30 (Amendments to the Local Coastal Program) (IP)

   g. Section 17.32.040 (Review Process) (only those subsections denoted with 'IP')

   h. Chapter 17.34 (Enforcement) (IP)

   i. Chapter 17.36 (Establishment of Zones) (IP)

   j. Chapter 17.40 (Residential Zones) (IP)

   k. Chapter 17.42 (Commercial and Mixed-Use Zones) (IP)

   l. Chapter 17.44 (Industrial Zones) (IP)

   m. Chapter 17.46 (Special Purpose Zones) (IP)

   n. Chapter 17.48 (Overlay Zones) (IP)

   o. Section 17.50.030 (Exceptions to Required Setbacks) (IP)

p. Section 17.50.040 (Fences, Walls, and Hedges) (only those subsections denoted with 'IP')

q. Section 17.50.060 (Height and Height Exceptions) (IP)

r. Section 17.50.070 (Outdoor Lighting and Glare) (IP)

s. Section 17.50.100 (Environmentally Sensitive Habitat Area Protection) (IP)

t. Section 17.50.130 (Undergrounding Utilities) (IP)

u. Section 17.50.140 (Visitor Serving Commercial Conversions) (IP)

v. Section 17.54.040 (Application Procedures) (only those subsections denoted with 'IP')

w. Section 17.58.060 (Landscape Design Guidelines) (only those subsections denoted with 'IP')

x. Section 17.60.010 (Purpose) (IP)

y. Section 17.60.020 (Applicability) (IP)

z. Section 17.60.030 (General Parking and Loading Regulations) (IP)

aa. Section 17.60.040 (Number of Parking Spaces Required) (IP)

bb. Section 17.60.050 (Reduction of Off-Street Parking Requirements) (IP)

cc. Section 17.62.030 (Design Objectives) (IP)

dd. Chapter 17.64 (Short-Term Rentals and Vacation Rentals) (IP)

ee. Section 17.66.020 (Accessory Dwelling Units) (only those subsections denoted with 'IP')

ff. Section 17.66.030 (Accessory Residential Uses and Structures) (IP)

gg. Section 17.66.120 (Hotels and Motels) (IP)

hh. Section 17.66.130 (Mixed-Use Residential) (IP)

ii. Section 17.66.220 (Telecommunications Facilities) (only those subsections denoted with 'IP')

jj. 17.66.230 (Two-Unit Residential Development and Urban Lot Splits) (IP)

kk. Chapter 17.68 (Multi-Family and Mixed-Use Objective Design Standards) (IP)

ll. Chapter 17.70 (Nonconforming Uses, Structures, and Parcels) (IP)

mm. Chapter 17.72 (Definitions and Rules of Measurement) (only terms/definitions denoted 'IP')

B. **Authority**

The Implementation Plan is adopted pursuant to the authority contained in Section 65850 et seq. of the California Government Code, Division 20 of the Public Resources

Code (California Coastal Act), and Title 14, Division 5.5 of the California Code of Regulations (California Coastal Commission Regulations).

C. **Purpose**

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

D. **Applicability**

The regulations found in this IP shall apply to all areas of the City of Pismo Beach located within the Coastal Zone as established by the State Legislature.

E. **Conflicting Regulations and Policies**

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

F. **Agency Coordination**

The City will work with other agencies as appropriate to implement the LCP.

G. **LCP Violations**

See Subsection 17.34.130.B (LCP Violations).

H. **Severability**

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

I. **Jurisdiction**

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

J. **Coastal Commission Coastal Development Permits**

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

conditions underlying the CDP, in which case the application can be processed by the City.

K. **Coastal Resource Protection**

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

L. The City and the Coastal Commission shall both implement the LCP's Land Use Plan and Implementation Plan.

17.01.050 Applicability of the Zoning Code

This Zoning Code applies to all land uses, subdivisions, and development within the City of Pismo Beach, as provided by this section.

A. **New Land Uses or Structures, Changes to Land Uses or Structure**
It shall be unlawful, and a violation of this Zoning Code, for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of Section 17.38.020 (Requirements for Development and New Land Uses), and Chapter 17.70 (Nonconforming Uses, Structures and Parcels (IP)).

B. **Issuance of Building or Grading Permits**
Building or grading permits may be issued by the Department only when the proposed land use and/or structure satisfy the requirements of Subsection A, when the Director determines that the site was subdivided in compliance with all applicable requirements of Title 16 (Subdivisions), and when proposed grading is in compliance with all applicable requirements of Chapter 17.56 (Hillside Development).

C. **Subdivision of Land**
Any subdivision of land proposed within the city after the effective date shall comply with the minimum lot size requirements and all other applicable requirements of this Zoning Code, and the subdivision requirements of Title 16 (Subdivisions).

D. **Continuation of an Existing Land Use**
An existing land use is lawful and not in violation of the Zoning Code only when operated and maintained in compliance with all applicable provisions of this Zoning Code or, where applicable, Chapter 17.70 (Nonconforming Uses, Structures, and Parcels (IP)). However, the requirements of this Zoning Code are not retroactive in their effect on a land use that was lawfully established before the effective date.

E. **Effect of Zoning Code Changes on Projects in Progress**
The enactment of this Zoning Code or amendments to its requirements may impose different standards on new land uses than those that applied to existing development. The following provisions determine how the requirements of this Zoning Code apply to projects in progress at the time requirements are changed.

1. **Projects with Pending Applications**.

a. **Applicant Election**
A land use permit application that has been determined by the Department to be complete before the effective date of this Zoning Code or any amendment to its requirements may be processed according to either:
    i. The requirements in effect when the application was accepted as complete; or
    ii. The requirements of the amended Zoning Code.

The applicant shall submit a written election to the Planning Division specifying which set of requirements shall apply.

b. **Time Limits**
    i. The applicant's written election under Subsection E.1.a shall be submitted no later than thirty (30) calendar days after the effective date of the amended Zoning Code.
    ii. If the applicant elects to proceed under the prior requirements, at least one action on the application by the review authority must occur within one hundred and eighty (180) calendar days of the effective date of the amended Zoning Code.
    iii. If no written election is submitted within thirty (30) days, or if no review authority action occurs within one hundred and eighty (180) days following an election to proceed under prior requirements, the application shall be processed under the requirements of the amended Zoning Code.

c. **Coastal Zone**
For applications requiring Coastal Development Permits or other approvals subject to the California Coastal Act and certified Local Coastal Program, this subsection applies only to the extent consistent with the requirements of the Coastal Act, the certified Local Coastal Program, and California Coastal Commission regulations.

d. **Extensions of Time**
Applications for extensions of time pursuant to Section 17.08.070 (Permit Implementation, Time Limits, and Extensions) shall be processed according to the requirements of this Zoning Code in effect when the time extension application is accepted as complete.

e. **Ministerial Applications**
For ministerial permit applications (including building permits) determined to be complete before the effective date of this Zoning Code or any amendment to its requirements, processing shall continue under the requirements in effect when the application was accepted as complete, consistent with the Permit Streamlining Act (California Government Code Section 65920 et seq.). No election is required for ministerial applications.

2. **Approved Projects Not Yet Under Construction**
Any approved development for which construction has not begun as of the effective date, may still be constructed as approved, as long as required building

permits have been obtained before the expiration of any applicable land use permit or, where applicable, before the expiration of any approved time extension granted under Section 17.08.070 (Permit Implementation, Time Limits, and Extensions).

3. **Approved Projects Not Requiring Construction**
   Any approved land use not requiring construction that has not been established as of the effective date, may still be established in compliance with its approved permit, as long as establishment occurs before the expiration of the permit or, where applicable, before the expiration of any approved time extension granted under Section 17.08.070 (Permit Implementation, Time Limits, and Extensions).
4. **Projects Under Construction**
   A structure that is under construction on the effective date, need not be changed to satisfy any new or different requirements of this Zoning Code.

F. **Other Requirements May Still Apply**
   Nothing in this Zoning Code eliminates the need for obtaining any other permits required by the City, or any permit or approval required by other provisions of the Municipal Code or the regulations of any City department, or any county, regional, state, or federal agency.

G. **Conflicting Permits and Licenses to be Void**
   All permits or licenses shall be issued by the City in compliance with the provisions of this Zoning Code. Any permit or license issued in conflict with this Zoning Code shall be void. For resolution of conflicting requirements between this Zoning Code and other regulations, see Subsection 17.02.020.F (Conflicting Requirements).

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

17.01.060 Responsibility for Administration

This Zoning Code shall be administered by the Council, Planning Commission, Director, and the Department, as provided in Chapter 17.06 (Administrative Authorities). The IP shall also be administered by the Coastal Commission pursuant to the Coastal Act.

17.01.070 Severability

If any chapter, section, subsection, sentence, clause, phrase, or portion of this Zoning Code is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof. The Council declares that it would have adopted this Zoning Code, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional and if for any reason this Zoning Code should be declared invalid or unconstitutional, then the original Code shall be in full force and effect.

Chapter 17.02 Interpretation of the Zoning Code

Sections:

17.02.010 Purpose

17.02.020 Rules of Interpretation

17.02.030 Procedures for Interpretations

17.02.010 Purpose

This chapter provides rules for resolving questions about the meaning or applicability of any part of this Zoning Code. The provisions of this chapter are intended to ensure the consistent interpretation and application of the provisions of this Zoning Code and the General Plan/Local Coastal Plan.

17.02.020 Rules of Interpretation

A. **Authority**
The Director is assigned the responsibility and authority to interpret the requirements of this Zoning Code.

B. **Language**

1. **Terminology**
When used in this Zoning Code, the following phrases and grammar shall be understood as follows:
    a. "Shall," "must," "will," "is to," and "are to" are always mandatory;
    b. "Should" is not mandatory but is strongly recommended;
    c. "May" is permissive.
    d. The present tense includes the past and future tenses;
    e. The future tense includes the present;
    f. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise; and
    g. The words "includes" and "including" shall mean "including but not limited to . . .".
2. **Number of Days**
Whenever a number of days is specified in this Zoning Code, or in any permit, condition of approval, or notice issued or given as provided in this Zoning Code, the number of days shall be construed as working days unless otherwise specified. Time limits will extend to the next working day where the last of the specified number of days falls on a weekend or City-observed holiday.
3. **State Law Requirements**
Where this Zoning Code references applicable provisions of state law (e.g., the California Government Code, Subdivision Map Act, Public Resources Code, etc.), the reference shall be construed to be to the applicable state law provisions as they may be amended from time to time.

4. **Titles and Headings**
   The Titles of the sections, subsections, figures, and tables in this Zoning Code are provided for convenience and general information only and shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of any chapter, section, subsection, figure, or table.

C. **Zoning Map Boundaries**
   If there is uncertainty about the location of any zone boundary shown on the official Zoning Map, the following rules are to be used in resolving the uncertainty:
   1. Where zone boundaries approximately follow lot, alley, or street lines, the lot lines and street and alley centerlines shall be construed as the zone boundaries;
   2. If a zone boundary divides a parcel and the boundary line location is not specified by instructions printed on the Zoning Map, the location of the boundary will be determined by using the scale appearing on the Zoning Map; and
   3. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zone designation of the adjoining property on either side of the centerline of the vacated or abandoned street or alley.

D. **Allowable Uses of Land**
   If a proposed use of land is not specifically listed in Section 17.40.020 (Residential Land Use Regulations), Section 17.42.020 (Commercial and Mixed-Use Land Use Regulations), or Section 17.44.020 (Industrial Land Use Regulations), or Section 17.46.020 (Special Purpose Land Use Regulations), the use shall be prohibited, except as follows.
   1. **Similar Uses Allowed**
      The Director may determine that a proposed use not listed in Chapter 17.40 (Residential Zones (IP)) through Chapter 17.48 (Overlay Zones (IP)) is allowable for the purposes of accepting an application for processing, and the review authority may approve an application for an unlisted use under a Conditional Use Permit or equivalent, if all of the following findings are made:
      a. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the uses listed in the zone as allowable, and will not involve a higher level of activity or population density than the uses listed in the zone;
      b. The proposed use will meet the purpose/intent of the zone that is applied to the site; and
      c. The proposed use will be consistent with the goals, objectives and policies of the General Plan/Local Coastal Plan and any specific plan.
   2. **Applicable Standards and Permit Requirements**
      When the Director determines that a proposed, but unlisted, use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required and what other standards and requirements of this Zoning Code apply.
   3. **Planning Commission Determination**
      The Director may forward questions about equivalent uses directly to the

Planning Commission for a determination at a public meeting (a public hearing is not required).

E. **Minimum Requirements**
When interpreting and applying the regulations of this Zoning Code, all provisions shall be considered to be minimum requirements, unless stated otherwise (e.g., height limits and site coverage requirements for structures, and the numbers and size of signs allowed, are maximums and not minimums).

F. **Conflicting Requirements**
1. **Conflicts in General**
The regulations of this Zoning Code and requirements or conditions imposed pursuant to this Code shall not supersede any other regulations or requirements adopted or imposed by the City Council, the State of California, or any federal agency that has jurisdiction by law over uses and development authorized by this Code. All uses and development authorized by this Code shall comply with all other such regulations and requirements.
2. **Zoning Code and Other Municipal Code Provisions**
If conflicts occur between different requirements of this Zoning Code, or between this Zoning Code and other Municipal Code provisions, the most restrictive shall apply, unless otherwise specified.
3. **Specific Plans**
If conflicts occur between the requirements of this Zoning Code and standards adopted as part of any specific plan, the requirements of the specific plan shall apply.
4. **Private Agreements**
This Zoning Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction, without affecting the applicability of any agreement or restriction. The City shall not enforce any private covenant or agreement (e.g., deed restrictions, CC&Rs, and other similar instruments).
5. **Zoning Code and General Plan/Local Coastal Plan**
Where there are conflicts between the policies set forth in this Zoning Code and those set forth in the City's General Plan/Local Coastal Plan, the policies of the General Plan/Local Coastal Plan shall apply.
6. **Local Coastal Program and Coastal Zone**
See Section 17.01.040.E (Conflicting Regulations and Policies).

17.02.030 Procedures for Interpretations

Whenever the Director determines that the meaning or applicability of any of the requirements of this Zoning Code are subject to interpretation as applied to a specific case, the Director may issue an official interpretation. Interpretations may also be requested in compliance with this section.

A. **Request for Interpretation**
A request for interpretation shall be submitted to the Director in writing specifically

stating the provision(s) in question and providing any information to assist in the interpretation.

B. **Record of Interpretations**
The Director will maintain a complete record of all official interpretations, available for public review, and indexed by the number of the section that is the subject of the interpretation. Official interpretations shall be:
    1. In writing, and shall quote the provisions of this Zoning Code being interpreted, and explain their meaning or applicability in the particular circumstances that caused the need for interpretation;
    2. Distributed to the Council, Planning Commission, City Attorney, City Clerk, and Department staff; and
    3. Maintained in all copies of the Zoning Code used by the Department.

C. **Appeals and Referral**
Any interpretations of this Zoning Code by the Director may be appealed to the Planning Commission as provided by Section 17.08.100 (Appeals). The Director may also refer any interpretation to the Planning Commission for a determination.

Chapter 17.03 Reserved

Chapter 17.04 Reserved

Chapter 17.05 Reserved

Part 2: Administration and Permits

Chapter 17.06 Administrative Authorities

Sections:

17.06.010 Purpose
17.06.020 Planning Agency Defined
17.06.030 Community Development Director
17.06.040 Planning Commission
17.06.050 City Council
17.06.060 Authority for Land Use and Zoning Decisions

17.06.010 Purpose

This chapter describes the authority and responsibilities of City staff and official bodies in the administration of this Zoning Code, in addition to the Council.

17.06.020 Planning Agency Defined

The functions of a planning agency shall be performed by the Pismo Beach City Council, Planning Commission, and Community Development Department, in compliance with state law (California Government Code Section 65100).

17.06.030 Community Development Director

A. **Duties and Authority**
The following powers and duties of the Community Development Director (the "Director") under this Zoning Code include, but are not limited to the following:

1. Have the responsibility to perform all of the functions designated by state law, including, but not limited to the following:
    a. Prepare an annual report related to implementation of the General Plan in compliance with California Government Code Section 65400;
    b. Review of public works projects for conformity to the General Plan in compliance with California Government Code Section 65401; and
    c. Review of acquisition and disposal of property for conformity to the General Plan in compliance with California Government Code Section 65402.
2. Maintain and administer this Zoning Code, including processing of applications, abatements, and other enforcement actions.
3. Prepare and effect rules and procedures necessary or convenient for the conduct of the Director's business. These rules and procedures must be approved by a resolution of the City Council following review and recommendation of the Planning Commission. They may include the

administrative details of hearings officiated by the Director (e.g., scheduling, rules of procedure and recordkeeping).

4. Interpret this Zoning Code to members of the public and to other City Departments.
5. Issue administrative regulations for the submission and review of applications subject to the requirements of this Title and California Government Code Section 65950.
6. Review applications for permits and licenses for conformance with this Zoning Code and issue Planning Division approval when the proposed use, activity or building is allowed by right and conforms to all applicable development and use standards.
7. Review applications for discretionary permits and approvals under this Zoning Code for conformance with applicable submission requirements and time limits.
8. Review applications for discretionary permits and approvals to determine whether the application is exempt from review under the California Environmental Quality Act and notify the applicant if any additional information is necessary to conduct the review.
9. Determine level of coastal review pursuant to Chapter 17.12 (Coastal Development Permits (IP)).
10. Hear and decide requests for minor revisions to approved permits, pursuant to Section 17.08.080 (Revisions to an Approved Permit).
11. Process and make recommendations to the City Council on all applications, amendments, appeals, and other matters upon which the Council has the authority and the duty to act under this Zoning Code.
12. Process and make recommendations to the Planning Commission on all applications, appeals, and other matters upon which the Planning Commission has the authority and the duty to act under this Zoning Code.
13. Approve, conditionally approve, or deny Minor Use Permits pursuant to Chapter 17.14 (Use Permits), and Coastal Development Permits pursuant to Chapter 17.12 (Coastal Development Permits (IP)).
14. Approve, conditionally approve, or deny requests for land use permits and development approvals consistent with Table 17.06.060-A (Role of Review Authority).
15. Negotiate the components and provisions of Development Agreements for recommendation to the City Council pursuant to Chapter 17.26 (Development Agreements).
16. Investigate and make reports to the Planning Commission on violations of permit terms and conditions when the City has initiated revocation procedures.
17. Refer items to the Planning Commission where, in the Director's opinion, the public interest would be better served by a Planning Commission public hearing and action.
18. Delegate the responsibilities of the Director to Department staff under the supervision of the Director.
19. Other duties and powers as may be assigned by the City Council or established by legislation.

17.06.040 Planning Commission

A. **Establishment**
The Planning Commission is established by Title 2 (Administration and Personnel), Chapter 2.20 (Planning Commission).

B. **Duties and Authority**
The Planning Commission shall perform the duties and functions prescribed in California Government Code Section 65101. These duties and functions shall be performed in compliance with Section 17.06.060 (Authority for Land Use and Zoning Decisions), the California Coastal Act, and CEQA.

17.06.050 City Council

A. **Duties and Authority**
The Council shall perform the duties and functions prescribed in this Zoning Code, including, but not limited to:

1. Consider and act on amendments to the General Plan/Local Coastal Plan, Zoning Code, Zoning Map and other applicable policy or ordinance matters following a public hearing and recommended action by the Planning Commission;
2. Hear and decide applications for development agreements;
3. Establish by resolution a fee schedule listing fees, charges, and deposits for various applications and services provided.

B. The above listed duties and functions shall be performed in compliance with Section 17.06.060 (Authority for Land Use and Zoning Decisions), the California Coastal Act, and CEQA.

17.06.060 Authority for Land Use and Zoning Decisions

Table 17.06.060-A (Role of Review Authority) identifies the review authorities, such as the City official or body, responsible for reviewing and making decisions on each type of application, land use permit, and other approvals required by this Zoning Code.

Table 17.06.060-A: Role of Review Authority [1]

Type of Decision	Director [2]	Planning Commission [3]	City Council
Amendments and Interpretations			
General Plan/Local Coastal Plan Amendment	Recommend	Recommend	Decision
Interpretations	Decision	Appeal	Appeal
Sphere Amendments/Annexations	Recommend	Recommend	Decision
Zoning Code Amendment	Recommend	Recommend	Decision
Zoning Map Amendment	Recommend	Recommend	Decision

Table 17.06.060-A: Role of Review Authority [1]			
Type of Decision	**Director [2]**	**Planning Commission [3]**	**City Council**
Land Use Permits and Development Approvals			
Coastal Development Permit (CDP)	See Chapter 17.12 (Coastal Development Permits (IP))		Appeal
Conditional Use Permit (CUP)	Recommend	Decision	Appeal
Development Agreement	Recommend	Recommend	Decision
Development Permit - Major	Recommend	Decision	Appeal
Development Permit - Minor	Decision	Appeal	Appeal
Minor Use Permit	Decision	Appeal	Appeal
Modification - Major	Recommend	Decision	Appeal
Modification - Minor	Decision	Appeal	Appeal
Reasonable Accommodation	Decision	Appeal	Appeal
Sign Permit	See Section 17.62.040 (Sign Permits Required)		Appeal
Specific Plan	Recommend	Recommend	Decision
Temporary Use Permit	Decision	Appeal	Appeal
Variance	Recommend	Decision	Appeal

Key:

"Recommend" means that the review authority makes a recommendation to a higher decision-making body.
"Decision" means that the review authority makes the final decision on the matter.
"Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Section 17.08.100 (Appeals).

Notes:

[1] When multiple permits are required for the same project, the applications shall be reviewed, and approved or denied by the highest review authority.
[2] When the Director finds that a decision is beyond their purview of authority or when unique or special circumstances exist, the Director may refer the matter to the Planning Commission so that the Planning Commission may instead make the decision.
[3] If the Planning Commission recommends a denial, the application will not proceed to Council unless an appeal is filed.

Chapter 17.07 Reserved

Chapter 17.08 Common Procedures

Sections:

17.08.010 Purpose
17.08.020 Permit Filing and Processing
17.08.030 Conceptual Review
17.08.040 Review of Applications
17.08.050 Public Hearings and Noticing
17.08.060 Permit Decision
17.08.070 Permit Implementation, Time Limits, and Extensions
17.08.080 Revisions to an Approved Permit Other Than a CDP
17.08.090 Revocation of Permits
17.08.100 Appeals

17.08.010 Purpose

This chapter establishes procedures that are common to the application and processing of all permits and approvals provided for in this Zoning Code, unless superseded by specific requirement of this Zoning Code or state law.

17.08.020 Permit Filing and Processing

The preparation and filing of applications shall comply with the following requirements.

A. **Applicant**
Applications may be made by the owner of the subject property, or by a lessee or any other person with the written consent of the property owner or authorized agent. An authorized agent shall provide written authorization signed by the property owner.

B. **Application Content**
   1. **Application Forms**
   Applications shall be filed on the form(s) provided by the Director together with all information and materials specified by the applications requirements list provided by the Director for the specific type of application.
   2. **Supporting Materials**
   The Director may require the submission of supporting materials as part of the application, including but not limited to statements, photographs, plans, drawings, renderings, models, material samples and other items necessary to describe existing conditions and the proposed project and to determine the level of environmental review pursuant to CEQA.
   3. **Availability of Materials**
   All material submitted becomes the property of the City, may be distributed to the public, and shall be made available for public inspection. At any time upon

reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the planning division offices. Unless prohibited by law, copies of such materials shall be made available at a reasonable cost.

C. **Application Fees**
   1. **Fee Schedule**
      The Council shall approve by resolution a Municipal Fee Schedule that establishes fees for permits, informational materials, penalties, copying, and other such items.
   2. **Payment of Fees**
      No application shall be accepted as complete and processed without payment of the required fee or deposit unless a fee waiver has been approved.

D. **Applications Deemed Withdrawn**
   1. Any application received and processed shall be deemed withdrawn if:
      a. It is determined that the proposed use is not allowable; or
      b. It has been held in abeyance or continuance, awaiting the submittal of additional required information by the applicant, and the applicant has not submitted such information within one hundred and eighty (180) days of either:
         i. The last City notification to the applicant requesting additional information in advance of either a decision to accept the application for processing, or review by the Planning Commission or Council, to which the applicant has not responded; or
         ii. The date of the last Planning Commission or Council consideration of the application.
   2. Prior to an application being deemed withdrawn, the Director shall send a letter notifying the applicant of the project's withdrawal which shall also include an explanation of the requirements for refiling. Where a written request from the applicant is received asking that the application package and unused portion of the filing fee be returned, the Director shall return the entire application package to the applicant, including accompanying information and any portion of the filing fee not used in processing up to the point of withdrawal. A withdrawn application may be re-filed at any time, provided that it is received and processed as a new application.

E. **Director Review of Other Applications**
   The Director shall review applications for business licenses, building permits, subdivisions, and lot line adjustments to determine whether the use, improvement, building, subdivision, or change in lot configuration complies with all provisions of this Title or any entitlement approval issued under this Title, including any conditions of approval.

17.08.030 Conceptual Review

Conceptual review is an optional but recommended review process that is intended to provide information on relevant policies, zoning regulations, and procedures.

A. **Exemption from Permit Streamlining Act**
Conceptual review is not subject to the requirements of the California Permit Streamlining Act (the Act). An application that is accepted for conceptual review shall not be considered complete pursuant to the requirements of the Act unless and until the Director has received an application for approval of a development project, reviewed it, and determined it to be complete under Section 17.08.040 (Review of Applications).

B. **Review Procedure**
All affected City departments shall conduct conceptual review. The Director may consult with or request review by any City agency or official with an interest in the application. The Director may refer applications to the Planning Commission when in the Director's opinion the conceptual review would benefit from the Planning Commission's input.

C. **Recommendations are Advisory**
Neither the conceptual review nor the provision of information and/or pertinent policies shall be construed as a recommendation for approval or denial of the application by City representatives. Recommendations that result from conceptual review may include:
    1. City requirements as they apply to the proposed development project;
    2. A preliminary list of issues that will likely be of concern during formal application review;
    3. Possible alternatives or modifications to the project; and
    4. Any technical studies that may be necessary for the environmental review process when a formal application is filed.

D. **Fees**
Fees charged for conceptual review shall be applied to the formal application for the same development proposal if an application is submitted within one (1) year of the publication of conceptual review recommendations.

Any recommendations that result from conceptual review are considered advisory only and shall not be binding on either the applicant or the City.

17.08.040 Review of Applications

All applications filed with the Director in compliance with this Zoning Code shall be initially processed as follows:

A. **Completeness Review**
Pursuant to California Government Code Section 65943, the Director shall review all applications for completeness and accuracy before they are accepted as being complete.
    1. **Notification of Applicant**
    The applicant shall be informed, as required by the California Government Code, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information shall be provided. All additional information needed shall be specified in the letter providing notice of an incomplete application.
    2. **Appeal of Determination**
    Where the Director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information

requested by the Director is not required, the applicant may appeal the determination in compliance with Section 17.08.100 (Appeals).

3. **Environmental Information**
   The Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with Subsection 17.08.040.C (Environmental Review).

B. **Referral of Application**
At the discretion of the Director, or where otherwise required by this Zoning Code, state or Federal law, any application filed in compliance with this Zoning Code may be referred to any public agency that may be affected by or have an interest in the proposed application.

C. **Environmental Review**
All projects shall be reviewed for compliance with or exemption from the California Environmental Quality Act (CEQA). Environmental review will be conducted pursuant to Title 14 of the California Code of Regulations (CEQA Guidelines). If Title 14 of the California Code is amended, such amendments will govern City procedures.

D. **Staff Report and Recommendations**

1. **Staff Evaluation**
   The Director shall review all applications filed in compliance with this section to determine whether they comply and are consistent with the required findings for approval.
2. **Staff Report**
   A staff report shall be prepared by the Director that includes a description of the proposed development and a recommendation on the proposed land use and any development describing its compliance and consistency with required findings for approval. The staff report shall include recommendations on the approval, approval with conditions, or disapproval of the application, based on the evaluation and CEQA analysis.
3. **Report Distribution**
   Staff reports shall be furnished to the applicant(s) and the general public at the same time as they are provided to members of the Planning Commission and/or Council prior to a hearing on the application.

17.08.050 Public Hearings and Noticing

A. **Notice of Hearing**
When a land use permit, or other matter requires a public hearing, the public shall be provided notice of the hearing in compliance with state law (California Government Code Sections 65090, 65091, 65094 and 66451.3, and Public Resources Code 21000 et seq.) and as required by this subsection.

1. **Contents of Notice**
   Notice of a public hearing shall include, at minimum, the following information:
   a. **Hearing Information**
      The date, time, and place of the hearing and the name of the hearing body; a brief description of the City's general procedure concerning the conduct of hearings and decisions; and contact information of the

Department, including phone number and physical address for an interested person to call or visit to obtain additional information;

b. **Project Information**
The date of filing of the application and the name of the applicant; the City's file number assigned to the application; a general explanation of the matter to be considered; a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing;

c. **Statement on Environmental Document**
If a proposed negative declaration or EIR has been prepared for the project in compliance with state CEQA Guidelines, the hearing notice shall include a statement that the hearing body will also consider approval of the proposed negative declaration or certification of the EIR; and

2. **Method of Notice Distribution**
Notice of a public hearing shall be given as follows, and as required by state law (California Government Code Sections 65090 and 65091).

a. **Publication**
Notice shall be published at least once in a newspaper of general circulation in the city at least ten (10) days before the hearing.

b. **Mailing**
Notice shall be mailed or delivered at least ten (10) days before the hearing to the following:

i. **Owner(s) of Proposed Site**
The owner(s) of the property being considered in the application, or the owner's agent, and the applicant;

ii. **Local Agencies**
Each local agency expected to provide schools, water, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;

iii. **Affected Owners**
All owners of real property as shown on the latest San Luis Obispo County equalized assessment roll, within three hundred (300) feet of the exterior boundaries of the parcel that is the subject of the hearing;

iv. **Persons Requesting Notice**
Any person who has filed a written request for notice with the Director and has paid the required fee for the notice; and

c. **Alternative to Mailing**
If the number of property owners to whom notice would be mailed in compliance with Subsection 17.08.050.A.2.b (Mailing) is more than one thousand (1,000), the Director may choose to provide the alternative notice allowed by state law (California Government Code Section 65091(a)(3)).

d. **Posting**
Notice shall be posted on the subject parcel in compliance with this section.

e. **Additional Notice**
In addition to the types of notice required above, the Director may provide any additional notice with content or using a distribution method as the Director determines is necessary or desirable.

B. **Scheduling of Hearing**
After the completion of any environmental documents required by CEQA and a Department staff report, the matter shall be scheduled for public hearing on the next available Planning Commission or Council agenda (as applicable), but no sooner than any minimum time period established by state law.

C. **Hearing Procedure**
Hearings shall be held at the date, time, and place described in the public notice required by this chapter. The hearing body may by motion continue the public hearing to a fixed date, time, and place without providing further notice, or may continue the item to an undetermined date and provide notice of the continued hearing.

D. **Action of the Planning Commission**

1. **Recommendation by Planning Commission**
    a. At the conclusion of any public hearing on an application that requires Council approval, the Planning Commission shall forward a recommendation, including all required findings, to the Council for final action.
    b. Following the hearing, a copy of the Planning Commission's recommendation shall be mailed to the applicant at the address shown on the application.

2. Decision by Planning Commission
    a. At the conclusion of any public hearing on an application that does not require Council approval, except on appeal, the Planning Commission shall take final action.
    b. Following the hearing, a copy of the Planning Commission's action shall be mailed to the applicant at the address shown on the application.

17.08.060 Permit Decision

A. **Purpose**
This section provides procedures for the final review and decision on the land use permit applications established by this Zoning Code. Procedures and standards for the review and approval of subdivision maps are found in Title 16 (Subdivisions). Where applicable, the procedures of this section are conducted after those described in Section 17.08.020 (Permit Filing and Processing) and Section 17.08.040 (Review of Applications).

B. **Permit Approval**
All permits approved consistent with this Zoning Code shall be supported by explicit findings describing the consistency with all code requirements and required findings for approval.

C. **Conditions of Approval**
In approving an application or permit, the review authority may impose specific development conditions that are found reasonable and necessary to ensure that the approval will be in compliance with the required findings.

D. **Decision**
The hearing body (Director, Planning Commission, or Council, as applicable) may announce and record its decision on the matter being considered at the conclusion of a scheduled hearing or defer action and continue the matter to a later meeting agenda in compliance with Subsection 17.08.050.C (Hearing Procedure). The decision of the Council on any matter except a General Plan/Local Coastal Plan amendment (see Chapter 17.28 (Amendments to Zoning Code, Zoning Map, and General Plan (IP)) and Chapter 17.30 (Amendments to the Local Coastal Program (IP))) shall be final

E. **Notice of Local Action**
After any action to approve or deny an application that is subject to appeal under the Zoning Code, the Director shall issue a notice of local action. The notice of local action shall describe the action taken, including any conditions of approval and/or CEQA mitigation measures, and list the findings that were the basis for the action. The Director shall mail the notice to the applicant and to any other person or entity that has filed a written request for such notification with the Department. See Chapter 17.12(Coastal Development Permits (IP)) for Coastal Development Permit notice requirements. The Director may refer any staff level permit to the Planning Commission for review and to Council on appeal.

17.08.070 Permit Implementation, Time Limits, and Extensions

A. **Purpose**
This section provides requirements for the implementation of the permits required by this Zoning Code, including time limits, and procedures for extensions of time.

B. **Effective Date of Permits**
A final decision on an application for any discretionary approval subject to appeal shall become effective after the expiration of the ten (10)-working-day appeal period following the date of action, unless an appeal is filed. No building permit or business license shall be issued until the eleventh (11^{th}) day following the date of the action. See Chapter 17.12 (Coastal Development Permits (IP)) for Coastal Development Permit effective dates.

C. **Performance Guarantees**
A permit applicant may be required by conditions of approval or by action of the Director to provide adequate security to guarantee the faithful performance and proper completion of any approved work, and/or compliance with conditions of approval imposed by the review authority. The provisions of this subsection apply to performance guarantees for projects authorized by any of the land use permits covered by this Zoning Code.

1. **Form and Amount of Security**
The required security shall be in a form approved by the City Manager and the Director. The amount of security shall be as determined by the Director to be

necessary to ensure proper completion of the work and/or compliance with conditions of approval.

2. **Security for Maintenance**
   In addition to any improvement security required to guarantee proper completion of work, the Director may require security for maintenance of the work, in an amount determined by the Director to be sufficient to ensure the proper maintenance and functioning of improvements.
3. **Duration of Security**
   Required improvement security shall remain in effect until final inspections have been made and all work has been accepted by the Director, or until any warranty period required by the Director has elapsed. Maintenance security shall remain in effect for one year after the date of final inspection.
4. **Release or Forfeit of Security**
   Upon satisfactory completion of work and the approval of a final inspection (or after the end of the required time for maintenance security), the improvement and/or maintenance deposits or bonds shall be released. However, upon failure to complete the work, failure to comply with all of the terms of any applicable permit, or failure of the completed improvements to function properly, the City may do the required work or cause it to be done and collect from the permittee or surety all the costs incurred by the City, including the costs of the work, and all administrative and inspection costs. Any unused portion of the security shall be refunded to the funding source after deduction of the cost of the work by the City.

D. **Time Limits and Extensions**

1. **Time Limits**
   a. Unless conditions of approval, other provisions of this Zoning Code, or a provision of state law establish a different time limit, any permit or approval not exercised within two (2) years of approval shall expire and become void. The permit shall not be deemed "inaugurated" until the permittee has obtained a building permit and commenced construction or has commenced the permitted use on the subject property in compliance with any conditions of approval.
   b. For concurrent applications, the longest time limit associated with any one permit or approval shall apply to the other concurrent permits. All permits associated with the approval of a tentative map shall have the same expiration date as the tentative map.
2. **Extensions of Time**
   a. The applicant shall file a written request for an extension of time with the Department at least thirty (30) days before the expiration of the permit, together with the filing fee required by the City fee resolution.
   b. The review authority shall then determine whether the permittee has attempted to comply with the conditions of the permit. The burden of proof is on the permittee to establish with substantial evidence that the permit should not expire.

c. The Director may approve up to two one-year extensions of time for any approved permit, regardless of the original review authority, provided the Director determines that the permittee has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner. If additional extensions beyond two years are requested, the application shall be heard by the original review authority that approved the permit. If an extension is made by the state legislature on associated permits, the City may consider City-issued permits extended by the same amount of time as the state legislature extension.

3. **State-Mandated Extensions**
An automatic time extension for any permit will be granted for the same period of time a permit is extended by the state legislature or any state agency, without the requirement for a public hearing.

E. **Permits to Run with the Land**
A permit granted in compliance with this Zoning Code shall continue to be valid upon a change of ownership of the site, business, service, use, or structure that was the subject of the permit application. All applicable conditions of approval shall continue to apply after a change in ownership unless otherwise stated in the conditions of approval.

17.08.080 Revisions to an Approved Permit Other Than a CDP

Development or a new land use authorized other than a CDP through a permit approved in compliance with this Zoning Code shall be established only as approved by the review authority unless the permit or approval is modified in compliance with this subsection.

A. **Request Process**
An applicant shall request a proposed revision to an approved permit, including conditions of approval, in writing and shall also provide appropriate supporting information and materials explaining the reason(s) for the request. Revisions may be requested either before or after construction or establishment and operation of the approved use. Permit fees may be required for a requested revision.

B. **Minor Revisions**
The Director may approve minor revisions to approved plans regardless of the original approval authority, if the Director determines that the proposed revisions:
1. Are consistent with the original findings and conditions of approval;
2. Would not intensify any potentially detrimental effects of the project; and
3. Are consistent with all applicable provisions of this Zoning Code.

C. **Major Revisions**
A request for revisions not meeting the criteria in Subsection 17.08.080.B (Minor Revisions) shall be processed in accordance with the procedures applicable to the original permit type and subject to review and approval or denial by the review authority that approved the original permit.

17.08.090 Revocation of Permits

Revocation proceedings may be initiated by the Council, Planning Commission, or Director and processed in compliance with Section 17.34.100 (Permit Revocation or Modification).

17.08.100 Appeals

A. **Purpose**
Determinations or actions of the Director, Planning Commission, or Council may be appealed as provided by this section.

B. **Appeals**

1. **Appeals of Director Decisions**
The following determinations and actions of the Director may be appealed to the Planning Commission and then to the Council:
    a. Determinations on the meaning or applicability of the provisions of this Zoning Code that are believed to be in error, and cannot be resolved with staff;
    b. Any determination that a permit application or information submitted with the application is incomplete, in compliance with state law (California Government Code Section 65943);
    c. Decisions on permits and development approvals consistent with Section 17.06.060 (Authority for Land Use and Zoning Decisions); and
    d. Any enforcement action in compliance with Chapter 17.34 (Enforcement (IP)).
2. **Appeals of Planning Commission Decisions**
Determinations and actions of the Planning Commission may be appealed to the Council, including those specified in Section 17.06.060 (Authority for Land Use and Zoning Decisions).
3. **Appeals of Local Approvals on Coastal Development Permits**
Approvals on Coastal Development Permits may be appealed to the Coastal Commission consistent with Section 17.12.110 (Appeals of Coastal Development Permit Decisions).

C. **Filing of Appeals**

1. **Eligibility**
An appeal may be filed by the applicant, the owner of the property, or any other person aggrieved by a decision that is subject to appeal.
2. **Timing and Form of Appeal**
All appeals shall be submitted in writing on a City application form and shall specifically state the pertinent facts of the case and the basis for the appeal. Appeals shall be filed in the office of the City Clerk within ten (10) calendar days following the final date of the determination or action being appealed.
3. **Fee**
Appeals shall be accompanied by the filing fee set by the Council's fee resolution.
4. **Scope of Land Use Permit Appeals**
An appeal of a decision by the Director or Planning Commission on a land use permit shall be limited to issues raised at the public hearing, or in writing before the hearing, or information that was not known at the time of the decision that is being appealed.

D. **Processing of Appeals**

1. **Scheduling of Hearing**
   After an appeal has been received in compliance with Subsection 17.08.100.C (Filing of Appeals), the appeal shall be transmitted to the Director who shall place the item on the next available Planning Commission agenda, or the City Clerk shall schedule the matter for the next available Council agenda, as applicable.
2. **Report**
   After the appeal hearing has been scheduled, the Director shall prepare a report on the matter, and forward the report to the appropriate appeal body.
3. **Joining an Appeal**
   Only those persons who file an appeal in compliance with this section shall be considered the appellants of the subject permit. Any person who wishes to join an appeal shall follow the same procedures for an appellant. No person shall be allowed to join an appeal after the end of the ten (10)-day appeal period.
4. **Proceedings Stayed by Appeal**
   The timely filing of an appeal shall stay all proceedings in the matter appealed including the issuance of building permits and business licenses.
5. **Public Notice, Hearing, and Action**
   a. The appeal body shall conduct a public hearing in compliance with Section 17.08.050 (Public Hearings and Noticing). At the hearing, the appeal body may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for the appeal.
   b. The appeal body may affirm, affirm in part, or reverse the action, decision, or determination that is the subject of the appeal, based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal and verify the compliance or non-compliance of the subject of the appeal with the provisions of this Zoning Code.
6. **Effective Date of Appeal Decision**
   A decision by the Planning Commission is effective on the eleventh (11^{th}) day after the decision, when no appeal of the decision has been filed for hearing before the Council. A decision by the Council is effective as of the date of the decision, except in the case of a development that is appealable to the Coastal Commission in compliance with Section 17.12.110 (Appeals of Coastal Development Permit Decisions).

E. **Appeals of Coastal Development Permit Decisions**
   See Section 17.12.110 (Appeals of Coastal Development Permit Decisions).

Chapter 17.09 Reserved

Chapter 17.10 Development Permits

Sections:

17.10.010 Purpose

17.10.020 Applicability

17.10.030 Review Process

17.10.040 Findings and Decision

17.10.050 Post- Decision Procedures

17.10.010 Purpose

Development Permits are required to ensure new development outside of the Coastal Zone complies with the General Plan, standards in this Zoning Code, and other adopted plans and guidelines.

17.10.020 Applicability

A Development Permit is required for the following unless exempt under Subsection 17.10.020.F (Exemptions):

A. The construction of any new building.
B. Additions to existing buildings.
C. Modifications to the exterior of nonresidential structures, including changes to exterior materials when in conjunction with additions or reconstruction of an existing building.
D. Modifications to the exterior of residential structures when such modifications alter major features of the structure (e.g., change the architectural style, etc.).
E. Signs requiring Planning Commission approval.
F. **Exemptions**

   The following are exempt from obtaining a Development Permit:

   1. Multi-family and mixed-use projects that are eligible for ministerial review consistent with state law and comply with the objective design standards in Chapter 17.68 (Multi-Family and Mixed-Use Objective Design Standards (IP)) as described in Chapter 17.32 (Zoning Clearance for Streamlined Housing Review).
   2. Construction, reconstruction, alterations, improvements, and landscaping for a project developed in compliance with a previously issued Development Permit.
   3. Any form of repair or maintenance work where the work solely involves the replacement of materials in like kind and form (e.g., re-roof, window replacement, etc.), or to any repair or maintenance work in areas not visible to the public from the public right-of-way or areas accessible to the public.
   4. Routine maintenance that does not result in a change in color, materials, or design.
   5. Installation of landscaping no more than two thousand five hundred (2,500) square feet in an area where no other construction activity is planned.

6. Construction of fences and walls that are exempt consistent with Subsection 17.50.040.B (Exemptions from Permit Requirements).
7. Alterations and improvements required in whole or part to meet federal or state requirements to accommodate persons with disabilities.
8. New accessory structures that are exempt from obtaining a building permit.
9. Accessory dwelling units that comply with the standards in Section 17.66.020 (Accessory Dwelling Units).
10. Electric vehicle charging stations within existing parking lots provided they comply with all applicable Building Code standards. This exemption includes the removal of landscaping to accommodate new electric vehicle charging station ground equipment and new lighting for the safety and security of the charging station.
11. Decks that are less than thirty (30) inches above grade.

17.10.030 Review Process

A. **Filing and Processing**
   1. A Development Permit application shall be filed and processed in compliance with Section 17.08.020 (Permit Filing and Processing).
   2. Each Development Permit application shall be analyzed by the Director to ensure that the application is consistent with the purpose and intent of this chapter.

B. **Major Development Permit**
   The Planning Commission shall have Development Permit review authority for the following:
   1. **Single-Family Development**
      Single-family development of more than two thousand five hundred (2,500) square feet of floor area excluding garage.
   2. **Multi-Family or Mixed-Use Development**
      Multi-family or mixed-use development consisting of four (4) or more units, or more than six thousand (6,000) square feet of floor area, when not eligible for ministerial review consistent with state law and as described in Chapter 17.32 (Zoning Clearance for Streamlined Housing Review).
   3. **Non-Residential Development**
      All new construction and any improvement or addition that results in more than a ten percent (10%) increase in floor area, or more than two thousand (2,000) square feet of floor area.
   4. **Other Projects**
      All projects otherwise requiring Planning Commission approval.

C. **Minor Development Permit**
   The Director shall have Development Permit review authority for all projects that do not meet the criteria listed in Subsection 17.10.030.B (Major Development Permit) for a decision by the Planning Commission. The Director may refer items directly to the Planning Commission when in their opinion the public interest would be better served by having the Planning Commission conduct the review.

17.10.040 Findings and Decision

The review authority shall approve a Development Permit application with or without conditions, if all of the following findings are made:

A. The proposed development complies with all of the applicable provisions of this Zoning Code;
B. The proposed development is consistent with the General Plan and any applicable specific plan; and
C. The approval of the Development Permit for the proposed project is in compliance with CEQA.

17.10.050 Post-Decision Procedures

Unless otherwise specified in this chapter, the procedures and requirements in Section 17.08.070 (Permit Implementation, Time Limits, and Extensions), Section 17.08.090 (Revocation of Permits), and Section 17.08.100 (Appeals) shall apply following a decision on a Development Permit application.

Chapter 17.11 Reserved

Chapter 17.12 Coastal Development Permits (IP)

Sections:

17.12.010 Purpose and General Provisions of the Coastal Implementation Plan
17.12.020 Coastal Development Permit (CDP) Processing
17.12.030 Coastal Development Permit Exemptions
17.12.040 Waivers of De Minimis Development
17.12.050 Coastal Development Permit Application
17.12.060 Review of Coastal Development Permit Applications
17.12.070 Coastal Development Permit Public Notice and Hearing
17.12.080 Required Findings for Coastal Development Permit Approval
17.12.090 Notice of City's Final Action and Failure to Act
17.12.100 Coastal Development Permit Implementation, Changes, and Revocation
17.12.110 Appeals of Coastal Development Permit Decisions
17.12.120 Emergency Coastal Development Permits

17.12.010 Purpose and General Provisions of the Coastal Implementation Plan

A. **Purpose**
The purpose of this chapter is to implement the City's Local Coastal Program, Land Use Plan (LUP), and Implementation Plan (IP) in accordance with the requirements of the California Coastal Act of 1976.

B. **Applicability**
The regulations found in this chapter shall apply to all areas of the city located within the Coastal Zone as established by the state legislature.

C. **Local Coastal Program Coastal Implementation Plan**
This chapter provides the requirements for the issuance of Coastal Development Permits. In case of conflict with any other applicable non-Local Coastal Program City policies or regulations, the Implementation Plan and Land Use Plan shall take precedence, with the Land Use Plan taking precedence if there are conflicts between the Land Use Plan and the Implementation Plan. Where the Implementation Plan and Land Use Plan are silent, other City policies and regulations shall be in force, but in no case shall such policies and regulation be used as a standard of review for Coastal Development Permits.

D. **Local Coastal Program Violations**
See Subsection 17.34.130.B (LCP Violations).

E. **Jurisdiction**
See Section 17.01.040.I (Jurisdiction).

F. **Coastal Commission Coastal Development Permits**
See Section 17.01.040.J (Coastal Commission Coastal Development Permits).

G. **Coastal Resource Protection**
See Section 17.01.040.K (Coastal Resource Protection).

17.12.020 Coastal Development Permit (CDP) Processing

This section provides procedures for Coastal Development Permit application processing for development in the City's Coastal Development Permit jurisdiction within the Coastal Zone.

A. **Coastal Development Permit Required**
All development, as defined in Coastal Act Section 30106, within the Coastal Zone requires a Coastal Development Permit except as specified in Section 17.12.030 (Coastal Development Permit Exemptions) and Section 17.12.040 (Waivers of De Minimis Development).

B. **Reviewing Authority**

1. **Administrative Coastal Development Permits**
The Director shall be the review authority for any of the following provided the development does not otherwise require action by the Planning Commission under another provision of this Title, and with the exception of ADUs/JADUs, the development is not appealable to the Coastal Commission pursuant to Public Resources Code Section 30603 and Title 14 Section 13110 through 13120 of the California Code of Regulations:

a. Single-family development with less than two thousand five hundred (2,500) square feet of floor area (excluding garage).
b. Development of two (2) residential units within the R-1-C Zone consistent with Section 17.66.230 (Two-Unit Residential Development and Urban Lot Splits (IP)).
c. Urban lot splits consistent with California Government Code Section 66411.7 and Title 16, Subdivisions, of the Municipal Code.
d. Multi-unit development with less than six thousand (6,000) square feet of floor area.
e. Demolition of two (2) or fewer residential units.
f. Additions or improvements to existing public works facilities and utilities where such additions or improvements do not constitute major public works as defined by the California Code of Regulations Section 13012.

2. **Coastal Development Permits**
The Planning Commission shall be the review authority for all projects subject to a Coastal Development Permit that do not meet the criteria for an Administrative Coastal Development Permit (See Subsection 17.12.020.B.1 (Administrative Coastal Development Permits)).

C. **Additional Permits**
The review of a Coastal Development Permit application shall be processed concurrently with any other discretionary permit applications required by the City. Any such discretionary approvals become effective only after a Coastal Development Permit is approved as required by this chapter and provided they are consistent with the Coastal Development Permit findings and conditions. The City may not grant any discretionary approval for a proposed project that conflicts with this chapter.

17.12.030 Coastal Development Permit Exemptions

In accordance with Coastal Act Section 30610 and Title 14 of the California Code of Regulations (CCR) Sections 13250, 13252, and 13253, all of which govern here in the case of conflicts or questions of interpretation, the following projects are exempt from the requirement to obtain a Coastal Development Permit subject to the following criteria and issuance of building permit:

A. **Existing Structures**
Improvements to an existing structure, including single-family residences, such as permanent fixtures and appurtenances directly attached to the structure including attached ADUs and guest houses, landscaping, and accessory structures (e.g., garages, swimming pools, fences, decks less than thirty (30) inches above grade, and storage sheds). This exemption does not include:

1. Any improvement located on a beach; in a wetland, stream, or lake; seaward of the mean high-tide line; within an environmentally sensitive habitat area, in an area designated highly scenic in the Local Coastal Program; or within fifty (50) feet of the edge of a coastal bluff.
2. Where there is an existing single-family residence, any significant alteration of land forms including removal or placement of vegetation on a beach, wetland, or

sand dune, or within fifty (50) feet of the edge of a coastal bluff, or within an environmentally sensitive habitat area.

3. Where there is an existing structure, other than a single-family residence or public works facility, any significant alteration of land forms including removal or placement of vegetation, on a beach or sand dune; in a wetland or stream; within one hundred (100) feet of the edge of a coastal bluff, in a highly scenic area, or in an environmentally sensitive habitat area;
4. The expansion or construction of water wells or septic systems.
5. On property not included in Subsection 17.12.030.A.1 that is located between the sea and the first public road paralleling the sea, or within three hundred (300) feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the Coastal Commission, when one of the following circumstances apply:
    a. Improvement that would result in an increase of ten percent (10%) or more of internal floor area of an existing structure; or
    b. An additional improvement of ten percent (10%) or less where an improvement to the structure has previously been undertaken pursuant to this section; or
    c. An increase in height by more than ten percent (10%) of an existing structure; and/or
    d. Development that includes any significant non-attached structure such as garages, shoreline protective works, or docks on ocean fronting properties.
6. In areas which the Coastal Commission has previously 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 not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system.
7. Any improvement to a structure where the Coastal Development Permit issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a Coastal Development Permit or a Coastal Development Permit amendment or some other type of coastal authorization (e.g., a Coastal Development Permit waiver).
8. Any improvements to existing structures other than single-family residences which changes the intensity of use of the structure.
9. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including, but not limited to, a condominium conversion, stock cooperative conversion, or motel/hotel timesharing conversion.

B. **Repair or Maintenance Activities**
Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities. This exemption does not include:

1. Any method of repair or maintenance of a seawall, revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:
    a. Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;
    b. The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries, and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;
    c. The replacement of twenty percent (20%) or more of the materials of an existing structure with materials of a different kind;
    d. The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or within twenty (20) feet of coastal waters or streams;
2. Any method of routine maintenance dredging that involves:
    a. The dredging of 100,000 cubic yards or more within a twelve (12) month period;
    b. The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within fifty (50) feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within twenty (20) feet of coastal waters or streams; or
    c. The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access, or public recreational use.
3. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within fifty (50) feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within twenty (20) feet of coastal waters or streams that include either of the following:
    a. The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials.
    b. The presence, whether temporary or permanent, of mechanized equipment or construction materials.
4. Maintenance of bluff top fences if earthwork or foundation work is proposed.
5. Those activities specifically described as exempt from Coastal Development Permit requirements in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Coastal Commission on September 5, 1978, unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat areas, wetlands, or public views to the ocean, in which case the 1978 document exemptions do not apply.
6. Unless destroyed by natural disaster, the replacement of fifty percent (50%) or more of a single-family residence, seawall, revetment, bluff retaining wall,

breakwater, groin, or any other structure that is not repair and maintenance under Coastal Act Section 30610(d) but instead constitutes a replacement structure requiring a Coastal Development Permit.

C. **Replacement of Destroyed Structures**
The replacement of any legally established structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable Local Coastal Program requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than ten percent (10%), and shall be sited in the same location on the affected property as the destroyed structure. As used in this section, "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner; "bulk" means total interior cubic volume as measured from the exterior surface of the structure; and "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

D. **Temporary Events**
Temporary events as defined in this section and which meet all of the following criteria:
1. Are not held between Memorial Day weekend and Labor Day weekend, or if proposed in this period will be of less than two (2) weeks in duration including setup and take-down; and
2. Does not occupy all or a portion of a sandy beach or park area and there is no potential for adverse effect on sensitive coastal resources; and
3. A fee will not be charged for general public admission and/or seating where no fee is currently charged for use of the same area (not including booth or entry fees); or if a fee is charged, it is for preferred seating only and more than seventy-five percent (75%) of the provided seating capacity is available free of charge for general public use; and
4. The proposed event has been reviewed in advance by the City and it has been determined, subject to the procedure in Section 17.12.030 (Coastal Development Permit Exemptions), that it meets the following criteria:
    a. The event will result in no adverse impact on opportunities for public use of or access to the area due to the proposed location and or timing of the event either individually or together with other development or temporary events scheduled before or after the particular event;
    b. There will be no direct or indirect impacts from the event and its associated activities or access requirements on environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources;
    c. The event has not previously required a Coastal Development Permit to address and monitor associated impacts to coastal resources.

E. **Emergency Work**
Immediate emergency work necessary to protect life or property, or immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed

by the Governor consistent with Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the California Government Code.

17.12.040 Waivers of De Minimis Development

A. **Authority**
The Director may issue a written waiver from Coastal Development Permit requirements of this chapter for any development that is de minimis.

B. **Determination of Applicability**
A proposed development is de minimis if the Director determines, based on a review of an application for a Coastal Development Permit, that the development satisfies all the following findings:

1. The proposed development is within the Coastal Zone; the development is not of a type or in a location where an action on the development would be appealable to the Coastal Commission; and not within an area where the Coastal Commission retains permit jurisdiction.
2. The proposed development involves no potential for any adverse effect, either individually or cumulatively, on coastal resources and that it will be consistent with the certified Local Coastal Program. The determination shall be made in writing and based upon factual evidence.
3. **Executive Director Determination.** The Director shall provide a notice of determination to issue a de minimis CDP waiver to the Executive Director of the Coastal Commission no later than ten (10) working days prior to the waiver being reported at a public hearing (see Subsection 17.12.040.F). If the Executive Director notifies the Director that a waiver should not be issued, the applicant shall be required to obtain a CDP if the applicant wishes to proceed with the development.

C. **Applicability**
The Director may consider the following types of development for possible permit waivers:

1. Projects that would have been placed on the consent calendar of the Commission or Council agenda without special conditions;
2. Projects fully consistent with the certified Local Coastal Program and for which all applicable policies of the Local Coastal Program are objective in nature, such that staff does not have to exercise its judgment as to satisfaction of subjective criteria; and
3. Projects located in areas where similar projects have been approved as a routine matter without opposition.

D. **Exceptions to Waivers**
The following projects will not be considered for possible waivers:

1. Projects that involve questions as to conformity with the certified Local Coastal Program, or that may result in potential impacts on coastal resources and public access;
2. Projects with known opposition or probable public controversy; and
3. Projects that involve divisions of land including condominiums.

E. **Public Notice**

If, upon review of the Coastal Development Permit application, the Director determines that the development is de minimis, the applicant shall post public notice of the de minimis waiver on the property for at least ten (10) working days prior to the final decision granting the waiver. Notice of intent to issue a de minimis waiver shall also be mailed to all persons who have requested to be on the mailing list for that development project or site or for coastal decisions within the local jurisdiction, to all property owners and residents within three hundred (300) feet of the perimeter of the parcel on which the development is proposed, to each local agency expected to provide essential facilities or services to the project, and all agencies for which an approval for the proposed development may be required within ten (10) working days prior to the decision on the application. The Director shall provide notice by first class mail.

F. **Review and Concurrence**

1. The Director's determination to issue a de minimis CDP waiver shall be subject to review and concurrence by the review authority.
2. The Director shall not issue a de minimis CDP waiver until the public comment period, including at a minimum through and including the required reporting of the waiver at a public hearing, has expired. At such public hearing, the public shall have the opportunity to testify and otherwise participate in a hearing on the de minimis CDP waiver. If two (2) or more decision-makers object to the waiver, the de minimis CDP waiver shall not be issued and, instead, an application for a CDP shall be required and processed in accordance with the provisions of this chapter. Otherwise, the de minimis CDP waiver shall be deemed approved, effective, and issued the day of the public hearing.
3. In addition to the noticing requirements above, within seven (7) calendar days of effective date of a de minimis CDP waiver, the Director shall send a notice of final action (via first class mail) describing the issuance and effectiveness of the de minimis CDP waiver to the Coastal Commission and any persons who specifically requested notice of such action.

G. **Content of Public Notice**

The notice shall contain the following information:

1. A general description of the proposed project and location;
2. A statement that the development is within the Coastal Zone;
3. The date of filing of the application and the name of the applicant;
4. The number assigned to the application;
5. The date at which the waiver may become effective;
6. The general procedure concerning the submission of public comments either in writing or orally prior to the decision; and
7. A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the decision.

H. **Waiver Expiration**

A de minimis waiver shall expire and be of no further force and effect if the authorized development is not exercised by substantial ground altering physical development within two (2) years of the effective date of the waiver. In this event, either a new de

minimis waiver or a regular Coastal Development Permit shall be required for the development.

17.12.050 Coastal Development Permit Application

A. **Contents**

Coastal Development Permit application submittals must include all the information and materials required by the Department. It is the responsibility of the applicant to provide all necessary and requested evidence to allow for the reviewing authority to make a decision regarding whether the proposed development is consistent with the Local Coastal Program, including with respect to the findings required by Section 17.12.080 (Required Findings for Coastal Development Permit Approval). The application and accompanying materials shall be filed with the City before or concurrent with application for any other required City permits for the proposed project. The Coastal Development Permit application shall include, at a minimum:

1. Project plans and supporting materials sufficient to determine whether the project complies with all relevant policies of the Local Coastal Program, including a clear depiction of all existing conditions and development on the site, and all proposed development;
2. Documentation of the applicant's legal interest in all the property upon which development is proposed, including properties crossed or affected by construction. The area subject to the Coastal Development Permit application may include contiguous properties where the Director finds that necessary to achieve the requirements of the Local Coastal Program. The area covered by a proposed project may also include multiple ownerships;
3. Documentation of any prior Coastal Development Permits or other coastal authorizations on the property, including any restrictions from permit conditions, deed restrictions, easements, and any other encumbrances affecting allowable development and use on the property;
4. All restrictions that apply to the property, including copies of the legal documents, and site plans noting where such restrictions apply;
5. A description of any unpermitted development or permit violations on the site, and provisions for resolving all permitting and coastal resource issues associated with the unpermitted development and permit violations. Also see Section 17.34.130 (Coastal Enforcement of CDPs).
6. A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness, and accuracy of the contents of the application and, if the signer of the application is not the applicant, written evidence that the signer is authorized to act as the applicant's representative and to bind the applicant in all matters concerning the application;
7. Information to determine whether the project complies with LCP environmental justice policies, including proximity of any environmental justice communities to the project area, the potential effect of the project on environmental justice communities, and the potential effect of the project on environmental justice communities as compared to other communities; and

8. Any additional information deemed by the Director to be required for specific categories of development or for development proposed for specific geographic areas or in relation to the specific issues raised by the application; and
9. Any applicable permit fees.

B. **Concurrent Permit Application**
The application for a Coastal Development Permit shall be made concurrently with application for any other non-Coastal Development Permit permits or approvals required by the City.

17.12.060 Review of Coastal Development Permit Applications

The determination of whether a development is exempt, waivable, non-appealable, or appealable for purposes of notice, hearing, and appeals procedures shall be made by the Director at the time the Coastal Permit application for development is submitted or as soon thereafter as practical, and in all cases prior to the application being deemed complete for processing. This determination shall be made with reference to the certified Local Coastal Program, including any provisions that support the determination and shall be consistent with CCR Section 13569.

17.12.070 Coastal Development Permit Public Notice and Hearing

A. **Public Hearing and Notice Requirements**

1. Director Actions

a. **Hearing**
A public hearing is not required for Coastal Development Permit applications for which the Director is the review authority.

b. **Noticing**
The City shall provide public notice of the submission of a Coastal Development Permit application as follows:

i. Posted Notice. At least ten (10) calendar days before the Director takes action, the City shall post a notice at the proposed development site in at least one location that is conspicuously visible to the general public (and as many locations as necessary to ensure that the public is appropriately provided notice).

ii. Mailed Notice. At least ten (10) calendar days before the date the Director takes action, the City shall provide notice by First Class mail delivery to the California Coastal Commission and to all persons who have requested to be on the mailing list for that development project.

2. Planning Commission and City Council Actions

a. **Hearing**
All Planning Commission and Council actions on Coastal Development Permit applications that are not issued a written waiver from Coastal Development Permit requirements under Section 17.12.040 (Waivers of De Minimis Development) or approved as an Administrative Coastal Development Permit shall require a public hearing.

b. **Noticing**
The City shall provide public notice of the submission of a Coastal Development Permit application as follows:
   i. Posted Notice. At least ten (10) days before the Director takes action, the City shall post a notice at the proposed development site in at least one location that is conspicuously visible to the general public (and as many locations as necessary to ensure that the public is appropriately provided notice).
   ii. Mailed Notice.
      (a.) The owner(s) and owner's agent of all properties for which development is proposed, the applicant, and any applicant representatives;
      (b.) Each local agency expected to provide essential facilities or services to the project;
      (c.) Any person who has filed a request for notice (e.g., for the site, for the particular development, for the type of development, development in general, etc.) with the Director;
      (d.) All owners and all occupants of parcels of real property located within three hundred (300) feet (not including roads) of the perimeter of the real properties on which the development is proposed, but at a minimum all owners and all occupants of real property adjacent to the properties on which the development is proposed;
      (e.) All agencies for which an approval for the proposed development may be required (e.g., USFWS, CDFW, RWQCB, etc.), including the State Lands Commission when an application for a Coastal Development Permit is submitted to the City on property that is potentially subject to the public trust;
      (f.) All known interested parties; and
      (g.) The California Coastal Commission.

c. **Newspaper Notice**
For development determined to be of citywide interest, as determined by the Director, legal notice shall also be published at least once in a local newspaper of general circulation in the County.

d. **Additional Means**
The Director may also require additional means of notice that is reasonably determined necessary to provide adequate public notice of the application for the proposed project.

3. Waiver of Coastal Development Permit Public Hearing for Minor Development

a. This subsection provides for the waiver of a public hearing on a Coastal Development Permit for development that is appealable to the Coastal

Commission, in compliance with Public Resources Code Section 30624.9. This subsection shall not be used to waive the requirement for a public hearing on any other permit required by this Zoning Code to have a public hearing.

b. **Applicability**
The Director may waive the requirement for a public hearing on a Coastal Development Permit application for a minor development that is appealable to the Coastal Commission. For purposes of this subsection, "minor development" means a development which the City determines satisfies all of the following requirements:
    i. Is consistent with the certified Local Coastal Program;
    ii. Requires no discretionary approval other than a Coastal Development Permit
    iii. Has no adverse effects, either individually or cumulatively, on coastal resources or public access to the shoreline or along the coast; and
    iv. Improvement would not result in an increase of greater than twenty-five percent (25%) of internal floor area of an existing structure.

c. Criteria for Waiver
A public hearing may be waived for minor development only if both of the following occur:
    i. Notice that a public hearing shall be held upon request by any person is provided by the City to all persons who would otherwise be required to be notified of a public hearing by Section 17.12.070.A.2 (Planning Commission and City Council Actions) as well as any other persons known to be interested in receiving notice; and
    ii. No request for public hearing is received by the City within 15 days from the date of the City sending the notice required by Subsection A.3.c.i.

d. Content of Notice
The notice required by Subsection A.3.c.i shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the City on a development application.

e. Accessory Dwelling Units do not require a public hearing consistent with the applicable provisions of California Government Code Section 66310-66342.

4. **Language Access**
The City shall establish or procure translation services for the purpose of translating critical information in written notices for projects in areas where the use of a language other than English is significant (three percent (3%) or more of residents speaking a language other than English).

B. **Contents of Notice**
The required notice may be combined with other required project permit notice(s), shall be mailed by first class mail, and shall include the following information:
1. A statement that the project is within the Coastal Zone, and that the project decision will include a determination on a Coastal Development Permit;
2. The date of filing of the application;
3. The name of the applicants and the applicants' agents;
4. The number assigned to the application;
5. A description of the proposed project and its location;
6. A statement regarding CEQA applicability to the project;
7. A determination of whether the project is appealable to the Coastal Commission;
8. The date, time, and place of the hearing and/or decision on the application;
9. A brief description of the procedures for public comment and decision on the application, including listing what review authority is to decide on the Coastal Development Permit application, as well as the system of appeal for any actions taken; and
10. All procedures for challenge and appeal associated with the type of application being considered.

C. **Re-Noticing Required**
If a decision on a Coastal Development Permit is continued by the review authority to a date or time not specific, the item shall be re-noticed in the same manner and within the same time limits established by this section. If a decision on a Coastal Development Permit is continued to a specific date and time, then re-noticing is not required.

17.12.080 Required Findings for Coastal Development Permit Approval

To approve a Coastal Development Permit, the review authority must find that the development, as proposed and conditioned, is consistent with all applicable Local Coastal Program policies and standards, including making the following findings, as applicable:

A. **LCP Consistency**
The project is consistent with the Local Coastal Program.

B. **Public Views**
The project protects or enhances public views through conformance with Local Coastal Program policies.

C. **Habitat Protection**
The project protects vegetation, natural habitats, and natural resources consistent with Local Coastal Program policies and actions.

D. **Design Consistency**
The design, location, size, and operating characteristics of the proposed development is consistent with applicable Local Coastal Program requirements.

E. **Coastal Access**
The project protects or enhances public access to and along the coast, including consideration of impacts to public parking, consistent with applicable provisions of the Local Coastal Program.

F. **Visitor-Serving**
The project supports the Local Coastal Program goal of providing for visitor-serving needs as appropriate, including providing low and no cost visitor and recreational facilities, where applicable or feasible.

G. **Coastal Resources**
The proposed development protects or enhances coastal resources, where applicable, and consistent with the Local Coastal Program.

H. **Appropriate Use**
The project is consistent with the allowed LCP uses associated with the property.

I. **Environmental Justice**
The project addresses whether proposed development results in environmental justice impacts, consistent with LCP environmental justice policies. When relevant, the project includes mitigation measures to minimize or eliminate potential adverse and/or disproportionate impacts of development on environmental justice communities.

J. **Hazards**
The proposed development is consistent with the coastal hazards provisions of the Local Coastal Program.

K. **Redevelopment**
If the project constitutes redevelopment (e.g., if fifty percent (50%) of the structure is replaced), the development will be brought into conformance with all coastal resource protection policies in the Local Coastal Program.

L. **Violations**
The project site either has no violations or all violations have been resolved as part of the CDP action (see Section 17.34.130).

17.12.090 Notice of City's Final Action and Failure to Act

A. **Notice of City's Final Action**
The City's decision on a Coastal Development Permit shall become final when all local rights of appeal have been exhausted per Section 17.12.110 (Appeals of Coastal Development Permit Decisions). Within ten (10) calendar days of a final action on a Coastal Development Permit application, the City shall provide notice of such action by first class mail to the applicant, the Coastal Commission, and any other persons who have requested such notice by submitting a self-addressed, stamped envelope to the City (or, where required, who paid the fee established by the City fee resolution to receive the notice). The notice sent to all parties shall at a minimum include a cover sheet or memo summarizing the relevant action information, and the notice sent to the Coastal Commission shall include that cover sheet/memo, as well as additional supporting materials that further explain and define the action taken, as follows:

1. **Cover Sheet/Memo**
The cover sheet/memo shall be dated and shall clearly identify at a minimum the following information:
    a. All project applicants and project representatives and their address and other contact information.
    b. Project description and location.
    c. City decision making body, City decision, and date of decision.

d. All local appeal periods and disposition of any local appeals filed.
e. Whether the City decision is appealable to the Coastal Commission, the reason why it is or isn't appealable to the Coastal Commission, and procedures for appeal to the Coastal Commission.
f. A list of all additional supporting materials provided to the Coastal Commission (see Subsection A.2 (Additional Supporting Materials to the Coastal Commission)).
g. All recipients of the notice.

2. **Additional Supporting Materials to the Coastal Commission**
The additional supporting materials shall include at a minimum the following information:
a. The final adopted findings and final adopted conditions.
b. The final staff report.
c. The approved project plans.
d. All other substantive documents cited and/or relied upon in the decision including CEQA documents, technical reports (e.g., geological reports. biological reports, etc.), correspondence, etc.

3. If the Coastal Commission does not notify the City in writing of any deficiency in such notice of final action within five (5) calendar days of its filing, the notice of final action will be deemed filed for the purposes of this Implementation Plan as of the date of the notice.

B. **Failure to Act**
If the City fails to act on a Coastal Development Permit application within the time limits set forth in California Government Code Sections 65950-65957.1, the Coastal Development Permit is approved due to the expiration of time limits, and a notice of final action shall be prepared and distributed consistent with this section.

17.12.100 Coastal Development Permit Implementation, Changes, and Revocation

A. **Coastal Development Permit Effective Date**

1. **Non-Appealable Development**
For Coastal Development Permit decisions that are not appealable to the Coastal Commission, Coastal Development Permits shall become effective once the City's non-deficient notice of final action per Section 17.12.090 (Notice of City's Final Action and Failure to Act) has been received by the Coastal Commission.

2. **Appealable Development**
For Coastal Development Permit decisions that are appealable to the Coastal Commission, Coastal Development Permits shall become effective either:
a. After the Coastal Commission's ten (10) working day appeal period has run with no valid appeal being filed, or
b. Following Coastal Commission final action on an appeal, subject to any terms and conditions of such action.

B. **Coastal Development Permit Expiration**
A Coastal Development Permit not exercised by substantial ground altering physical development within two (2) years of the date of its approval shall expire and become

void unless an extension of the expiration deadline is approved. Such extension shall only be granted for good cause, and only if there are no changed circumstances that may affect the consistency of the development with the Local Coastal Program (and the Coastal Act, if applicable). In such cases where an extension is not granted, the Coastal Development Permit shall be considered expired and the applicant shall be required to reapply for a Coastal Development Permit. Any extension request shall be in writing by the applicant or authorized agent and received by the City prior to expiration of the two (2)-year period. No Coastal Development Permit extension request may be considered if received after its expiration. Extensions shall be considered Coastal Development Permit amendments for purpose of notice and appeal to the Coastal Commission.

C. **Coastal Development Permit Amendment**
An applicant may request a Coastal Development Permit amendment by filing an application to amend the Coastal Development Permit pursuant to the requirements of this chapter.
    1. **Minor Amendments**
    The Director may approve minor amendments to an approved Coastal Development Permit regardless of the original approval authority, if the Director determines that the proposed amendments:
        a. Are consistent with the original findings and conditions of approval; and
        b. Are consistent with all applicable Local Coastal Program requirements.
    2. **Major Amendments**
    A request for an amendment not meeting the criteria in Subsection 17.12.100.C.1 (Minor Amendments) shall be processed in accordance with the procedures applicable to a new Coastal Development Permit application and shall be required to be found consistent with all applicable Local Coastal Program requirements, including with regards to requirements of jurisdiction, hearings, notices, and findings for approval, in the same way as new Coastal Development Permits. Any Coastal Development Permit amendment shall be processed as appealable to the Coastal Commission if the base Coastal Permit was also processed as appealable, or if the development that is the subject of the amendment makes the amended project appealable to the Coastal Commission.

D. **Coastal Development Permit Revocation**
Where one (1) or more of the terms and conditions of a Coastal Development Permit have not been or are not being complied with, or when a Coastal Development Permit was granted on the basis of false material information, the Planning Commission or Council may revoke or modify the Coastal Development Permit following public hearing. Notice of such hearing shall be the same as would be required for a new Coastal Development Permit.

E. **Coastal Development Permit Application Resubmittals**
For a period of twelve (12) months following the denial of a Coastal Development Permit, the City shall not accept an application for the same or substantially similar proposed project for the same site, unless the denial or revocation was made without prejudice, and so stated in the record.

17.12.110 Appeals of Coastal Development Permit Decisions

A. **Appeals**
All City decisions on Coastal Development Permits may be appealed by the applicant, the owner of the property, or any other person aggrieved by a decision that is subject to appeal. Decisions of the Director are appealable to the Planning Commission, and decisions of the Planning Commission are appealable to the Council.

B. **Appeal Submission**
An appeal must be submitted in writing within ten (10) calendar days of the date of the Director or Planning Commission decision. The appeal shall state the pertinent facts and the basis for the appeal and shall be filed with applicable fees to the City Clerk.

1. Local decisions on Coastal Development Permits may be appealed by an aggrieved person. An aggrieved person is any person who, in person or through a representative, appeared at the City's public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing informed the City of the nature of their concerns, or who for good cause was unable to do either. An aggrieved person includes the applicant for a Coastal Development Permit.
2. When an appeal is filed, the Director shall prepare a report on the matter and schedule the matter for a public hearing before appeal hearing body. Notice of the hearing shall be provided in the same form as is required for consideration of the initial Coastal Development Permit application. Any party may appear and be heard regarding the appeal. The appeal body's hearing is de novo and the appeal hearing body may consider any issue involving the Coastal Development Permit. The appeal hearing body is not limited to the specific grounds for the appeal. The appeal hearing body may:
    a. Affirm, affirm in part, or reverse the action or decision that is the subject of the appeal, based upon findings of fact. The findings shall identify the reasons for the action on the appeal and verify the compliance or noncompliance of the subject of the appeal with the Local Coastal Program;
    b. Modify or delete conditions and adopt additional conditions of approval; and
    c. Disapprove a Coastal Development Permit, even if the appellant only requested modification or elimination of one or more conditions of approval.
3. At its discretion, the appeal body may refer the matter back to the review authority for further consideration, where such hearing shall be noticed and conducted in the same manner as for the initial consideration of the application.

C. Appeals to the Coastal Commission

1. In accordance with Coastal Act Section 30603, any City Coastal Development Permit approval in the following geographic areas may be appealed to the Coastal Commission:
    a. Projects located between the sea and the first public road paralleling the sea or within three hundred (300) feet of the inland extent of any beach

or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.

b. Projects located on tidelands, submerged lands, public trust lands, within one hundred (100) feet of any wetland, estuary, or stream, or within three hundred (300) feet of the top of the seaward face of any coastal bluff.

2. In accordance with Coastal Act Section 30603, any City Coastal Development Permit approval or denial for a major public works project (including a publicly financed recreational facility or a special district development) or a major energy facility may be appealed to the Coastal Commission.
3. Appeals to the Coastal Commission may be filed by the project applicant, any aggrieved person, or any two (2) members of the Coastal Commission, and must be submitted to the Coastal Commission within ten (10) working days of Coastal Commission receipt of a non-deficient notice of final action.
4. City decisions may be appealed to the Coastal Commission only after an appellant has exhausted all local appeals, except that exhaustion of local appeals is not required if any of the following occur:
    a. An appellant was denied the right of the appeal by a City ordinance that restricts the class of persons who may appeal a local decision other than as provided in this Implementation Plan.
    b. An appellant was denied the right of local appeal because City notice and hearing procedures for the development did not comply with the provisions of this Title.
    c. The City required an appeal fee for the filing or processing of the appeal.
5. After an appeal has been filed and before the Commission considers whether the appeal raises a substantial issue, and notwithstanding the stay of the local government appeal imposed by Coastal Act Section 30623, the applicant may file an application to amend the permit approved by the local government to address LCP consistency, provided that the applicant waives all time limits or deadlines that are applicable to the appeal, including those that are specified in Public Resources Code Section 30621(a). If such time limits are not waived, the appeal will continue to be processed even if the applicant files a permit amendment with the local government. If all time limits are waived, and if the local government approves the CDP amendment, then the local government will send a new Notice of Final Local Action to the Commission for the amended permit, and the original appeal will be considered null and void.

17.12.120 Emergency Coastal Development Permits

Emergency Coastal Development Permits may be granted at the discretion of the Director (or a local official designated by the City Council) for projects normally requiring Coastal Development Permit approval. To be eligible for an emergency Coastal Development Permit, an emergency must exist (defined for this purpose as a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services), including when necessary to restore, repair, or maintain public works, utilities, and services during and immediately following a natural disaster or serious accident or other cases of emergency. The emergency Coastal Development Permit process is intended to

allow for emergency situations to be abated through use of the minimum number of temporary measures necessary to address the emergency in the least environmentally damaging manner.

A. **Application**
Application for an emergency Coastal Development Permit shall be made to the City by letter if time allows, and by telephone or in person if time does not allow. The applicant shall submit the appropriate fees at the time of application for an emergency permit.

B. **Required Information**
The information to be reported during the emergency, if it is possible to do so, or to be fully reported after the emergency, shall include all of the following:
1. The nature of the emergency.
2. The cause of the emergency, insofar as this can be established.
3. The location of the emergency.
4. The remedial, protective, or preventive work required to address the emergency.
5. If reported after the fact, the circumstances during the emergency that appeared to justify the course of action taken, including the probable consequences of failing to act.
6. All available technical reports and project plans.

C. **Verification of Facts**
The Director or other designated local official shall verify the facts, including the existence and nature of the emergency, as time allows. The Director may request, at the Applicant's expense, verification by a qualified professional of the nature of the emergency and the range of potential solutions to the emergency situation, including the ways such solutions meet the criteria for granting permit. The Director shall notify and consult with the Coastal Commission regarding the nature of the emergency and the proposed scope of emergency work as early as possible.

D. **Public Notice**
If time allows, the Director shall provide public notice of the proposed emergency action, with the extent and type of notice determined on the basis of the nature of the emergency itself.

E. **Criteria for Granting Emergency Coastal Development Permit**
The Director may grant an emergency Coastal Development Permit upon making all of the following findings, that themselves shall be based upon clear supporting evidence and analysis:
1. An emergency exists and requires action more quickly than permitted by the procedures for ordinary Coastal Development Permits.
2. The development can and will be completed within thirty (30) days unless otherwise specified by the terms of the emergency Coastal Development Permit.
3. Public comment on the proposed emergency action has been reviewed if time allows.
4. The work proposed would be consistent with the requirements of the certified Local Coastal Program.
5. The proposed work is the minimum amount of temporary development necessary to abate the emergency in the least environmentally damaging manner.

F. **Conditions for Granting Emergency Coastal Development Permit**
The Director may attach reasonable terms and conditions to the granting of an emergency Coastal Development Permit, including an expiration date and the necessity for submittal of a regular Coastal Development Permit application by a specified date. At a minimum, all emergency Coastal Development Permits shall include the following conditions:

1. The emergency Coastal Development Permit shall be voided if the approved activity is not exercised within thirty (30) days of issuance of the emergency Coastal Development Permit.
2. The emergency Coastal Development Permit shall expire sixty (60) days following its issuance. The Director may extend an emergency Coastal Development Permit for one additional sixty (60) day extension for good cause including but not limited to the fact that a regular Coastal Development Permit application is on file.
3. Any work completed outside of these time periods requires a regular Coastal Development Permit approval unless an extension is granted by the City.
4. The emergency development authorized by the emergency Coastal Development Permit is only temporary and can only be allowed to remain provided a regular Coastal Development Permit is obtained to recognize it. Absent a regular Coastal Development Permit, the emergency development shall be removed, and the affected area restored to pre-emergency conditions or better, within six (6) months of emergency Coastal Development Permit issuance.
5. Within thirty (30) days of completion of construction authorized by the emergency Coastal Development Permit, site plans and cross sections shall be submitted clearly identifying all development completed under the emergency Coastal Development Permit (comparing any previously permitted condition to both the emergency condition and to the post-work condition), along with a narrative description of all emergency development activities undertaken pursuant to the emergency authorization. Photos showing the project site before the emergency (if available), during emergency project construction activities, and after the work authorized by the emergency Coastal Development Permit is complete shall also be provided.

G. **Application for Regular Coastal Development Permit**
Upon the issuance of an emergency Coastal Development Permit, the applicant shall submit a completed Coastal Development Permit application and any required technical reports within a time specified by the Director, not to exceed ninety (90) days.

H. **Reporting of Emergency Coastal Development Permits**
The Director shall report issued emergency Coastal Development Permits to the Coastal Commission and to the Council and Planning Commission. The emergency Coastal Development Permit shall be reported to the Council and Planning Commission at their first scheduled meeting after that emergency Coastal Development Permit has been issued.

Chapter 17.13 Reserved

Chapter 17.14 Use Permits

Sections:

17.14.010 Purpose
17.14.020 Applicability
17.14.030 Application Filing and Processing
17.14.040 Project Review, Notice, and Hearing
17.14.050 Findings and Decision
17.14.060 Post-Decision Procedures

17.14.010 Purpose

Conditional Use Permits and Minor Use Permits are intended to allow for activities and uses which may be desirable in the applicable zone and compatible with adjacent land uses, but whose effect on the site and surroundings cannot be determined prior to being proposed for a particular location. The procedures of this section provide for the review of the location, design, configuration, and potential impacts of the proposed use, to evaluate the compatibility of the proposed use with surrounding uses and the suitability of the use to the site.

17.14.020 Applicability

A Conditional Use Permit or Minor Use Permit is required to authorize proposed land uses and activities identified by Chapter 17.40 (Residential Zones (IP)) through Chapter 17.48 (Overlay Zones (IP)) as being allowable in the applicable zone subject to the approval of a Conditional or Minor Use Permit.

17.14.030 Application Filing and Processing

An application for a Conditional Use Permit or Minor Use Permit shall be filed and processed in compliance with Section 17.08.020 (Permit Filing and Processing).

17.14.040 Project Review, Notice, and Hearing

Each Conditional and Minor Use Permit application shall be analyzed by the Director to ensure that the application is consistent with the purpose and intent of this chapter. The Planning Commission shall conduct a public hearing on an application for a Conditional Use Permit. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Section 17.08.050 (Public Hearings and Noticing).

17.14.050 Findings and Decision

The review authority shall approve a Conditional or Minor Use Permit with or without conditions only after all of the following findings are made:

A. The proposed use is allowed with a Conditional Use Permit or Minor Use Permit within the subject zone and complies with all applicable provisions of this Zoning Code;
B. The proposed use is consistent with the General Plan/Local Coastal Plan and any applicable specific plan;
C. The approval for the proposed use is in compliance with CEQA; and
D. The proposed use will not be materially detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity.

17.14.060 Post-Decision Procedures

Unless otherwise specified in this chapter, the procedures and requirements in Section 17.08.070 (Permit Implementation, Time Limits, and Extensions), Section 17.08.090 (Revocation of Permits), and Section 17.08.100 (Appeals) shall apply following a decision on a Conditional or Minor Use Permit.

Chapter 17.15 Reserved

Chapter 17.16 Temporary Use Permits

Sections:

17.16.010 Purpose
17.16.020 Permitted Temporary Uses
17.16.030 Temporary Uses Regulated by Other Municipal Code Provisions
17.16.040 Development Standards
17.16.050 Application Filing
17.16.060 Findings and Decision
17.16.070 Condition of Site Following Temporary Use
17.16.080 Post-Decision Procedures

17.16.010 Purpose

A Temporary Use Permit allows short-term activities that might not meet the normal development or use standards of the applicable zone but may be acceptable because of their temporary nature.

17.16.020 Permitted Temporary Uses

The following temporary uses may be permitted subject to the issuance of a Temporary Use Permit. Uses that do not fall within the categories defined below shall instead comply with the use and development restrictions and permit requirements that otherwise apply to the property, in compliance with Chapter 17.40 (Residential Zones (IP)) through Chapter 17.48

(Overlay Zones (IP)). A Temporary Use Permit may be granted for up to six (6) months, and the Director may approve one (1) extension for up to six (6) months. Additional or longer extensions must be approved by the Planning Commission at a noticed public hearing consistent with 17.08.050 (Public Hearings and Noticing).

A. **Construction Yards**
Off-site contractors' construction yards in conjunction with an approved construction project.

B. **Seasonal Sales Lots**
Christmas tree sales lots or the sale of other seasonal products (e.g., pumpkins, etc.), and temporary residence/security trailers. A permit shall not be required when the sales are in conjunction with an established commercial business holding a valid business license, provided the activity does not consume more than fifteen percent (15%) of the total parking spaces on the site and does not impair emergency vehicle access. Products sold shall be limited to the primary seasonal product (Christmas trees, pumpkins, etc.) which is the basis for the sales lot.

C. **Special Events on Private Property**
Carnivals, circuses, ethnic celebrations, festivals, and other similar special events and temporary parking, on private property, may be approved in commercial zones provided that they do not continue for more than five (5) consecutive days, and do not occur more often than four (4) times per year. Longer time periods or more frequent events may be authorized through approval of a Conditional Use Permit. These uses shall also comply with any requirements of the Fire, Police, and Public Works Departments.

D. **Temporary Offices and Work Trailers**
A trailer, coach, or mobile home used as a temporary office facility, or work site for employees of a business:
    1. During construction or remodeling of a permanent commercial or industrial structure when a valid building permit is in force; or
    2. Upon demonstration by the applicant that this temporary facility is a short-term necessity while a permanent facility is being obtained or constructed.

E. **Temporary Sidewalk Sales**
Temporary sidewalk sales for existing businesses or charitable, non-profit organizations may be approved in commercial zones only if in compliance with Chapter 12.22 (Sidewalk Vending) and if the following requirements are met:
    1. The duration of the sidewalk sales on public property shall not be more than seven consecutive days during any ninety (90)-day period of time.
    2. Outdoor sales do not to exceed one hundred and fifty (150) square feet in area.
    3. Parking spaces, driveways, and walkways shall not be blocked.
    4. Except as provided above, the possession of a business license shall not authorize any person to operate any business on or within City sidewalks, streets, parking lots, piers, beaches, or any other property under the jurisdiction or control of the City unless and until said person holds a valid permit, lease, or other written authorization from the Council to operate said business on said property.

F. **Similar Temporary Uses**
Similar temporary uses which, in the opinion of the Director, are compatible with the zone and surrounding land uses.

17.16.030 Temporary Uses Regulated by Other Municipal Code Provisions

The following temporary uses are subject to the referenced Municipal Code provisions instead of the requirements of this chapter:

A. **Art and Craft Fairs**
Art and craft fairs are subject to the provisions of Chapter 5.05 (Arts and Crafts Shows).

B. **Location Filming**
Location filming is subject to the provisions of Chapter 5.44 (Filming Activities).

17.16.040 Development Standards

Standards for structure setbacks, heights, floor areas, parking and landscaping areas and other structure and property development standards that apply to the type of use or the zone of the site shall apply to temporary uses. Any request to deviate from the applicable development standards related to the temporary use is subject to review and approval by the Director.

17.16.050 Application Filing

An application for a Temporary Use Permit application shall be filed in compliance with Section 17.08.020 (Permit Filing and Processing).

17.16.060 Findings and Decision

A. A Temporary Use Permit may be approved, modified, conditioned, or disapproved by the Director. At the discretion of the Director, a Temporary Use Permit may be referred to the Planning Commission for a hearing and decision.

B. In making these determinations, the review authority shall take into consideration the time period of the proposed use.

C. The review authority may approve or conditionally approve a Temporary Use Permit application, only after all the following findings are made:
    1. The proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of adjacent properties, their owners and occupants, or the surrounding neighborhood; and
    2. The use, as described and conditionally approved, will not constitute a nuisance or be detrimental or injurious to property and improvements in the surrounding neighborhood or to the general welfare of the city.

17.16.070 Condition of Site Following Temporary Use

Each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use and shall thereafter be used in compliance with the provisions of this Zoning Code. A bond may be required prior to initiation of the use to ensure cleanup after the use is finished.

17.16.080 Post-Decision Procedures

Unless otherwise specific in this chapter, the procedures and requirements in Section 17.08.070 (Permit Implementation, Time Limits, and Extensions), Section 17.08.090 (Revocation of Permits), and Section 17.08.100 (Appeals) shall apply following the decision on a Temporary Use Permit.

Chapter 17.17 Reserved

Chapter 17.18 Modifications (IP)

Sections:

17.18.010 Purpose

17.18.020 Applicability

17.18.030 Application Filing and Processing

17.18.040 Project Review, Notice, and Hearing

17.18.050 Findings and Decision

17.18.060 Post-Decision Procedures

17.18.010 Purpose

The purpose of this chapter is to establish an alternate means of granting relief from the requirements of this Title when so doing would be consistent with the purposes of the Zoning Code and it is not possible or practical to approve a Variance.

17.18.020 Applicability

A. This chapter is applicable to all measurable development standards identified in this Zoning Code, except for the exclusions specified in Subsection 17.18.020.B.
B. Exceptions to the following standards may not be granted:
    1. Lot area, width, or depth.
    2. Residential density.
    3. Maximum floor area ratio (FAR) or height greater than five percent (5%).
    4. Coastal resource protections (environmentally sensitive habitat area, coastal hazards, public views, etc.).
    5. Development appealable to the Coastal Commission per 17.12.110.C
    6. Within the Hazards and Protection Overlay.

17.18.030 Application Filing and Processing

An application for a Modification shall be filed in compliance with Section 17.08.020 (Permit Filing and Processing). In addition to any other application requirements, the application shall

state in writing the nature of the Modification requested and explain why the findings necessary to approve the Modification are satisfied.

17.18.040 Project Review, Notice, and Hearing

A. **General**
   1. Each Modification application shall be analyzed by the Director to ensure that the application is consistent with the purpose and intent of this chapter.
   2. Each Modification request shall be reviewed on an individual case-by-case basis, and the approval of a prior Modification is not admissible evidence for the approval of a new Modification.

B. **Minor Modification**
   The Director may grant Minor Modifications for relief of up to ten percent (10%) of the dimensional requirement of development standards specified in this Title and this chapter. No notice or public hearing is required for the decision on a Minor Modification.

C. **Major Modification**
   The Planning Commission may grant Major Modifications for relief of more than ten percent (10%) of the dimensional requirement of development standards specified in this Title and this chapter. The Planning Commission shall conduct a public hearing on an application for a Major Modification. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Section 17.08.050 (Public Hearings and Noticing).

17.18.050 Findings and Decision

The review authority shall approve, with or without conditions, a Modification application only after the following findings are made:

A. The Modification is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance.
B. There are no alternatives to the requested Modification that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the general public.
C. The granting of the requested Modification would not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this Title.
D. The granting of the requested modification would not adversely affect coastal resources.
E. The development will comply with all other standards or requirements set forth in this Zoning Code.

17.18.060 Post-Decision Procedures

Unless otherwise specific in this chapter, the procedures and requirements in Section 17.08.070 (Permit Implementation, Time Limits, and Extensions), Section 17.08.090 (Revocation of Permits), and Section 17.08.100 (Appeals) shall apply following the decision on a Modification.

Chapter 17.19 Reserved

Chapter 17.20 Variances (IP)

Sections:

17.20.010 Purpose
17.20.020 Applicability
17.20.030 Application Filing and Processing
17.20.040 Project Review, Notice, and Hearing
17.20.050 Findings and Decision
17.20.060 Post-Decision Procedures

17.20.010 Purpose

Consistent with California Government Code Section 65900 et seq., the provisions of this chapter allow for Variances from the development standards of this Zoning Code only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Zoning Code denies the property owner privileges enjoyed by other property owners in the vicinity and under the identical zone.

17.20.020 Applicability

The Planning Commission may grant a Variance to vary or modify dimensional and performance standards of this Zoning Code in compliance with this chapter and state law, but Variances may not be granted to allow uses or activities that this Zoning Code does not allow.

17.20.030 Application Filing and Processing

An application for a Variance shall be filed in compliance with Section 17.08.020 (Permit Filing and Processing). It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.20.050 (Findings and Decision).

17.20.040 Project Review, Notice, and Hearing

Each Variance application shall be reviewed by the Director to ensure that the application is consistent with the purpose and intent of this section. The Director shall provide the Planning Commission with a recommendation on whether the application should be approved, approved subject to conditions, or disapproved. The Planning Commission shall hold a public hearing in compliance with Section 17.08.050 (Public Hearings and Noticing) to approve or disapprove the Variance in compliance with this chapter.

17.20.050 Findings and Decision

A. **Findings**
Approval or conditional approval may be granted only when the Planning Commission first determines that the Variance satisfies the criteria set forth in California Government Code Section 65906 by finding that:

1. The Variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which such property is situation; and
2. There are special circumstances applicable to the property, related only to size, shape, topography, location, or surroundings, and because of these circumstances, the strict application of this Title would deprive the property of privileges enjoyed by other property in the vicinity that is in the same land use category; and
3. The Variance does not authorize a use that is not otherwise authorized by the particular zone; and
4. The Variance does not result in any significant adverse coastal resource impacts.
5. The granting of the Variance does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.

B. **Conditions of Approval**
In approving an application for Variance, such conditions shall be adopted as are deemed necessary to enable making the findings set forth.

17.20.060 Post-Decision Procedures

Unless otherwise specific in this chapter, the procedures and requirements in Section 17.08.070 (Permit Implementation, Time Limits, and Extensions), Section 17.08.090 (Revocation of Permits), and Section 17.08.100 (Appeals) shall apply following the decision on a Variance.

Chapter 17.21 Reserved

Chapter 17.22 Reasonable Accommodations (IP)

Sections:

17.22.010 Purpose
17.22.020 Applicability
17.22.030 Notice to the Public of Availability of Accommodation Process
17.22.040 Application Filing and Processing
17.22.050 Findings and Decision

17.22.060 Written Decision on the Reasonable Accommodation Request

17.22.070 Appeals

17.22.010 Purpose

This chapter establishes the procedure to make requests for reasonable accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA) (also known as the Acts) in the application of zoning laws and other land use regulations, policies, and procedures.

17.22.020 Applicability

A. A request for reasonable accommodation may be made by any person with a disability, their representative, or any entity, when the application of a requirement of this Zoning Code or other City requirement, policy, or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or developmental impairment that limits or substantially limits one (1) or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter is intended to apply to those persons who are defined as disabled under the Acts.
B. A request for reasonable accommodation may include a change or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
C. A reasonable accommodation is granted to the household that needs the accommodation and does not apply to successors in interest to the property.
D. A reasonable accommodation may be granted in compliance with this chapter without the need for the approval of a Variance.

17.22.030 Notice to the Public of Availability of Accommodation Process

Notice of the availability of reasonable accommodation shall be prominently displayed at public information counters that accept planning and building applications, advising the public of the availability of the procedure for eligible individuals. City employees shall direct individuals to the display whenever they are requested to do so or reasonably believe that individuals or their representative may be entitled to a reasonable accommodation. Forms for requesting reasonable accommodation shall be available to the public in the Department.

17.22.040 Application Filing and Processing

A. An application for a reasonable accommodation shall be filed in compliance with Section 17.08.020 (Permit Filing and Processing). In addition to any other application requirements, the application shall include:
    1. Name, address, and telephone number of the applicant;
    2. Name and address of the property owner(s);
    3. Address of the property for which accommodation is requested;

4. The current use of the property for which accommodation is requested;
5. The Zoning Code provision, regulation, or policy from which reasonable accommodation is being requested;
6. The basis for the claim that the individual is considered disabled under the Acts; and
7. Reason that the requested accommodation may be necessary to make the specific property accessible to the individual(s).

B. If an individual needs assistance in making the request for reasonable accommodation, the City will provide assistance to ensure that the process is accessible.

C. A decision shall be issued in thirty (30) calendar days consistent with Section 17.22.060 (Written Decision on the Reasonable Accommodation Request).

17.22.050 Findings and Decision

A. The review authority shall issue a written decision to grant, grant with modification, or deny a request for reasonable accommodation consistent with the Acts based on the following findings:

1. The housing, which is the subject of the request for reasonable accommodation, will be used by individual(s) disabled under the Acts;
2. The requested accommodation is necessary to make housing available to individual(s) with disabilities under the Acts;
3. The requested accommodation would not impose an undue financial or administrative burden on the City;
4. The requested accommodation would not require a fundamental alteration to the City's zoning, land use program, or Local Coastal Program, or result in a significant adverse coastal resource impact; and
5. The requested accommodation would not result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others..

B. **Interpretation of Fundamental Alteration**
For purposes of Subsection 17.22.050.A.4, modifications to the application of specific zoning standards, use restrictions, or development requirements do not constitute a fundamental alteration. A fundamental alteration means a change that would alter the essential nature of the City's zoning or land use program, not the application of standards to individual cases.

17.22.060 Written Decision on the Reasonable Accommodation Request

A. The review authority shall issue a written decision on the reasonable accommodation request within thirty (30) calendar days of the date of the application. This written decision shall explain in detail the basis of the decision consistent with the findings set forth in Section 17.22.050 (Findings and Decision). All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth in Section 17.22.070 (Appeals). The notice of decision shall be sent to the applicant by certified mail.

B. If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with the Acts, specifying in detail the information that is required. If additional information is required, a new thirty (30)-calendar day period for the reviewing authority's written decision will be triggered upon submittal of new information.
C. The written decision of the reviewing authority shall be final unless the applicant files an appeal in accordance with Section 17.22.070 (Appeals).
D. If the reviewing authority fails to render a written decision on the request for reasonable accommodation within the thirty (30)-calendar day time period, the request shall be deemed approved.
E. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.
F. If a reasonable accommodation request is granted, an applicant must obtain all other applicable zoning, land use, and building approvals.

17.22.070 Appeals

An applicant may appeal the review authority's decision on a reasonable accommodation request consistent with Section 17.08.100 (Appeals).

Chapter 17.23 Reserved

Chapter 17.24 Specific Plans

Sections:

17.24.010 Purpose
17.24.020 Conceptual Review
17.24.030 Specific Plan Filing and Content
17.24.040 Specific Plan Processing
17.24.050 Adoption of Specific Plan
17.24.060 Implementation and Amendments

17.24.010 Purpose

The purpose of this chapter is to provide procedures for the preparation, processing, and adoption of specific plans consistent with California Government Code Section 65450 et seq.

17.24.020 Conceptual Review

Before preparing a draft specific plan in compliance with this chapter, the applicant shall request a conceptual review (Section 17.08.030 (Conceptual Review)). The Director shall refer all

materials submitted with a request for conceptual review to affected City departments. The reviewing departments will inform the applicant of City requirements as they apply to the proposed development project, provide a preliminary list of issues that will likely be of concern during formal application review, suggest possible alternatives or modifications to the project, and identify any technical studies that may be necessary for the environmental review process when a formal application is filed.

17.24.030 Specific Plan Filing and Content

An application for a specific plan shall be filed in compliance with Section 17.08.020 (Permit Filing and Processing). In addition to any other application requirements, the application shall include a draft specific plan, organized according to an outline furnished by the Department:

A. **Proposed Land Uses**
The distribution, location and extent of land uses proposed within the area covered by the plan, including open space areas;

B. **Infrastructure**
The proposed distribution, location, extent, and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities to be located within the specific plan area and needed to support the proposed land uses;

C. **Land Use and Development Standards**
Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;

D. **Implementation Measures**
A program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out the proposed land uses, infrastructure, and development and conservation standards and criteria;

E. **Relationship to General Plan/Local Coastal Plan**
A statement of the relationship of the specific plan to the General Plan/Local Coastal Plan;

F. **Additional Information**
The specific plan shall contain any additional information determined to be necessary by the Director because of the characteristics of the area to be covered by the plan, applicable policies of the General Plan/Local Coastal Plan, or any other issue determined by the Director to be significant.

17.24.040 Specific Plan Processing

A draft specific plan shall be prepared and processed consistent with California Government Code Sections 65450 et seq., and as follows:

A. **Director Evaluation**
After the filing of a draft specific plan, the Director shall review the draft specific plan to determine whether it conforms with the provisions of this chapter. If the draft plan is not in compliance, it shall be returned to the applicant with a written specification as to why it does not comply, and with suggested revisions to ensure compliance. When a draft plan is returned by the applicant to the Department and the Director determines it

is complete and in compliance with this chapter, the plan shall be deemed to be accepted for processing.

B. **Staff Report**
A staff report shall be prepared in compliance with Subsection 17.08.040.D (Staff Report and Recommendations), which shall include detailed recommendations for changes to the text and diagrams of the specific plan to make it acceptable for adoption.

C. **Public Hearings**
A draft specific plan shall be subject to public hearings before both the Planning Commission and Council before its adoption consistent with 17.06.060 (Authority for Land Use and Zoning Decisions) and 17.08.050 (Public Hearings and Noticing). If Council proposes to adopt substantial modifications to the draft plan not previously considered by the Planning Commission during its public hearing, the proposed modification shall be referred back to the Planning Commission for its recommendation consistent with California Government Code Section 65356. Failure of the Planning Commission to report within forty-five (45) days after the referral, or any longer period set by the Council, shall be deemed a recommendation for the approval of the changes.

17.24.050 Adoption of Specific Plan

The adoption of a specific plan is entirely at the discretion of the Council. The Council shall adopt a specific plan only if it first determines that the plan:

A. Is consistent with the General Plan/Local Coastal Plan; and
B. Will not have a significant effect on the environment or is subject to the overriding findings specified in the City's CEQA Guidelines.

The specific plan shall be adopted by ordinance or resolution of the Council.

17.24.060 Implementation and Amendments

A. **Development within Specific Plan Area**
After the adoption of a specific plan, no public works project may be approved, no tentative map or parcel map for which a tentative map is required may be approved, and no amendment to this Zoning Code may be adopted within an area covered by a specific plan unless it is consistent with the specific plan. The Council may impose a specific plan fee surcharge on Development Permits within the specific plan area, consistent with California Government Code Section 65456.

B. **Amendments**
An adopted specific plan may be amended through the same procedure specified by this chapter for the adoption of a specific plan.

Chapter 17.25 Reserved

Chapter 17.26 Development Agreements

Sections:

17.26.010 Purpose

17.26.020 Application Filing
17.26.030 Development Agreement Processing
17.26.040 Contents of Development Agreement
17.26.050 Execution and Recordation
17.26.060 Annual Review
17.26.070 Effect of Development Agreement
17.26.080 Amendments or Cancellation

17.26.010 Purpose

This chapter establishes the procedures and requirements for the review and approval of development agreements consistent with California Government Code Section 65864 et seq.

17.26.020 Application Filing

A. Any owner of real property may request and apply through the Director to enter into a development agreement provided the following:
    1. The status of the applicant as the owner or long-term lessee of the property is established to the satisfaction of the Director; and
    2. The application is made on forms approved, and contains all information required, by the Director.
B. A development agreement application shall be filed in compliance with Section 17.08.020 (Permit Filing and Processing) and this chapter.
C. The draft development agreement shall include all lawfully required documents, information, and materials. The Director may require an applicant to submit additional information and supporting data as is necessary to evaluate and process the application.
D. A development agreement application shall be accompanied by maps, plans, reports, development and performance standards, schematic drawings, or other documents deemed necessary by the Director to sufficiently detail or illustrate intended or permitted uses and their location on the property, the density or intensity of use, and the maximum size and height of structures as appropriate to evaluate the application request.

17.26.030 Development Agreement Processing

A. **Planning Commission Review**
Upon finding the application for a development agreement complete, the Director shall set the application and draft agreement, together with staff recommendations, for a public hearing before the Planning Commission in compliance with Section 17.08.050 (Public Hearings and Noticing). Following conclusion of the public hearing, the Planning Commission shall make a written recommendation to the Council.
B. **Council Consideration**
Upon receipt of the Planning Commission's recommendation, the City Clerk shall set the

application, draft agreement, and written report for public hearing before the Council in compliance with Section 17.08.050 (Public Hearings and Noticing). Following conclusion of the public hearing, the Council shall approve, conditionally approve, or disapprove the draft development agreement.

C. **Council Action**
Should the Council approve or conditionally approve the draft development agreement, it shall as a part of its action direct the preparation of a final development agreement embodying the terms and conditions of the draft as approved or conditionally approved, and an ordinance authorizing execution of the development agreement by the City Manager.

D. **Ordinance Content**
The ordinance shall contain findings that the development agreement is consistent with this chapter, the General Plan/Local Coastal Plan, and any applicable specific plans.

17.26.040 Contents of Development Agreement

A. **Mandatory Contents**
All development agreements shall contain the following provisions:
1. Duration of the agreement;
2. Permitted uses for the subject property;
3. Density or intensity of the permitted uses;
4. Approved site plans, elevations, floor plans, and sections;
5. Provisions, if any, for reservation or dedication of land for public purposes; and
6. Any other provisions required by state law.

B. **Permissive Contents**
A development agreement may include the following:
1. Conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that these provisions shall not prevent development of the land for the uses and to the density/intensity of development specified in the agreement;
2. Provisions which require that construction shall be commenced within a specified time and that the project or any single phase, be completed within a specified time;
3. Terms and conditions relating to applicant financing of necessary public improvements and facilities, including, but not limited to, applicant participation in benefit assessment proceedings; and
4. Any other terms, conditions and requirements as the Council may deem necessary and proper, including, but not limited to, a requirement for ensuring, to the satisfaction of the City, performance of all provisions of the agreement in a timely fashion by the applicant/contracting party.

17.26.050 Execution and Recordation

A. **Effective Date**
The City shall execute development agreements on or after the effective date of the ordinance approving the agreement.

B. **Recordation**
A development agreement shall be recorded in the office of the San Luis Obispo County Recorder no later than ten (10) working days after it is executed.

17.26.060 Annual Review

A. **Review Required**
The applicant shall be required to demonstrate compliance with the provisions of development agreement at least once (1) per year to the City as described in the development agreement. Appropriate fees to cover the City's costs to conduct the annual reviews shall be collected from the applicant in compliance with Subsection 17.08.020.C (Application Fees).

B. **Purpose of Review**
The purpose of the periodic review shall be to determine whether the applicant or its successor-in-interest has complied in good faith with the terms of the development agreement. The burden of proof shall be on the applicant or its successor to demonstrate compliance to the full satisfaction of, and in a manner prescribed by, the City.

C. **Action Based on Noncompliance**
If, as a result of periodic review the City finds and determines, on the basis of substantial evidence, that the applicant or its successor-in-interest has not complied in good faith with the terms or conditions of the agreement, the City may modify or terminate the development agreement consistent with California Government Code Section 65865.1.

17.26.070 Effect of Development Agreement

A. **Existing Rules and Regulations**
Unless otherwise provided by the development agreement, the rules, regulations, and official policies governing permitted uses of the land, density, and design, improvement and construction standards and specifications, applicable to development of the property subject to a development agreement, are the rules, regulations, and official policies in force at the time of execution of the agreement.

B. **Future Rules and Regulations**
Unless otherwise provided by the development agreement, a development agreement does not prevent the City, in subsequent actions, from applying new rules, regulations, and policies that do not conflict with those applicable to the property, nor does a development agreement prevent the City from conditionally approving or disapproving any subsequent development project application on the basis of existing or new rules, regulations, and policies.

C. **State and Federal Rules and Regulations**
In the event that state or federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more provisions of the development agreement, such provisions of the agreement shall be revised or suspended as may be necessary to comply with such state or federal laws or regulations.

17.26.080 Amendments or Cancellation

A. **Mutual Agreement**
Any development may be canceled or amended 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 Director.

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

C. **Rights of the Parties After Cancellation or Termination**
In the event that a development agreement is cancelled or terminated, all rights of the applicant, property owner, or successors in interest under the development agreement shall be terminated. If a development agreement is terminated following a finding of noncompliance, the City may, in its sole discretion, determine to return any and all benefits, including reservations or dedications of land, and payments of fees, received by the City.

Chapter 17.27 Reserved

Chapter 17.28 Amendments to Zoning Code, Zoning Map, and General Plan

Sections:

17.28.010 Purpose
17.28.020 Applicability
17.28.030 Initiation of Amendments
17.28.040 Hearings and Notice
17.28.050 Planning Commission Action on Amendments
17.28.060 Council Action on Amendments
17.28.070 Findings
17.28.080 Prezoning

17.28.010 Purpose

This chapter establishes procedures for the amendment of the General Plan/Local Coastal Plan, this Zoning Code, or the official Zoning Map consistent with California Government Code Section 65853.

17.28.020 Applicability

A General Plan/Local Coastal Plan amendment may include revisions to text, goals, policies, actions, or land use designations. Amendments to this Zoning Code may modify any standards, requirements, or procedures. Zoning map amendments have the effect of rezoning property from one (1) zone to another.

17.28.030 Initiation of Amendments

An amendment shall be initiated in compliance with this section.

A. An amendment may be initiated by:
    1. Council through the filing with the Planning Commission of a resolution of intention;
    2. Planning Commission through the passage of a resolution of intention; or
    3. A property owner(s) or authorized agent(s) of the property for which the amendment is sought.
B. An application for amendment shall be filed in compliance with Section 17.08.020 (Permit Filing and Processing).
C. Notice of availability of a draft amendment shall be available at least six weeks prior to any final action consistent with Title 14 Section 13515(c) of the California Code of Regulations.

17.28.040 Hearings and Notice

Upon receipt of a complete application, public hearings shall be set before the Planning Commission and Council. Notice of the hearings shall be given in compliance with Section 17.08.050 (Public Hearings and Noticing) and Title 14 Section 13515 of the California Code of Regulations. All forms of notice for the Planning Commission hearing on a zoning amendment that would affect the permitted uses of real property shall be given not less than twenty (20) days prior to the public hearing.

17.28.050 Planning Commission Action on Amendments

The Planning Commission shall make a written recommendation to the Council whether to approve, approve in modified form, or disapprove the proposed amendment, based upon the findings in Section 17.28.070 (Findings).

17.28.060 Council Action on Amendments

A. Upon receipt of the Planning Commission's recommendation, the Council shall, approve, approve in modified form, or disapprove the proposed amendment based upon the findings in Section 17.28.070 (Findings).
B. If the Council proposes to adopt any substantial modification(s) to the amendment not previously considered by the Planning Commission during its hearings, the proposed

modification shall be first referred back to the Planning Commission for its recommendation. Failure of the Planning Commission to report back to the Council within forty-five (45) days after the referral, or within any longer time set by the Council, shall be deemed a recommendation for approval of the modification(s).

17.28.070 Findings

A. **Findings for General Plan Amendments**
An amendment to the General Plan may be approved only if all of the following findings of fact can be made in a positive manner:
   1. The proposed amendment is internally consistent with the General Plan
   2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city;
   3. The site is physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested/ anticipated land use development(s); and
   4. The proposed amendment is in compliance with CEQA.

B. **Findings for Zoning Code/Map Amendments**
An amendment to the text of this Zoning Code or the official Zoning Map may be approved only if all of the following findings of fact can be made in a positive manner, as applicable to the type of amendment.
   1. **Findings Required for All Zoning Code Amendments**
      a. The proposed amendment is consistent with the goals, policies, and actions of the General Plan/Local Coastal Plan;
      b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city; and
      c. The proposed amendment is in compliance with CEQA.
      d. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.
   2. **Findings Required for All Zoning Map Amendments**
      a. The proposed amendment is consistent with the goals, policies, and actions of the General Plan/Local Coastal Plan;
      b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city; and
      c. The proposed amendment is in compliance with CEQA.
      d. The site is physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land use(s)/ development(s).

17.28.080 Prezoning

A. **Purpose**
An unincorporated property within the City's sphere of influence may be prezoned for the purpose of determining the zoning that will apply to the property in the event of subsequent annexation to the City. The initiation and the procedures for the prezoning shall be the same procedures which govern the rezoning of property within the City.

Upon the effective date of annexation of property which has been prezoned in compliance with this section, the zoning designation shall become the official zoning designation for the property and shall be so designated on the City's Zoning Map.

B. **Processing and Findings**
Prezoning shall be processed in the same manner and shall require the same findings as a Zoning Map amendment described in this chapter.

Chapter 17.29 Reserved

Chapter 17.30 Amendments to the Local Coastal Program (IP)

Sections:

17.30.010 Purpose and Applicability

17.30.020 Initiation

17.30.030 Review and Processing

17.30.040 California Coastal Commission Certification

17.30.050 Requirements for Submittal of a Local Coastal Program Amendment to the Coastal Commission

17.30.010 Purpose and Applicability

This chapter establishes a process for consideration and review of Local Coastal Program amendments, consistent with the Coastal Act, including changes in the land use and/or zoning designation on properties where such change is warranted by consideration of location, surrounding development, and timing of development; text or policy amendments to the City's Local Coastal Program as the City may deem necessary or desirable; and amendments to any ordinances or other implementation measures carrying out the provisions of the City's Local Coastal Program.

17.30.020 Initiation

An amendment to the Local Coastal Program may be initiated by any qualified applicant identified in Section 17.08.020 (Permit Filing and Processing) or a motion of the Council.

17.30.030 Review and Processing

Amendments to the certified Local Coastal Program shall be reviewed and processed pursuant to Chapter 17.28 (Amendments to Zoning Code, Zoning Map, and General Plan).

17.30.040 California Coastal Commission Certification

A. An amendment to the Local Coastal Program shall not take effect until it has been certified by the Coastal Commission pursuant to Chapter 6, Article 2 of the Coastal Act.

B. Approval by the Council of such a proposed amendment to the Local Coastal Program shall be submitted to the Coastal Commission in accordance with Sections 30512, 30513, 30514 of the Coastal Act.

17.30.050 Requirements for Submittal of a Local Coastal Program Amendment to the Coastal Commission

A. **Adopted Resolution**
All Local Coastal Program amendment submittals must include a Resolution that contains the following criteria:
    1. **Signed and Dated**
    The Resolution must be signed and dated by an authorized member of the City Council (CCR Section 13518);
    2. **Coastal Act consistency**
    The Resolution must indicate that the Local Coastal Program amendment is intended to be carried out in a manner fully in conformity with the Coastal Act Section 30510.
    3. **Copy of the Proposed Local Coastal Program Amendment**
    The submittal must include a copy of the relevant document (land use plan/implementation plan) and include a copy of the document in strikethrough/underline format for Commission review (CCR Section 13519). If the Local Coastal Program amendment proposed a change to an approved map, the submittal must include a graphic depiction of how the map is being changed.

B. **Local Government Staff Report**
    1. **Staff Report**
    The submittal should include copies of the local government staff report(s) as these are necessary to demonstrate consistency of the amendment with Chapter Three (3) of the Coastal Act (for land use plan amendments) or to demonstrate conformity with and adequacy to carry out the certified land use plan (if the LCP or LCP amendment is related to an implementation plan) (CCR 13511, 13512, 13519, and 13552.)
    2. **Required Analysis in Staff Report**
        a. The staff report should include a discussion of the LCP or LCP amendment's relationship to and effect on other sections of the LCP. (CCR Section 13552).
        b. For land use plan amendments:
            i. The staff report should include an analysis of how the amendment is consistent with the Chapter Three (3) policies of the Coastal Act.
            ii. The staff report should also indicate what zoning measures or implementation actions will be used to carry out the LUP amendment.
        c. For implementation plan amendments the staff report should include an analysis of how the amendment is in conformity with and adequate to carry out the certified land use plan.

d. In addition, if the affected area or application of an ordinance would involve land situated between the ocean and first public through road, or overall intensity of development, the local government staff report should address any potential effects that the proposed amendment will have on public access.

C. **Supplementary Information**
The submittal should include any supplementary analysis or information prepared or relied on (e.g., vulnerability assessments, hazard mitigation plans, biological studies, traffic analysis, geotechnical reports etc. (CCR Sections 13511, 13519, and 13552).

D. **Environmental Review Documents**
The submittal should include a copy of any environmental document (CCR Sections 13519 and 13552).

E. **Hearings Dates/ Local Hearing Notices**

1. **List of Hearing Dates**
The submittal must include a list of the local hearing dates and copies of all local hearing notices to substantiate the local government's compliance with the Coastal Act's public participation requirements (Coastal Act Section 30006/ CCR Section 13515).
2. **Proper Noticing**
The submission must document the following:
    a. That the Local Coastal Program amendment was properly noticed (i.e., the notices must indicate the item involves an LCP amendment and is not effective until or unless approved by the Coastal Commission);
    b. That the notices of availability were mailed and public review drafts were available at least six (6) weeks prior to the local government's final action date; and
    c. That the local government's hearing notices to all interested parties and public agencies were distributed no less than ten (10) working days before the hearing and that the hearing was also noticed by general publication.

F. **Speaker Slips, Written Comments, and Adopted Minutes**
The submittal must copies of all speaker slips, all written correspondence received, and the Planning Commission/City Council minutes for the item (CCR Section 13552).

G. **Mailing Lists**

1. **Mailing/Noticing List**
The submittal must include a copy of the mailing/noticing list used.
2. **Interested Persons**
Notices for LCP amendment hearings must be sent to: 1) anyone who requests it; 2) each continuous local government; 3) any local government, special district or port district that could be affected by the LCP amendment; 4) local libraries and media; 5) and any regional or federal agencies that may have an interest in or be affected by the LCP amendment (CCR Section 13515)

H. **Noticing**
At a minimum, all notices for public review sessions, the availability of review drafts, studies, other relevant documents, or actions pertaining to the preparation of the LCP

amendment shall be posted to the City's website, in a format that can be downloaded, and transmitted to: 1) anyone who requests it; 2) each continuous local government; 3) any local government, special district or port district that could be affected by the LCP amendment; 4) local libraries and media; 5) and any regional or federal agencies that may have an interest in or be affected by the LCP amendment (CCR Section 13515).

Chapter 17.31 Reserved

Chapter 17.32 Zoning Clearance for Streamlined Housing Review

Sections:

17.32.010 Purpose

17.32.020 Applicability

17.32.030 Application Requirements

17.32.040 Review Process

17.32.050 Post-Decision Procedures

17.32.010 Purpose

This chapter establishes ministerial review and approval procedures for housing development projects that qualify for streamlined processing under state law. Projects subject to this chapter are reviewed and approved ministerially based solely on compliance with applicable objective standards, and are not subject to Development Permit review pursuant to Chapter 17.10 (Development Permits).

17.32.020 Applicability

A. **Qualifying Projects**
This chapter applies to housing development projects that qualify for ministerial approval under state law, including projects eligible under:
1. SB 35 Streamlined Approval (California Government Code Section 65913.4);
2. AB 2011 Affordable Housing on Commercial Corridors (California Government Code Section 65912.100 et seq.);
3. SB 6 Middle-Income Housing on Commercial Corridors (California Government Code Section 65913.4.5 and Section 65852.24);
4. SB 4 Affordable Housing Near Transit (California Government Code Section 65913.5);
5. Affordable Housing on Religious Institution or Higher Education Land (California Government Code Section 65913.16);
6. Housing Accountability Act Projects (California Government Code Section 65589.5);
7. SB 330 Preliminary Application Process (California Government Code Section 65920 and Section 65589.5);

8. Supportive Housing (AB 2162) (California Government Code Section 65650 et seq.);
9. Transitional Housing and Emergency Shelters (California Government Code Section 65583 et seq.);
10. Low-Barrier Navigation Centers (California Government Code Section 65660 et seq.);
11. Employee Housing for Agricultural Workers (Health and Safety Code Section 17021.5 and Section 17021.6); and
12. Other state legislation establishing ministerial approval requirements for housing development projects.

B. **Demonstration of Eligibility**
Applicants shall demonstrate that their project meets all eligibility requirements established in the applicable California Government Code section(s) listed in Subsection A, including but not limited to site location requirements, affordability criteria, unit counts, and any other statutory prerequisites.

C. **Compliance with Objective Standards**
In addition to demonstrating eligibility under state law, projects subject to this chapter must comply with all applicable objective development standards in this Title, including the objective standards of the underlying zone, objective development standards for specific land uses, and objective design standards in Chapter 17.68 (Multi-Family and Mixed-Use Objective Design Standards (IP)).

D. **Two-Unit Residential Developments and Urban Lot Splits**
Two-unit residential developments and urban lot splits consistent with California Government Code Sections 65852.21 and 66411.7 (SB 9) shall be processed pursuant to Section 17.66.230 (Two-Unit Residential Development and Urban Lot Splits (IP)).

17.32.030 Application Requirements

A. **Zoning Clearance Optional**
Applicants may request a zoning clearance under this chapter prior to submitting a building permit application to obtain verification that the project complies with applicable objective standards and qualifies for ministerial approval under state law.

B. **Ministerial Review Through Building Permit**
If an applicant does not request a zoning clearance pursuant to Subsection A, the City shall process the project ministerially through the building permit review process based on compliance with applicable objective standards and eligibility requirements under state law.

C. **Application Materials**
Application materials for zoning clearance review shall be filed with the Director on a form provided by the City, which shall identify all required information, documentation, and fee.

17.32.040 Review Process

A. **Review Authority**
The Director shall review and approve or deny applications under this chapter based solely on compliance with applicable objective standards.

B. **Completeness Determination**
Applications shall be subject to completeness review consistent with Section 17.08.040 (Review of Applications) and California Government Code Section 65943, except that where the applicable California Government Code section(s) identified in Subsection 17.32.020.A (Qualifying Projects) establish different completeness review procedures or timeframes, those state law requirements shall control.

C. **Review Timelines and Inconsistency Notice**
1. The Director shall complete review and approve or deny applications within the timeframes established by the applicable California Government Code section(s) identified in Subsection 17.32.020.A (Qualifying Projects).
2. If the Director determines a project is inconsistent with applicable objective standards, the Director shall provide written documentation identifying the specific provisions and explaining the inconsistency within the timeframe required by the applicable California Government Code section(s).
3. If the Director fails to provide such documentation within the required timeframe, the project shall be deemed consistent with applicable objective standards.

D. **Coastal Zone Projects (IP)**
1. Projects within the Coastal Zone shall require a Coastal Development Permit pursuant to Chapter 17.12 (Coastal Development Permits (IP)) unless exempt under Section 17.12.030 (Coastal Development Permit Exemptions).
2. The ministerial land use review under this chapter and Coastal Development Permit review shall be processed concurrently to the maximum extent feasible.

E. **Decision**
The Director shall approve the application if the project demonstrates compliance with:
1. All eligibility requirements of the applicable California Government Code section(s) identified in Subsection 17.32.020.A (Qualifying Projects); and
2. All applicable objective standards in this Title.

17.32.050 Post-Decision Procedures

A. **Effective Date**
Approvals under this chapter shall become effective immediately upon the Director's decision.

B. **Recordation of Affordability Restrictions**
For projects that include affordability requirements, deed restrictions, covenants, or other affordability instruments required by the applicable California Government Code section(s) shall be executed and recorded with the San Luis Obispo County Clerk-Recorder prior to issuance of building permits. Such instruments shall include terms and conditions required by state law.

C. **Labor Standards Covenant Agreements**
For projects subject to prevailing wage or skilled workforce requirements under the applicable California Government Code section(s), a covenant agreement certifying compliance with such requirements shall be executed and recorded with the San Luis Obispo County Clerk-Recorder prior to issuance of building permits. The covenant agreement shall run with the land and bind all future owners.

D. **Permit Expiration and Extensions**
   1. Approvals under this chapter shall be valid for the period specified in the applicable California Government Code section(s).
   2. If the applicable California Government Code section does not specify an expiration period, approvals shall be subject to the time limits, extension procedures, and other provisions in Section 17.08.070 (Permit Implementation, Time Limits, and Extensions), except that all extensions shall be approved by the Director without public hearing.

E. **Revisions to Approved Projects**
   1. Minor revisions that do not affect compliance with the eligibility requirements or objective standards upon which approval was based may be approved administratively by the Director.
   2. Revisions that would affect eligibility or compliance with objective standards shall require a new application under this Title.

F. **Revocation**
   Approvals under this chapter are not subject to revocation proceedings under Section 17.08.090 (Revocation of Permits). However, violations of conditions required by state law or recorded covenants may be subject to enforcement pursuant to Chapter 17.34 (Enforcement (IP)).

G. **Appeals**
   Decisions under this chapter are ministerial and are not subject to administrative appeal pursuant to Section 17.08.100 (Appeals). Any challenge to a decision under this chapter must be brought in accordance with applicable state law.

Chapter 17.33 Reserved

Chapter 17.34 Enforcement (IP)

Sections:

17.34.010 Purpose
17.34.020 Building Permits and Business Licenses
17.34.030 Official Duty to Enforce
17.34.040 Violations
17.34.050 Full Compliance Requirement
17.34.060 Remedies are Cumulative
17.34.070 Inspection
17.34.080 Initial Enforcement Action
17.34.090 Legal Remedies

17.34.100 Permit Revocation or Modification

17.34.110 Recovery of Costs

17.34.120 Additional Permit Processing Fees

17.34.130 Coastal Enforcement of CDPs

17.34.010 Purpose

The provisions of this chapter are intended to ensure compliance with the requirements of this Zoning Code and any conditions of land use permit or subdivision approval, to promote the City's planning efforts and for the protection of the public health, safety, and welfare.

17.34.020 Building Permits and Business Licenses

A. **Compliance**
All departments, officials, and public employees of the City which are vested with the authority or duty to issue permits or licenses shall comply with the provisions of this Zoning Code.

B. **Permits or Licenses in Conflict with Code**
Permits or licenses for uses or structures that would be in conflict with the provisions of this Zoning Code shall not be issued.

C. **Permits or Licenses Deemed Void**
Any permit or license issued in conflict with the provisions of this Zoning Code shall be deemed void.

17.34.030 Official Duty to Enforce

A. **Community Development Director**
It shall be the duty of the Director to enforce the provisions of the Zoning Code and any use of land or structures and the addition, alteration, construction, erection, demolition, moving, or reconstruction of or to any structure.

B. **Police Department**
During non-office hours, it shall be the responsibility of the Police Department to monitor and enforce the provisions of this Zoning Code.

17.34.040 Violations

Any structure constructed or maintained contrary to the provisions of the Zoning Code and any use of land or structures operated or maintained contrary to the provisions of this Zoning Code are declared to be a public nuisance(s).

A. **Public Nuisance**
Any structure or use which is altered, constructed, converted, enlarged, established, erected, maintained, moved, or operated, contrary to the provisions of this Zoning Code or any applicable condition of approval imposed on a permit, is hereby declared to be unlawful and a public nuisance.

B. **Penalty for Violation**
Violations of this Zoning Code shall be subject to the remedies and penalties identified in this chapter and Chapter 1.20 (General Penalty).

C. **Stop Work Order**
Any construction in violation of this Zoning Code or any condition(s) imposed on a permit shall be subject to the issuance of a "stop work order." Any violation of a stop work order shall constitute a misdemeanor.

17.34.050 Full Compliance Requirement

A. No application required pursuant to this Zoning Code shall be accepted for processing or be approved where the property owner has on the subject property or any other property owned by the property owner within the city, an existing land use, not previously authorized by any statute or ordinance, which is being maintained or operated in violation of any applicable provision of this Code, or any condition of approval of a land use permit under this Zoning Code. This provision applies to the operation of land uses only and does not affect buildings or structures which do not conform to development standards.

B. Where the Director determines that the use in question is consistent with the objectives, goals, and policies of the General Plan/Local Coastal Plan, or that the continuation of said use is essential or desirable to the public convenience or welfare, this section shall not apply to an application submitted pursuant to this Zoning Code. The Director's decision shall be final.

C. Notwithstanding the foregoing, the City may accept and process an application submitted for the purpose of correcting, legalizing, or otherwise resolving an existing violation. Acceptance and processing of the application shall not constitute authorization of the violation or a determination that the application will be approved.

17.34.060 Remedies are Cumulative

All remedies contained in this Zoning Code for the handling of violations or enforcement of the provisions of this Zoning Code shall be cumulative and not exclusive of any other applicable provisions of City, county, or state law. Should a person be found guilty and convicted of a misdemeanor for the violation of any provision of this Zoning Code, the conviction shall not prevent the City from pursuing any other available remedy to correct the violation(s).

17.34.070 Inspection

Every applicant seeking a permit or any other action in compliance with this Zoning Code shall allow the City officials handling the application access to any premises or property which is the subject of the application. If the permit or other action in compliance with this Zoning Code is approved, the owner or applicant shall allow appropriate City officials access to the premises in order to determine continued compliance with the approved permit and/or any conditions of approval imposed on the permit.

17.34.080 Initial Enforcement Action

This section describes the procedures for initiating enforcement action in cases where the Director has determined that real property within the city is being used, maintained, or allowed

to exist in violation of the provisions of this Zoning Code. It is the objective of these provisions to encourage the voluntary cooperation of responsible parties in the prompt correction of violations, so that the other enforcement measures provided by this chapter may be avoided.

A. **Notice to Responsible Parties**
The Director shall provide the record owner of the subject site and any person in possession or control of the site with a written Notice of Violation, which shall include the following information:
1. A time limit for correcting the violation in compliance with Subsection 17.34.080.B (Time Limit for Correction);
2. A statement that the City intends to charge the property owner for all administrative costs associated with the abatement of the violation(s) in compliance with Section 17.34.110 (Recovery of Costs), and/or initiate legal action as described in Section 17.34.090 (Legal Remedies); and
3. A statement that the property owner may request and be provided a meeting with the Director to discuss possible methods and time limits for the correction of the violations.

B. **Time Limit for Correction**
The notice of violation shall state that the violation shall be corrected within ten (10) days from the date of the notice to avoid further enforcement action by the City unless the responsible party contacts the Director within that time to arrange for a longer period for correction. The ten (10)-day time limit may be extended by the Director upon determining that the responsible party will likely correct the violation within a reasonable time. The Director may also require through the notice that correction occur within less than thirty (30) days if the Director determines that the violation constitutes a hazard to public health or safety.

C. **Use of Other Enforcement Procedures**
The enforcement procedures of Section 17.34.090 (Legal Remedies) may be employed by the Director after or instead of the provisions of this section where the Director determines that this section would be ineffective in securing the correction of the violation within a reasonable time.

17.34.090 Legal Remedies

The City may choose to undertake any of the following legal actions to correct and/or abate nuisances or violations of this Zoning Code.

A. Civil Actions

1. **Injunction**
The City Attorney may apply to the Superior Court of San Luis Obispo County for injunctive relief to terminate a violation of this Zoning Code.
2. **Abatement Proceedings**
Where any person, firm, or corporation fails to abate a violation after being provided a notice of violation in compliance with Section 17.34.100 (Permit Revocation or Modification) and the opportunity to correct or end the violation, the City Attorney may apply to the Superior Court of San Luis Obispo County for

an order authorizing the City to undertake actions necessary to abate the violation and require the violator to pay for the cost of the actions.

3. **Nuisance Abatement**
   The City may pursue nuisance abatement in compliance with Chapter 8.20 (Nuisances).

B. Civil Remedies and Penalties

1. **Civil Penalties**
   Any person who willfully violates the provisions of this Zoning Code or any permit issued in compliance with this Zoning Code, shall be liable for a civil penalty in compliance with the Council's fee resolution for each day that the violation continues to exist.
2. **Costs and Damages**
   Any person violating any provisions of this Zoning Code, or any permit issued in compliance with this Zoning Code, shall be liable to the City for the costs incurred and the damages suffered by the City, its agents, and agencies as a direct result of the violations.
3. **Procedure**
   In determining the amount of the civil penalty to impose, the court should consider all relevant circumstances, including the extent of the harm caused by the conduct constituting a violation, the nature and persistence of the conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the defendant, whether corporate or individual, and any corrective action taken by defendant.

C. Criminal Actions and Penalties

1. **Misdemeanor**
   Any person, whether as agent, principal, or otherwise, violating or causing the violation of any of the provisions of this Zoning Code shall be guilty of a misdemeanor and upon conviction, shall be punishable according to Chapter 1.20 (General Penalty).
2. **Separate Offense**
   Any violation of this Zoning Code which is committed and continues from day-to-day constitutes a separate offense for each and every day during which the violation is committed or continued.

17.34.100 Permit Revocation or Modification

The review authority shall hold a public hearing in order to revoke or modify any permit granted in compliance with this Zoning Code. Ten (10) days before the public hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which the permit was granted. Notice shall be deemed delivered two (2) days after being mailed, first (1^{st}) class postage paid to the owner as shown on the current tax rolls of the County of San Luis Obispo, and/or the project applicant.

A. **Permit Revocation or Modification**
   A permit may be revoked or modified by the review authority if any one of the following findings can be made:

1. Circumstances have changed so that one or more of the required findings can no longer be made;
2. The permit was obtained by misrepresentation or fraud;
3. The improvement or use authorized in compliance with the permit had ceased or was suspended for one hundred and eighty (180) days or more;
4. There is or has been a violation of or failure to observe the terms or conditions of the permit or approval, or the use has been conducted in violation of the Zoning Code, or any applicable law or regulation; or
5. That the improvement or use authorized in compliance with the permit is detrimental to the public health, safety, or welfare or constitutes a nuisance.

B. **Appeal**
A decision on a permit revocation may be appealed consistent with Section 17.08.100 (Appeals).

17.34.110 Recovery of Costs

This section establishes procedures for the recovery of administrative costs, including staff and City Attorney time expended on the enforcement of the provisions of this Zoning Code in cases where no permit is required in order to correct a violation. The intent of this section is to recover City administrative costs reasonably related to enforcement.

A. **Record of Costs**
The Department shall maintain records of all administrative costs, incurred by responsible City departments, associated with the processing of violations and enforcement of this Zoning Code, and shall recover the costs from the property owner in compliance with this section. Staff time shall be calculated at an hourly rate as established and revised from time to time by the Council.

B. **Notice**
Upon investigation and a determination that a violation of any of the provisions of this Zoning Code is found to exist, the Director shall notify the record owner or any person having possession or control of the property by mail, of the existence of the violation, the Department's intent to charge the property owner for all administrative costs associated with enforcement, and of the owner's right to a hearing on any objections they may have. The notice shall be in a form approved by the City Attorney.

C. Summary of Costs and Notice

1. At the conclusion of the case, the Director shall send a summary of costs associated with enforcement to the owner and/or person having possession or control of the property by certified mail.
2. The summary shall include a notice in a form approved by the City Attorney, advising the responsible party of their right to request a hearing on the charges for City cost recovery within ten (10) days of the date of the notice, and that if no request for hearing is filed, the responsible party will be liable for the charges.
3. In the event that no request for hearing is timely filed or, after a hearing the Director affirms the validity of the costs, the property owner or person in control shall be liable to the City in the amount stated in the summary or any lesser amount as determined by the Director.

4. The costs shall be recoverable in a civil action in the name of the City, in any court of competent jurisdiction.

D. **Request for Hearing on Costs**
Any property owner, or other person having possession and control of the subject property, who receives a summary of costs shall have the right to a hearing before the Director on their objections to the proposed costs.
1. A request for hearing shall be filed with the Department within ten (10) days of the service by mail of the Department's summary of costs, on a form provided by the Department.
2. Within thirty (30) days of the filing of the request, and on ten (10) days written notice to the owner, the Director shall hold a hearing on the owner's objections and determine their validity.
3. In determining the validity of the costs, the Director shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include: whether the present owner created the violation; whether there is a present ability to correct the violation; whether the owner moved promptly to correct the violation; the degree of cooperation provided by the owner; and whether reasonable minds can differ as to whether a violation exists.
4. The Director's decision shall be appealable to the Council as provided by Section 17.08.100 (Appeals).

17.34.120 Additional Permit Processing Fees

Any person who establishes a land use, or alters, constructs, enlarges, erects, maintains, or moves any structure without first obtaining any permit required by this Zoning Code, shall pay the additional permit processing fees established by the Council's fee resolution for the correction of the violations, before being granted a permit for a use or structure on the site.

17.34.130 Coastal Enforcement of CDPs

A. Unpermitted Development, Permit Violations, and Permitting Processes
Development that was undertaken without a coastal development permit legally required at the time the development occurred (or found to be exempt), or otherwise lawfully authorized is not lawfully established or authorized development and is therefore hereinafter referred to as “unpermitted development.” In addition, failure to comply with the terms and conditions of an approved CDP, including but not limited to the undertaking of development in a manner that is inconsistent with any term or condition of a permit is also not lawful or authorized and is hereinafter referred to as a “permit violation.” Both categories, unpermitted development and permit violations, shall be subject to this chapter, including Section 17.34.050 (Full Compliance Requirement). If development is proposed on a site with known unpermitted development or permit violations, then such application may only be approved if it includes provisions to resolve permitting and coastal resource issues associated with the unpermitted development or permit violation, including by providing coastal development permit authorization for the retention of all or part of same if it can be approved as LCP consistent, or through removal and restoration of affected areas.

B. LCP Violations

The City is the primary enforcement entity for addressing unpermitted development occurring within its LCP permitting jurisdiction after LCP certification and permit violations involving City-issued permits. The City will investigate and address such unpermitted development and permit violations as violations of the LCP consistent with this chapter. The City will work to resolve violations of the LCP in a timely manner, including through the use of appropriate enforcement actions. The City, through the Community Development Department and/or Code Enforcement Division, may request that the Coastal Commission assist with, or assume primary responsibility for, resolving violations of the LCP. The Commission may request that the City act to resolve violations of the LCP. Nothing in this chapter limits the Coastal Commission's authority to enforce the requirements of the LCP through its own enforcement actions pursuant to Chapter 9 of the Coastal Act (Section 30800 et seq.). The Coastal Commission retains enforcement authority over CDPs that it has issued and over violations that occurred before original certification of the LCP.

Chapter 17.35 Reserved

Part 3: Zones

Chapter 17.36 Establishment of Zones (IP)

Sections:

17.36.010 Purpose

17.36.020 Zones Established

17.36.030 Zoning Map Adopted

17.36.010 Purpose

This chapter establishes the zones applied to property within the city, determines how the zones are applied on the Zoning Map, and provides general permit requirements for development and new land uses.

17.36.020 Zones Established

The city shall be divided into zones which implement the General Plan/Local Coastal Plan. The following zones are established and shall be shown on the official Zoning Map (Section 17.36.030 (Zoning Map Adopted)).

Table 17.36.020-A: Zones Established

Zone Symbol	Zone Name	General Plan Designation Implemented
Residential Zones		
R-1	One-Family Residential Zone	Low-Density Residential
R-1-C	One-Family Residential Zone, Coastal	Low-Density Residential
R-2	Two-Family Residential Zone	Medium-Density Residential
R-2-C	Two-Family Residential Zone, Coastal	Medium-Density Residential
R-3-C	Three-Family Residential Zone, Coastal	High-Density Residential
Commercial and Mixed-Use Zones		
C-1	Retail Commercial Zone	Commercial
C-1-C	Retail Commercial Zone, Coastal	Commercial
C-2-C	General Commercial Zone, Coastal	Commercial
VC-C	Village Commercial Zone, Coastal	Commercial

Table 17.36.020-A: Zones Established		
Zone Symbol	**Zone Name**	**General Plan Designation Implemented**
VL-C	Visitor Lodging, Coastal	Resort Commercial
CR-C	Commercial Recreation Zone, Coastal	Resort Commercial
CD-C	Commercial Downtown Zone, Coastal	Central Commercial
MU-C	Mixed-Use Zone, Coastal	Mixed-Use
Industrial Zones		
I	Service Industrial Zone	Industrial
I-C	Service Industrial Zone, Coastal	Industrial
Special Purpose Zones		
MH	Mobile Home Zone	Mobile Home Park
PF	Public Facilities Zone	Public/Semi-Public
PF-C	Public Facilities Zone, Coastal	Public/Semi-Public
OS-P	Open Space – Preservation Zone	Open Space
OS-R	Open Space – Recreation Zone	Open Space
Overlay Zones		
A	Archaeology – Historic Sites Overlay	n/a
AC	Coastal Access Overlay	n/a
CA	Coastal Appeal Overlay	n/a
F	Floodplain Overlay	n/a
HL	Height Limitations Overlay	n/a
P	Public or Visitor Parking Overlay	n/a
RVHD	Residential Very High-Density Overlay	n/a
VC	View Considerations Overlay	n/a

17.36.030 Zoning Map Adopted

The Council hereby adopts the City's Zoning Map referred to as the "Zoning Map," which is on file with the Department.

A. **Inclusion by Reference**
The Zoning Map, together with all legends, symbols, notations, references, zone boundaries, and other information on the map, has been adopted by the Council consistent with California Government Code Sections 65800 et seq., and is incorporated into this Zoning Code by reference as though it were fully included here.

B. **Zone Boundaries**
The boundaries of the zones established by Section 17.36.020 (Zones Established) shall be shown upon the Zoning Map.

C. **Relationship to General Plan/Local Coastal Plan**
The Zoning Map shall implement the General Plan/Local Coastal Plan, specifically including the land use diagram.

D. **Map Amendment**
Amendments to the Zoning Map shall follow the process established in Chapter 17.28 (Amendments to Zoning Code, Zoning Map, and General Plan).

E. **Zoning Map Interpretation**
The Zoning Map shall be interpreted in compliance with Subsection 17.02.020.C (Zoning Map Boundaries).

Chapter 17.37 Reserved

Chapter 17.38 Land Use Permit Requirements

Sections:

17.38.010 Purpose

17.38.020 Requirements for Development and New Land Uses

17.38.030 Exemptions from Land Use Permit Requirements

17.38.040 Temporary Uses

17.38.050 Additional Permits or Approvals May be Required

17.38.010 Purpose

This chapter describes the general requirements of this Zoning Code for the approval of proposed development and new land uses by the City. Land use permit requirements for specific land uses are instead established by Chapter 17.40 (Residential Zones (IP)) through Chapter 17.48 (Overlay Zones (IP)).

17.38.020 Requirements for Development and New Land Uses

No use of land or structures shall be established, constructed, reconstructed, altered, allowed, or replaced unless the use of land or structures complies with the following requirements.

A. **Allowable Use**
The land use shall be identified by Chapter 17.40 (Residential Zones (IP)) through Chapter 17.48 (Overlay Zones (IP)) as being allowable in the zone applied to the site. The Director may determine whether a particular land use is allowable, in compliance with Subsection 17.02.020.D (Allowable Uses of Land).

B. Development and Coastal Development Permit Requirements

1. **Land Use Permit**
Any land use permit or other approval required by this Zoning Code shall be obtained before the proposed use is constructed, otherwise established, or put into operation, unless the proposed use is listed in Section 17.38.030 (Exemptions from Land Use Permit Requirements) or otherwise exempt by this Zoning Code.
2. **Coastal Development Permit**
In the Coastal Zone, a Coastal Development Permit in compliance with this Zoning Code shall also constitute approval of a land use permit in compliance with the certified General Plan/Local Coastal Plan and the California Coastal Act.

C. **Other Requirements**
The use and/or structure shall comply with all other applicable requirements, including development standards, of this Zoning Code.

17.38.030 Exemptions from Land Use Permit Requirements

The land use permit requirements of this Zoning Code do not apply to the activities, and/or structures identified by this section, which are allowed in all zones subject to compliance with this section. For Coastal Development Permit exceptions, see Section 17.12.030 (Coastal Development Permit Exemptions).

A. **Exempt Activities and Uses**
The following activities, uses of land and/or structures are exempt from the land use permit requirements of this Zoning Code when in compliance with Subsection 17.38.030.B (General Requirements for Exemption) below.

1. **City Government Activities**
Activities, uses of land and/or structures established and/or constructed by the City.
2. **Interior Remodeling**
Interior alterations that do not increase the gross floor area within the structure or change the permitted use of the structure.
3. **Repairs and Maintenance**
Ordinary repairs and maintenance, if:
    a. The work does not change the approved land use of the site or structure, or add to, enlarge, or expand the area occupied by the land use, or the floor area of the structure; and

b. Any exterior repairs employ the same materials and design as the original construction.

4. **Utilities**
   The erection, construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments (e.g., water, gas, electric, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and similar facilities and equipment), but not including new transmission lines and structures. Telecommunications Facilities are subject to Section 17.66.220 (Telecommunications Facilities).
5. **Other**
   Other activities, uses of land or structure that are otherwise specifically exempted by this Zoning Code.

B. **General Requirements for Exemption**
   The activities, uses of land and/or structures identified by Subsection A above are exempt from the land use permit requirements of this Zoning Code only when:
   1. The activity or use is established and operated in compliance with all applicable development standards of this Zoning Code.
   2. Any permit or approval required by regulations other than this Zoning Code is obtained in compliance with Section 17.38.050 (Additional Permits or Approvals May Be Required); and
   3. The activity or use is exempt from Coastal Development Permit requirements in compliance with Chapter 17.12 (Coastal Development Permits (IP)) and the Coastal Act.

17.38.040 Temporary Uses

Requirements for establishing a temporary use and/or activity are in Chapter 17.16 (Temporary Use Permits).

17.38.050 Additional Permits or Approvals May be Required

A land use that complies with the permit requirement or exemption provisions of this Zoning Code may still be subject to the permit requirements of the City or other Municipal Code provisions, or other agencies, before the use is constructed, or otherwise established and put into operation. Nothing in this Zoning Code shall eliminate the need to obtain any permits or approvals required by:

A. Any other Municipal Code provisions, including building or other construction permits required by Title 15 (Buildings and Constriction); a business license required by Title 5 (Business Taxes, Licenses, and Regulations); subdivision approval or grading permit required by Title 16 (Subdivisions); or
B. Any applicable County, or any regional, state, or federal agency regulations.

All necessary permits shall be obtained before starting work or establishing a new use. The applicant shall be responsible for determining whether any additional permits are necessary.

Chapter 17.39 Reserved

Chapter 17.40 Residential Zones (IP)

Sections:

17.40.010 Purpose

17.40.020 Residential Land Use Regulations

17.40.030 Residential Development Standards

17.40.040 Residential Design Standards and Guidelines

17.40.010 Purpose

This chapter provides regulations applicable to development and new land uses in the residential zones established by Section 17.36.020 (Zones Established). Zones with "-C" apply only to those parcels determined to be within the Coastal Zone. Residential zones without a "-C" suffix apply outside the Coastal Zone and are not part of the certified Local Coastal Program Implementation Plan. The purpose of the individual residential zones and the manner in which they are applied is as follows:

A. **One-Family Residential Zone (R-1 and R-1-C)**
The R-1 and R-1-C zones are intended for areas appropriate for neighborhoods of detached single-family homes. This zone is intended for areas where site characteristics, access, and available public services and utilities are suitable for single-family home development.

B. **Two-Family Residential Zone (R-2 and R-2-C)**
The R-2 and R-2-C zones are intended for areas appropriate for single-family and multi-family residential uses.

C. **Three-Family Residential Zone, Coastal (R-3-C)**
The R-3-C zone is intended to apply in the areas of the city where it is reasonable to permit varying intensities of residential and lodging developments.

17.40.020 Residential Land Use Regulations

Table 17.40.020-A (Allowed Uses and Permit Requirements for Residential Zones) identifies the uses of land allowed by this Zoning Code in each residential zone and the land use permit required to establish each use. Land uses that are not listed in the tables or are not shown in a particular zone are not allowed, except as otherwise provided by Subsection 17.02.020.D (Allowable Uses of Land), or Section 17.38.030 (Exemptions from Land Use Permit Requirements).

Table 17.40.020-A: Allowed Uses and Permit Requirements for Residential Zones

P = Permitted use | MUP = Minor Use Permit required | CUP = Conditional Use Permit required | – = Use not permitted

Additional permits or approvals may be required (see Section 17.38.050)

Land Use	R-1	R-1-C	R-2	R-2-C	R-3-C	Reference
Agriculture, Resource, and Open Space Uses						
Agriculture – Non-commercial	P	P	P	P	P	
Urban agriculture	MUP	MUP	MUP	MUP	MUP	Section 17.66.240
Recreation, Education, and Public Assembly Uses						
Community assembly	CUP	CUP	CUP	CUP	CUP	
Equestrian facilities	CUP	CUP	CUP	CUP	CUP	
Golf courses/country clubs	CUP	CUP	CUP	CUP	CUP	
Parks and playgrounds	CUP	CUP	CUP	CUP	CUP	
Private residential recreation facilities	CUP	CUP	CUP	CUP	CUP	
Schools	CUP	CUP	CUP	CUP	CUP	
Residential Uses						
Accessory dwelling units	P	P	P	P	P	Section 17.66.020
Boarding houses	P	P	CUP	CUP	CUP	
Child day care facilities – Large family day care home	P	P	P	P	P	Section 17.66.070
Child day care facilities – Small family day care home	P	P	P	P	P	Section 17.66.070
Duplexes	–	–	P	P	P	
Emergency shelters	–	–	CUP	–	–	Section 17.66.090
Employee housing – 6 or fewer workers	P	P	P	P	P	
Employee housing – 7 or more workers	–	–	CUP	CUP	CUP	
Community care facility (All types) – 6 or fewer clients	P	P	P	P	P	

Table 17.40.020-A: Allowed Uses and Permit Requirements for Residential Zones

P = Permitted use | MUP = Minor Use Permit required | CUP = Conditional Use Permit required | – = Use not permitted

Additional permits or approvals may be required (see Section 17.38.050)

Land Use	R-1	R-1-C	R-2	R-2-C	R-3-C	Reference
Community care facility (All types) – 7 or more clients	CUP	CUP	CUP	CUP	CUP	
Home occupations	P	P	P	P	P	Section 17.66.110
Mobile home parks	CUP	CUP	CUP	CUP	CUP	Section 17.66.140
Mobile homes [1]	P	P	P	P	P	Section 17.66.150
Multi-family dwellings	–	–	P	P	P	Section 17.68.030
Residential accessory uses and structures	P	P	P	P	P	Section 17.66.030
Residential Care Facility for the Elderly – 6 or fewer clients	P	P	P	P	P	
Residential Care Facility for the Elderly – 7 or more clients	CUP	CUP	CUP	CUP	CUP	
Short-term rentals and homestays	–	–	–	–	–	Chapter 17.64
Single-family dwellings	P	P	– [2]	– [2]	– [2]	
Supportive housing	P	P	P	P	P	
Transitional housing	P	P	P	P	P	
Vacation rental	–	–	–	–	–	
Service/Commercial Uses						
Child day care facilities – Child day care center	–	–	CUP	CUP	CUP	Section 17.66.070
Lodging – Bed and breakfast inns	–	–	CUP	CUP	CUP	
Lodging – Hotels or motels	–	–	CUP	CUP	CUP	Section 17.66.120
Medical services – Clinics and laboratories	CUP	CUP	CUP	CUP	CUP	

Table 17.40.020-A: Allowed Uses and Permit Requirements for Residential Zones

P = Permitted use | MUP = Minor Use Permit required | CUP = Conditional Use Permit required | – = Use not permitted

Additional permits or approvals may be required (see Section 17.38.050)

Land Use	R-1	R-1-C	R-2	R-2-C	R-3-C	Reference
Medical services – Extended care	CUP	CUP	CUP	CUP	CUP	
Medical services – Medical, dental, and psychiatric offices	CUP	CUP	CUP	CUP	CUP	
Public utility or safety facilities	CUP	CUP	CUP	CUP	CUP	
Parking facilities/vehicle storage – Recreational vehicles	–	–	CUP	CUP	CUP	
Wireless communication facilities, major	CUP	CUP	CUP	CUP	CUP	Section 17.66.220
Wireless communication facilities, minor	CUP	CUP	CUP	CUP	CUP	Section 17.66.220

Notes:

[1] Mobile homes on permanent foundation consistent with California Government Code 65852.3 and Section 17.66.150 (Mobile Homes).

[2] New single-family homes are allowed in medium- and high-density residential areas only if a lot is substandard in size and cannot accommodate more than one (1) unit.

17.40.030 Residential Development Standards

A. **General Standards – Use of Table**
Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 17.40.030-A (Development Standards for Residential Zones), in addition to the applicable standards in Chapter 17.50 (General Site Regulations) through Chapter 17.62 (Signs).

B. **Standards Within Specific Plan Areas**
Subdivisions, new land uses and structures, and alterations to existing land uses and structures within an area subject to a specific plan shall comply with the requirements in Table 17.40.030-B (Development Standards for Specific Plan Areas), in addition to the requirements of Subsection 17.40.030.A (General Standards – Use of Table). In the event of any conflict between the requirements of Tables 17.40.030-A (Development Standards for Residential Zones) and Table 17.40.030-B (Development Standards for Specific Plan Areas), including any references to other sections of this chapter that are noted in Table 17.40.030-A (Development Standards for Residential Zones), the

requirements of Table 17.40.030-B (Development Standards for Specific Plan Areas) shall control within the applicable specific plan area.

Table 17.40.030-A: Development Standards for Residential Zones					
' = feet | sf = square feet | du = dwelling unit | FAR = floor area ratio | SFR = single-family residence | – = Not applicable					
Standard	**R-1**	**R-1-C**	**R-2**	**R-2-C**	**R-3-C**
Min. Lot Size					
Lot Area (sf)	5,000	5,000	5,000	5,000	20,000
Lot Width	50'	50'	50'	50'	75'
Min. Density	–	–	1 du/4,840 sf of parcel area	1 du/4,840 sf of parcel area	1 du/2,720 sf of parcel area
Max. Density [1]	1 du/5,445 sf of parcel area	1 du/5,445 sf of parcel area	1 du/2,900 sf of parcel area	1 du/2,900 sf of parcel area	1 du/1,450 sf of parcel area
Min. Setbacks					
Standard Lots					
Front (Min.-Max.)					
Parcels >4,000 sf	20'	20'	20'	20'	15'
Parcels <4,000 sf	20% lot depth (10'-20') 20' for garage	20% lot depth (10'-20') 20' for garage	15'	20'	15'
Side (Min.-Max.)					
Corner lot	5'	20% lot width (7'-10')	5'	20% lot width (7'-10')	20% lot width (7'-10')
Interior lot	5'	10% lot width (4'-5')	5'	10% lot width (4'-5')	10% lot width (4'-5')
Street Side	10'	7'	10'	–	–
Rear (Min.-Max.)					
Depth >70 ft	10'	10% avg lot depth (5'-10')	10'	10% avg lot depth (5'-10')	10% avg lot depth (5'-10')
Depth <70 ft	5'		5'		
Blufftop Lots	Blufftop setbacks shall be determined in compliance with Subsection 17.48.040.E (Bluff Hazard, Erosion, and Bluff Retreat Criteria and Standards).				
Accessory Structures					

Table 17.40.030-A: Development Standards for Residential Zones					
' = feet | sf = square feet | du = dwelling unit | FAR = floor area ratio | SFR = single-family residence | – = Not applicable					
Standard	**R-1**	**R-1-C**	**R-2**	**R-2-C**	**R-3-C**
Front	20'	20'	20'	20'	20'
From Blufftop	Blufftop setbacks shall be determined in compliance with Subsection 17.48.040.E (Bluff Hazard, Erosion, and Bluff Retreat Criteria and Standards).				
Side	5'	5'	–	5'	5'
Rear	10'	10'	10'	10'	10'
Other Structures	6'	6'	6'	6'	6'
Max. Site Coverage [2]	55%	55%	55%	55%	55%
Max. FAR					
Parcels <2,700 sf	0.86	0.86 of the first 2,700 sf + 60% >2,700 sf	0.86	0.80 (SFR: see R-1-C)	0.80 (SFR: see R-1-C)
Parcels >2,700 sf	0.72		0.72		
Max. Height [3]	25'	25'	25'	25'	35'
Min. Outdoor Space [4]					
Common (sf) [5]	–	–	100/du	100/du	100/du
Private (sf) [6]					
Studio / 1-bed units	–	–	50/du	50/du	50/du required for 50% of dwelling units
2-bed units	–	–	50/du	50/du	50/du required for 50% of dwelling units
3-bed+ units	–	–	50/du	50/du	50/du required for 50% of dwelling units

Table 17.40.030-A: Development Standards for Residential Zones					
' = feet | sf = square feet | du = dwelling unit | FAR = floor area ratio | SFR = single-family residence | – = Not applicable					
Standard	**R-1**	**R-1-C**	**R-2**	**R-2-C**	**R-3-C**

Notes:

[1] Maximum number of dwelling units allowed per lot or net buildable acre in a single-family subdivision or a multi-family project.

[2] Maximum percentage of site area that may be covered with structures. See the definition of site coverage in Chapter 17.72 (Definitions and Rules of Measurement).

[3] Maximum allowed height of structures, except where a height limitation (HL), or view considerations (VC) overlay zone applies (Sections 17.48.080 (Height Limitations Overlay (HL), and 17.48.110 (View Considerations Overlay (VC), respectively). See also Section 17.50.060 (Height and Height Exceptions (IP)).

[4] These requirements may be reduced by the review authority based on unique site conditions, innovative design, or similar factors.

[5] Does not include required front or street side setback areas and must be usable for passive and/or active recreation.

[6] Minimum dimension shall be five feet. Shall be in the form of patios, decks, fenced yard areas, and similar spaces.

Table 17.40.030-B: Development Standards for Specific Plan Areas

' = feet | sf = square feet | du = dwelling unit | ac = acre | FAR = floor area ratio | – = Not applicable

Standard	Bay Cliff Village	Mattie Road	Pacific Estates	Pismo Oaks	Spyglass Ridge	South Palisades	Sunset Palisades/ Ontario Ridge	Toucan Terrace
Max. Density [1]	8 du/ac	3-10 du/ac	4.5 du/ac	4.5 du/ac	8 du/ac	7 du/ac	1 du/ac	8 du/ac
Min. Setbacks								
Front	20' or 20% avg lot depth (min 10') [6]	15'	20' or 20% avg lot depth (min 10') [6]	15'	20' or 20% avg lot depth (min 10') [6]	20'	Mfd. home: 12.5'	
Garage	15'		15'		15'		20'	
Side (Min-Max)	10% lot width (4'-5') Street side: 20% lot width (7'-10')				10% lot width (4'-5')	½ structure height	10'	3'-5'
Rear (Min-Max)	10% avg. lot depth (5-10)							
From Blufftop	Blufftop setbacks shall be determined in compliance with Subsection 17.48.040.E (Bluff Hazard, Erosion, and Bluff Retreat Criteria and Standards).							
Highway 101	–	50'	5' (w/ solid wall)	–	50'	–	–	–
Max Site Coverage [2]	55%					40%	55%	
Max FAR	0.80					0.60	0.80	
Max Height [3]	25' [4]	25'			25' [4]	15'/25' [5]	25'	

Notes:

[1] Maximum number of dwelling units allowed per lot or net buildable acre in a single-family subdivision or a multi-family project.

[2] Maximum percentage of site area that may be covered with structures. See the definition of site coverage in Chapter 17.72 (Definitions).

[3] Maximum allowed height of structures, except where a height limitation (HL), or view considerations (VC) overlay zone applies (Sections 17.48.080 (Height Limitations Overlay (HL)), and 17.48.110 (View Considerations Overlay (VC)), respectively). See also Section 17.50.060 (Height and Height Exceptions (IP)).

[4] Limited to three (3) stories. Floors above the first (1st) shall be stepped back up the hillside.

[5] Height is limited to fifteen (15) feet from site grade for first row of structures nearest the blufftop park. For structures between Shell Beach Road and Highway 101, height is limited to below the nearest freeway lane elevation. Elsewhere, height is limited to twenty-five (25) feet.

[6] Whichever is lesser.

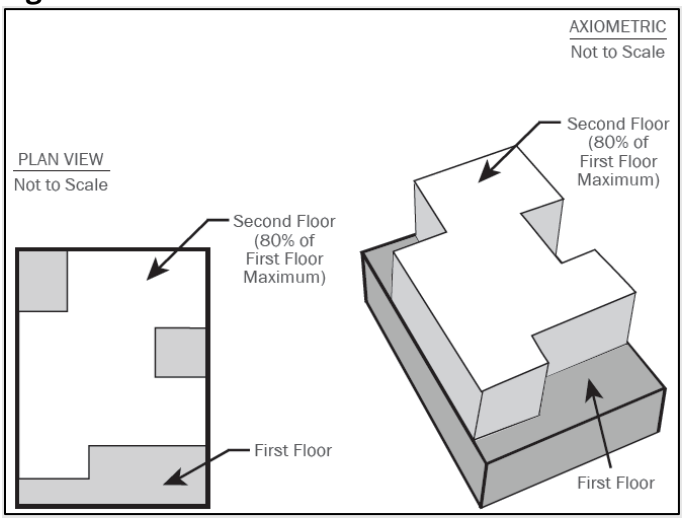
17.40.040 Residential Design Standards and Guidelines

A. **Purpose**
This section provides residential design standards and guidelines to achieve high quality residential development consistent with the General Plan/Local Coastal Plan.

B. **Applicability**
1. **Single-Family Dwelling Design Standards**
The provisions of Subsection 17.40.040.C (Single-Family Dwelling Design Standards) shall apply to all single-family and residential projects requiring a Development Permit in compliance with Chapter 17.10 (Development Permits).
2. **Multi-Family Dwelling Design Guidelines**
The guidelines in Subsection 17.40.040.D (Multi-Family Project Design Guidelines) apply only to multi-family residential projects requiring discretionary Development Permit review pursuant to Chapter 17.10 (Development Permits).
3. **Review Authority Discretion**
The review authority may exercise discretion in applying these guidelines and may approve alternatives when the review authority determines that a design feature proposed by the applicant achieves substantially the same results.
4. **Ministerial Multi-Family Projects**
Multi-family residential projects qualifying for ministerial approval under Chapter 17.32 (Zoning Clearance for Streamlined Housing Review) are not subject to the guidelines in Subsection 17.40.040.D (Multi-Family Project Design Guidelines) and shall instead comply with the objective design standards in Chapter 17.68 (Multi-Family and Mixed-Use Objective Design Standards (IP)).

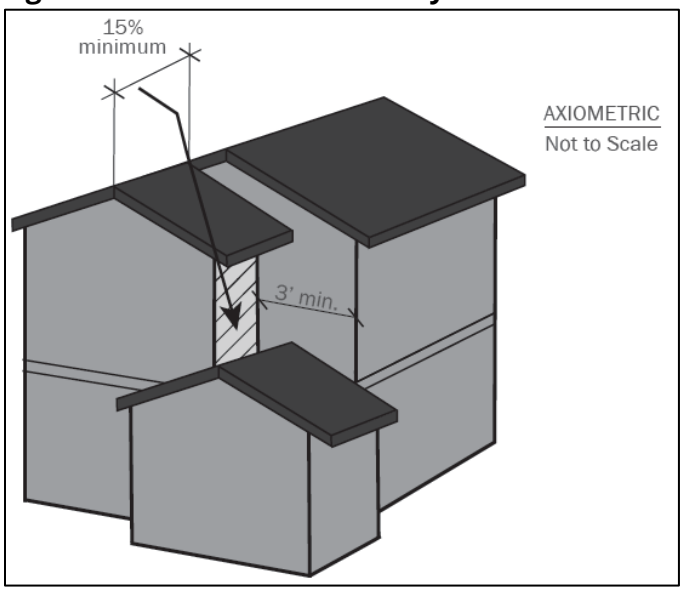
C. **Single-Family Dwelling Design Standards**
The objectives of the single-family design standards are to provide specific means to articulate visible walls, to prevent the appearance of "top-heavy" buildings, and to create neighborhood-friendly residences that do not overwhelm the street, consistent with the General Plan/Local Coastal Plan.
1. **Scale and Massing**
    a. For single-family residential lots greater than three thousand (3,000) square feet, the amount of gross floor area on the second floor shall not exceed eighty percent (80%) of the amount of gross floor area on the ground floor, as determined by the area contained within the exterior walls including footprint of stairs on the ground floor and airspace (i.e., vaulted ceilings or elevators).

Figure 17.40.040-1: Second Floor Gross Floor Area



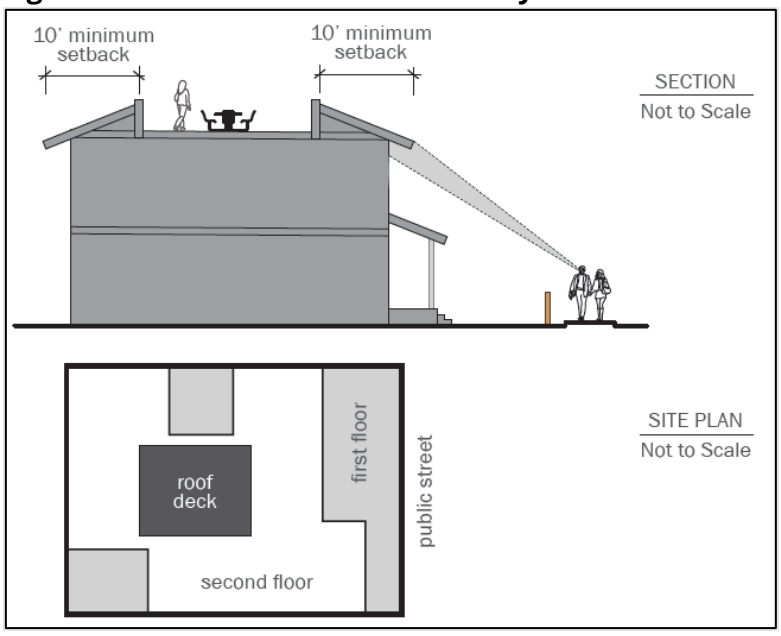
b. For single-family residential lots less than three thousand (3,000) square feet, the amount of gross floor area on any second (2nd) floor area shall not exceed seventy percent (70%) of the amount of gross floor area on the ground floor, as determined by the area contained within the exterior walls including footprint of stairs on the ground floor and airspace (i.e., vaulted ceilings or elevators).
c. Fifteen percent (15%) of the width of the second (2nd)-story side elevations shall be stepped back a minimum of three (3) feet, including roof overhangs.

Figure 17.40.040-2: Second Story Side Setback



2. **Roof Forms and Roof Decks**
    a. The permitted area of all roof decks shall not exceed twenty-five percent (25%) of total square footage of the second floor of the structure or three hundred (300) square feet, whichever is less. Where a roof deck is proposed on a single-story dwelling, all roof decks shall not exceed fifty percent (50%) of total square footage of the first floor or six hundred (600) square feet, whichever is less.
    b. Roof decks shall be setback a minimum of ten (10) feet from front, side, and rear yard roof eaves. Where ten (10) feet setbacks on front or rear are impractical due to building and/or roof design, the review authority may allow up to a five (5)-foot reduction to this setback standard. Access to roof decks is allowed within required roof deck setbacks and shall not be considered a part of the roof deck square footage.

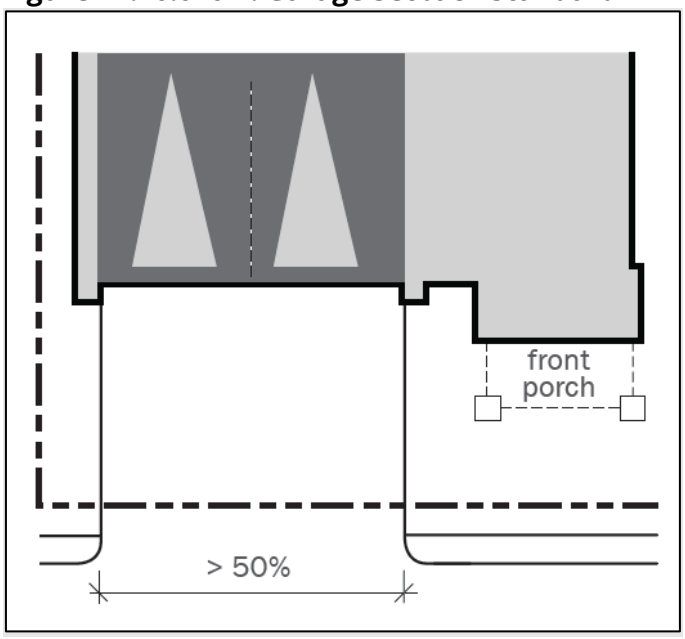
Figure 17.40.040-3: Roof Deck Visibility



    c. Exterior stairs shall not be visible from the public right-of-way.
3. **Design Features**
    a. **Garages**
        i. Garages shall have roll-up or similar types of garage doors to maximize parking area on the driveway apron and to avoid the obstruction of sidewalks by parked vehicles.
        ii. Where the width of the garage exceeds fifty percent (50%) of the linear front or side elevations, the garage shall be recessed a minimum of five (5) feet from the front wall of the house or an

entry porch or trellis extending in front of the face of the garage shall be provided.

Figure 17.40.040-4: Garage Setback Standard



iii. To minimize the dominance of garage doors along the street frontage, no three (3)-car garages shall be allowed with side-by-side garage doors on lots less than sixty (60) feet wide.

iv. On lots larger than three thousand (3,000) square feet, driveways shall accommodate two (2) parking spaces that meet the minimum City standards for parking space dimensions.

b. **Façade Articulation**

i. The front building elevations shall be designed so that a minimum of thirty percent (30%) of the width of the second (2^{nd})-story front elevation is stepped back a minimum of three (3) feet.

ii. Similarly, the side building elevations shall be designed so that a minimum of fifteen percent (15%) of the width of the second (2^{nd})-story side elevation is stepped back a minimum of three (3) feet, including the roof overhang.

c. **Roof Articulation**

Roofs shall be designed to ensure a minimum separation of twenty-four (24) inches between gable and hip roof heights within the overall expanse of the roof. Roofs may cantilever into any required setback by no more than thirty (30) inches and must not project any closer than thirty (30) inches from any property line.

D. **Multi-Family Project Design Guidelines**

The following guidelines are intended to promote building-to-street relationships, pedestrian connectivity, and high-quality support facilities for multi-family projects.

1. **Building Relationship to the Street**
    a. All dwelling units located along streets shall have the primary entrance facing the street. Exceptions to this requirement may be approved where the site is located on a major arterial carrying high traffic volumes.
    b. Dwelling units located in the interior of a multi-family development shall be designed so that the primary entryway is visible from a pedestrian pathway that is connected to a street.
    c. Building entrances shall have a roofed projection (such as a porch) or recess with a minimum depth of at least five (5) feet and a minimum horizontal area of thirty (30) square feet. Exceptions to this requirement may be approved for alternative designs that create a welcoming entry feature facing the street, such as a trellis or landscaped courtyard entry.
2. **Support Facilities**
    a. The design of laundry facilities, recreation buildings, sales/lease offices and other support structures shall be consistent with the site's primary structures (e.g., materials, colors, etc.).
    b. **Materials**
    Exterior materials shall be durable and require low maintenance. Piecemeal embellishment and frequent changes in materials shall be avoided. Natural materials including wood, stone, and brick that blend with the natural surroundings shall be used.
    c. **Roof Materials**
    Brightly colored roofing materials that make the buildings stand out shall be avoided.

Chapter 17.41 Reserved

Chapter 17.42 Commercial and Mixed-Use Zones (IP)

Sections:

17.42.010 Purpose

17.42.020 Commercial and Mixed-Use Land Use Regulations

17.42.030 Commercial and Mixed-Use Development Standards

17.42.040 Commercial and Mixed-Use Design Standards and Guidelines

17.42.010 Purpose

This chapter provides regulations applicable to development and new land uses in the commercial and mixed-use zones established in Section 17.36.020 (Zones Established). Zones with "-C" apply only to those parcels determined to be within the Coastal Zone. Commercial zones without a "-C" suffix apply outside the Coastal Zone and are not part of the certified Local

Coastal Program Implementation Plan. The purpose of the individual commercial and mixed-use zones and the manner in which they are applied is as follows:

A. **Retail Commercial Zone (C-1 and C-1-C)**
The C-1 and C-1-C zones are intended to provide appropriately located areas and opportunities for retail stores, offices, and service establishments for the convenience of the public in order to encourage mutually beneficial relationships that produce stable, attractive commercial development and a pleasant pedestrian shopping environment.

B. **General Commercial Zone, Coastal (C-2-C)**
The C-2-C zone is intended to provide appropriately located areas for a broad range of commercial uses, including retail, office, visitor-serving, cultural, and personal services, as well as automotive-related commercial services. This zone accommodates commercial activities that may require greater vehicle access or operational characteristics not suited to pedestrian-oriented retail zones.

C. **Village Commercial Zone, Coastal (VC-C)**
The VC-C zone is intended to provide appropriately located areas and opportunities for retail stores, offices, services, and mixed-uses for the convenience of the public in order to encourage mutually beneficial relationships that produce stable, attractive commercial development and a pleasant pedestrian shopping environment.

D. **Visitor Lodging, Coastal (VL-C)**
The VL-C zone is designed to accommodate and cater to the needs of tourist-serving lodging and other facilities.

E. **Commercial Recreation Zone, Coastal (CR-C)**
The CR-C zone is intended for areas suitable for recreational vehicle parks and other visitor-serving uses.

F. **Commercial Downtown Zone, Coastal (CD-C)**
The CD-C zone is intended to provide intensive retail commercial, recreational, and cultural uses, oriented towards pedestrian visitors. The CD-C zone is also intended to enhance the natural features of the downtown area, including the Pacific coastline and the Pismo Creek area.

G. **Mixed-Use Zone, Coastal (MU-C)**
The MU-C zone is intended for locations in the downtown that are more community serving for local residents, including food markets, drug stores, health services, and professional offices, and for mixed use projects including commercial, residential, hotels and motels, and other multiple-use projects.

17.42.020 Commercial and Mixed-Use Land Use Regulations

Table 17.42.020-A (Allowed Uses and Permit Requirements for Commercial and Mixed-Use Zones) identifies the uses of land allowed by this Zoning Code in each commercial and mixed-use zone and the land use permit required to establish each use. Land uses that are not listed in the tables or are not shown in a particular zone are not allowed, except as otherwise provided by Subsection 17.02.020.D (Allowable Uses of Land), or Section 17.38.030 (Exemptions from Land Use Permit Requirements).

Table 17.42.020-A: Allowed Uses and Permit Requirements for Commercial and Mixed-Use Zones

P = Permitted use | MUP = Minor Use Permit required | CUP = Conditional Use Permit required | – = Use not permitted

Additional permits or approvals may be required (see Section 17.38.050)

Land Use	C-1	C-1-C	C-2-C	VC-C	VL-C [1]	CR-C [1]	CD-C	MU-C [3]	Reference
Agriculture, Resource, and Open Space Uses									
Agriculture – Non-commercial	–	–	–	–	CUP	–	–	P	
Urban agriculture	MUP	MUP	–	MUP	–	–	–	MUP	Section 17.66.240
Manufacturing and Processing Uses									
Food and beverage product manufacturing	–	–	–	–	–	–	–	CUP	
Handcraft industries, small-scale manufacturing	CUP	–	–	–	–	–	CUP–	CUP	
Printing and publishing	P	–	–	–	–	–	–	–	
Recycling facilities – Reverse vending machines	P	P	P	P	P	P	P	P	Section 17.66.190
Recycling facilities – Small collection facilities	P	–	–	–	–	–	–	–	Section 17.66.190
Recreation, Education, and Public Assembly Uses									
Adult businesses	P	–	–	–	–	–	–	–	
Community assembly	CUP	CUP	P	CUP	–	–	CUP	CUP	
Health/fitness facilities	CUP	CUP	–	CUP	–	–	–	–	
Indoor commercial recreation facilities	CUP	CUP	CUP	CUP	–	CUP	CUP	–	
Libraries and museums	–	–	–	CUP	–	–	MUP	MUP	
Outdoor commercial recreation facilities	CUP	CUP	CUP	CUP	–	CUP	–	CUP	
Parks and playgrounds	MUP	MUP	MUP	P	CUP	CUP	P	P	
Private residential recreation facilities	–	–	–	–	–	CUP	–	CUP	
Recreational vehicle (RV) parks	–	–	–	–	–	P	–	–	

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Land Use	C-1	C-1-C	C-2-C	VC-C	VL-C [1]	CR-C [1]	CD-C	MU-C [3]	Reference
Schools	CUP	CUP	CUP	–	–	–	–	CUP	
Studios – Art, photography, etc.	–	–	–	–	–	–	–	P	
Theaters, motion picture	CUP	CUP	CUP	CUP	–	–	CUP	CUP	
Residential Uses									
Accessory dwelling units	–	P	P	–	P	–	–	P	Section 17.66.020
Boarding houses	–	–	–	–	–	–	–	CUP	
Child day care facilities – Large family day care home	P	P	P	P	P	–	P	P	Section 17.66.070
Child day care facilities – Small family day care home	P	P	P	P	P	–	P	P	Section 17.66.070
Duplexes	–	–	–	–	CUP	–	–	P	
Emergency shelters	P	–	–	–	–	–	P	P	Section 17.66.090
Employee housing – 6 or fewer workers	–	–	–	–	CUP	–	–	P	
Employee housing – 7 or more workers	–	–	–	–	CUP	–	–	CUP	
Community care facility (All types) – 6 or fewer clients	P	P	P	P	CUP	–	P	P	
Community care facility (All types) – 7 or more clients	–	–	–	–	CUP	–	CUP	CUP	
Home occupations	P	P	P	P	P	–	P	P	Section 17.66.110
Mixed-use residential	CUP	CUP	CUP	CUP	CUP	–	CUP	CUP	Section 17.66.130
Mobile home parks	–	–	–	–	–	–	–	–	Section 17.66.140

Table 17.42.020-A: Allowed Uses and Permit Requirements for Commercial and Mixed-Use Zones

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Additional permits or approvals may be required (see Section 17.38.050)

Land Use	C-1	C-1-C	C-2-C	VC-C	VL-C [1]	CR-C [1]	CD-C	MU-C [3]	Reference
Mobile homes[2]	–	–	–	–	CUP	–	–	CUP	Section 17.66.150
Multi-family dwellings	–	CUP	CUP	–	CUP	–	–	P	Section 17.68.030
Residential accessory uses and structures	–	P	P	–	P	–	–	P	Section 17.66.030
Residential Care Facility for the Elderly – 6 or fewer clients	P	P	P	P	P	–	P	P	
Residential Care Facility for the Elderly – 7 or more clients	–	–	–	–	CUP	–	CUP	CUP	
Short-term rentals and homestays	–	–	–	–	–	–	–	–	Chapter 17.64
Single-family dwellings	–	–	–	–	CUP	–	–	CUP	
Supportive housing	P	P	P	P	P	–	P	P	
Transitional housing	P	P	P	P	P	–	P	P	
Retail Trade Uses									
Accessory retail uses	P	P	P	P	P	P	P	P	Section 17.66.040
Art, antique, collectable, and gift sales	P	P	P	P	P	–	P	P	
Auto and vehicle sales/rental	P	CUP	P	–	–	–	–	–	Section 17.66.060
Auto parts sales	P	P	P	–	–	–	–	–	
Bars and night clubs	CUP	CUP	–	CUP	–	–	CUP	CUP	
Convenience/liquor stores	P	P	P	P	P	–	P	P	
Drive-in and drive-through sales	CUP	CUP	CUP	–	–	–	–	–	Section 17.66.080
Farmer's markets	CUP	CUP	–	–	–	–	–	CUP	Section 17.66.100

Table 17.42.020-A: Allowed Uses and Permit Requirements for Commercial and Mixed-Use Zones

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Additional permits or approvals may be required (see Section 17.38.050)

Land Use	C-1	C-1-C	C-2-C	VC-C	VL-C [1]	CR-C [1]	CD-C	MU-C [3]	Reference
Furniture, furnishings, and appliance stores	P	P	P	–	–	–	–	P	
General retail stores (All types)	P	P	P	P	P	–	P	P	
Grocery stores	P	P	P	CUP	CUP	–	CUP	CUP	
Mobile home, recreational vehicle, and boat sales	CUP	CUP	CUP	–	–	–	–	–	
Nonpermanent vendors	See Section 17.66.160 (Nonpermanent Vendors)								Section 17.66.160
Outdoor dining	See Section 17.66.170 (Outdoor Dining)								Section 17.66.170
Outdoor retail sales and storage	See Section 17.66.180 (Outdoor Retail Sales and Storage)								Section 17.66.180
Plant nurseries and garden supply stores	CUP	CUP	CUP	CUP	–	–	P	–	
Restaurants	P	P	P	P	P	–	P	P	
Shopping centers	CUP	P	P	CUP	–	–	CUP	CUP	
Warehouse retail stores	CUP	P	P	–	–	–	–	–	Section 17.66.260
Service/Commercial Uses									
Automated teller machines (ATMs)	P	P	P	P	P	–	P	P	
Business support services	P	P	P	P	–	–	P	P	
Car washes	CUP	CUP	CUP	–	–	–	–	–	Section 17.66.060
Child day care facilities – Child day care center	–	P	P	MUP	–	–	–	CUP	Section 17.66.070
Funeral parlors and interment services	–	–	CUP	–	–	–	–	–	

Table 17.42.020-A: Allowed Uses and Permit Requirements for Commercial and Mixed-Use Zones

P = Permitted use | MUP = Minor Use Permit required | CUP = Conditional Use Permit required | – = Use not permitted

Additional permits or approvals may be required (see Section 17.38.050)

Land Use	C-1	C-1-C	C-2-C	VC-C	VL-C [1]	CR-C [1]	CD-C	MU-C [3]	Reference
Drive-in and drive-through services	CUP	–	–	–	–	–	–	–	Section 17.66.080
Equipment rental	–	–	CUP	–	–	–	–	–	
Lodging – Hotels or motels	CUP	CUP	CUP	CUP	P	–	P	P	Section 17.66.120
Lodging – Bed and breakfast inns	CUP	CUP	CUP	CUP	P	–	P	P	
Medical services – Clinics and laboratories	P	P	P	–	–	–	–	P	
Offices (All types) – Ground floor	P	MUP	P	CUP	–	P	–	CUP	
Offices (All types) – Second or upper floor	P	P	P	P	–	–	–	P	
Parking facilities/vehicle storage – Privately owned/operated	–	CUP	CUP	CUP	–	–	CUP	CUP	
Parking facilities/vehicle storage – Recreational vehicles	–	CUP	CUP	–	–	CUP	–	–	
Personal services	P	P	P	P	P	–	P	P	
Public safety facilities	P	CUP	CUP	P	–	–	P	P	
Public utility facilities	CUP	CUP	CUP	CUP	–	–	–	CUP	
Repair services – Non-vehicular	P	P	P	MUP	–	–	–	CUP	
Service stations	CUP	CUP	CUP	–	–	–	–	–	Sections 17.66.060 17.66.200
Storage yards	–	CUP	CUP	–	–	–	–	–	Section 17.66.210
Storage, accessory	P	P	P	P	P	P	P	P	

Table 17.42.020-A: Allowed Uses and Permit Requirements for Commercial and Mixed-Use Zones

P = Permitted use | MUP = Minor Use Permit required | CUP = Conditional Use Permit required | – = Use not permitted

Additional permits or approvals may be required (see Section 17.38.050)

Land Use	C-1	C-1-C	C-2-C	VC-C	VL-C [1]	CR-C [1]	CD-C	MU-C [3]	Reference
Storage, personal storage facility (mini-storage)	–	–	CUP	–	–	–	–	–	
Tattoo parlors	–	P	P	MUP	p	–	CUP	–	
Wireless communication facilities, major	CUP	P	P	CUP	–	–	CUP	CUP	Section 17.66.220
Wireless communication facilities, minor	CUP	CUP	CUP	CUP	–	–	CUP	CUP	Section 17.66.220
Vacation rentals	–	P	–	–	P	–	–	P	
Vehicle services – Maintenance/minor repair	CUP	CUP	P	–	–	–	–	CUP	Section 17.66.060
Vehicle services – Major repair/body work	CUP	–	P	–	–	–	–	–	Section 17.66.060
Veterinary clinics, animal hospitals, and animal boarding	–	P	P	–	–	–	–	P	Section 17.66.250

Notes:

[1] Non-visitor serving commercial uses allowed only if the review authority finds that the size, shape, or location of the parcel make it inappropriate for a visitor-serving use; or the use is low- or moderate-income housing that is clearly subordinate and accessory to an on-site hotel or motel use and is established for, and limited to occupancy by, employees of the hotel, motel, or other nearby visitor-serving establishments.

[2] Mobile homes on permanent foundation consistent with California Government Code 65852.3 and Section 17.66.150 (Mobile Homes).

[3] Any use proposed on parcels in California Coastal Commission retained jurisdiction requires a CUP.

17.42.030 Commercial and Mixed-Use Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures shall be designed, constructed, and/or established in compliance with the requirements in Table 17.42.030-A (Development Standards for Commercial and Mixed-Use Zones), in addition to the applicable development standards in Chapter 17.50 (General Site Regulations) through Chapter 17.62 (Signs).

Table 17.42.030-A: Development Standards for Commercial and Mixed-Use Zones

' = feet | sf = square feet | du = dwelling unit | ac = acre | FAR = floor area ratio | SFR = single-family residence | – = Not applicable

Standard	C-1	C-1-C	C-2-C	VC-C	VL-C	CR-C	CD-C	MU-C
Min. Lot Size [1]								
Lot Area (sf)	– [2]	– [2]	– [2]	– [2]	20,000	RV park: 2 ac	5,000	5,000
Lot Width	– [2]	– [2]	– [2]	– [2]	75'	100'	–	–
Min. Density	–	–	–	–	1 du/4,840 sf of parcel area [3]	–	–	1 du/4,840 sf of parcel area
Max. Density	–	1 du/ 1,450 sf	–	1 du/ 1,450 sf	1 du/ 1,450 sf [4]	–	1 du/1,450 sf [4]	1 du/ 1,450 sf
Min. Setbacks								
Front	10'	–	– [2] Abutting res: 5'		15'	15'	Abutting res.: 10' [5]	–
Side (Min-Max)								
Corner lot	– [2]	–	–	–	20% lot width (7'-10')	–	–	Res: 5'
Interior lot	– [2]	–	–	–	10% lot width (4'-5')	–	–	Res: 5'
Rear (Min-Max.)	– [2]	–	–	–	10% avg. lot depth (5'-10')	–	–	Res: 5' Comm: –
From Blufftop	Blufftop setbacks shall be determined in compliance with Subsection 17.48.040.E (Bluff Hazard, Erosion, and Bluff Retreat Criteria and Standards).							
Max. Site Coverage [6]								
Residential	–	80%	80%	80%	55%	–	80%	55%
Commercial	–	80%	80%	80%	55%	–	80%	70%
Max. FAR	2.0	2.0	2.0	2.0	1.25 SFR: see R-1-C	1.25	2.0	Comm: 2.0
Max. Height [7]	35'	35'	35'	35'	35' SFR: 25'	35'	35' [8]	35' SFR: 25'

Notes:

[1] Minimum area for parcels proposed in new subdivisions.

[2] Determined by land use or Development Permit.

[3] Only applicable to multi-family residential and mixed-use developments.

[4] For hotels and motels, one (1) single-room unit per five hundred (500) sf, one (1) multi-room suite per eight hundred (800) sf.

[5] A minimum of fifty percent (50%) of the width of the first floor shall be located along the front property line.

[6] Greater site coverage may be authorized through Conditional Use Permit approval.

[7] Maximum allowed height of structures, except where a height limitation (HL), or view considerations (VC) overlay zone applies (Sections 17.48.080 (Height Limitations Overlay (HL)), and 17.48.110 (View Considerations Overlay (VC)), respectively).

[8] See Section 17.48.080 (Height Limitations Overlay (HL)) for height limits on sites adjacent to the boardwalk area.

17.42.040 Commercial and Mixed-Use Design Standards and Guidelines

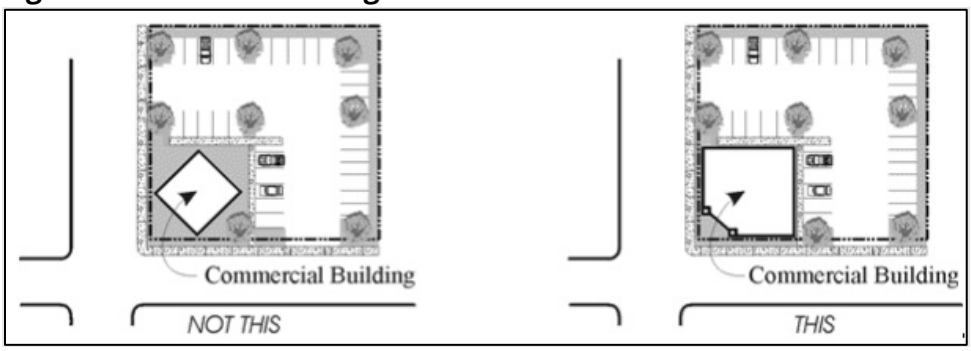
A. **Purpose**
This section provides commercial design standards and guidelines to achieve high quality commercial and mixed-use development consistent with the General Plan/Local Coastal Plan.

B. **Applicability**
1. **Site Planning and Building Design Standards Citywide**
The provisions of Subsections C and E shall apply to all projects in commercial and mixed use zones requiring a Development Permit in compliance with Chapter 17.10 (Development Permits).
2. **Commercial and Mixed-Use Projects Downtown**
The provisions of Subsections D and F shall apply only to projects in commercial and mixed-use zones in the Downtown Core Planning Area requiring a Development Permit in compliance with Chapter 17.10 (Development Permits).
3. **Review Authority Discretion**
The review authority may exercise discretion in applying these standards and guidelines to proposed projects. The review authority may approve alternatives to these standards when the review authority determines that a design feature proposed by the applicant achieves substantially the same results as these standards.
4. **Ministerial Multi-Family and Mixed-Use Projects**
Multi-family and mixed-use projects qualifying for ministerial approval under Chapter 17.32 (Zoning Clearance for Streamlined Housing Review) are not subject to the guidelines of this section and shall instead comply with the objective design standards in Chapter 17.68 (Multi-Family and Mixed-Use Objective Design Standards (IP)).

C. **General Site Planning Standards**
Project site planning shall comply with the following standards:
1. **Site Planning and Neighborhood Character**
    a. Buildings and plazas shall be oriented towards the site's primary public street and placed at the property lines (back of sidewalk) to define the street frontage and pedestrian areas. Where buildings are not placed at the property line, a publicly accessible outdoor use area shall be provided.
    b. Parking areas shall be located behind, on the side, or underground from the main building.
2. **Building and Parking Location**
    a. Building frontages shall generally be oriented parallel to streets and pedestrian walkways.
    b. Commercial sites (i.e., shopping centers) shall be designed to locate a minimum of thirty percent (30%) of the total building frontage (including pad buildings) close to the front setback line.

c. Corner buildings shall not be placed at an angle to the corner. This does not preclude angled building corners or an open plaza at the corner which are strongly encouraged. See Figure 17.42.040-1 (Building Placement at Street Corners).

Figure 17.42.040-1: Building Placement at Street Corners



d. Multiple buildings in a single project shall be clustered to create opportunities for plazas and pedestrian areas, or a visual link shall be established between buildings through the use of an arcade system, trellis, colonnade, or enhanced paving.
e. Parking lots shall be located to be least visible from the street and include screening and landscaping consistent with Section 17.60.080 (Parking Design Guidelines).
f. Projects shall connect the on-site pedestrian circulation system to the off-site public sidewalk at intervals of one connection for each one hundred (100) lineal feet (or fraction).
g. Parking areas shall be connected to building entrances by means of enhanced paving (patterned or stamped).

3. **Roof Forms**
   a. Roof elements shall continue all the way around the building and not just be utilized in the most visible locations.
   b. Roof elements shall be painted to match the roof color.
4. **Required Openings**
   Exterior walls facing any front- or street-facing lot line must include windows, doors, or other openings for at least thirty percent (30%) of the building wall area located between three (3) and seven (7) feet above the elevation of the sidewalk. Openings fulfilling this requirement have transparent glazing and provide views into work areas, sales areas, lobbies, or similar active spaces or into window displays that are at least three feet deep.

D. **Downtown Site Planning Standards**
The following requirements apply to development within commercial and mixed-use zones in the Downtown Core Planning Area.

1. **Requirements for Pedestrian Plazas**
    a. **Applicability**
    The following proposed projects shall be required to incorporate a pedestrian plaza:
        i. Any visitor-serving commercial development fronting Cypress Street or the ocean, except that those that project on ocean-fronting parcels which construct a boardwalk are exempt from this requirement.
        ii. Any commercial development on a lot over five thousand (5,000) square feet.
    b. **Minimum Area**
    A required pedestrian plaza shall be designed and constructed with a minimum area of one hundred (100) square feet for every five thousand (5,000) square feet of site area or portion.
    c. **Ineligible Space for a Pedestrian Plaza**
    The following shall not qualify as part of any required pedestrian plaza:
        i. Portions of a site that are not related to areas of primary pedestrian circulation;
        ii. Pathways and entrances to buildings necessary for normal pedestrian circulation; and
        iii. Areas identified for exclusive use by employees or by business customers, such as outdoor dining areas or lobbies.
    d. **Design Standards**
    The following standards shall apply to the design and construction of required pedestrian plazas:
        i. The design shall incorporate seating, enhanced paving materials, shade trees, and/or trellises, lighting, and landscaping. Container plants are appropriate for small areas.
        ii. The plaza area shall be open to the sky except for shade trellises and roof overhangs.
        iii. The plaza shall be located either at ground level or at a maximum of five feet above ground level as measured at the nearest street curb. The plaza shall be accessible to the general public during normal business hours.
        iv. Decorative planters of ceramic, terra-cotta, or wood shall be incorporated into the design of the plaza.
        v. A visual focal point feature shall be provided in each public plaza. This may be a sculpture, a fountain, special landscape feature, or other distinguishing focal point.
        vi. General lighting for a plaza area shall be between 1.0 to 1.5 footcandles; areas that must be secured shall have 2.0 footcandle of lighting.
2. **Incentives for Pedestrian Plazas**
    To incentivize the development of larger public pedestrian plazas than required

or to provide for a new plaza on an existing developed lot, the following bonuses may be approved by the review authority:

a. For every two hundred (200) square feet of pedestrian plaza provided, the number of on-site parking spaces required by Chapter 17.60 (Parking and Loading) may be reduced by one (1) parking space, provided that a finding is made that adequate parking will be available to serve the project; and/or
b. For every one percent (1%) of the site area provided in public pedestrian plazas, the maximum allowable building floor area may be increased by two percent (2%) of the site area, provided that all other applicable zoning, building, and safety codes are met and the development would not result in significant adverse coastal resource impacts.
c. The review authority may approve adjustments to the above incentives to take into consideration site irregularities or constraints, the location of the site within the overall downtown area, relationship of the project to adjacent structures and uses, and any other unique attributes of the project.

E. **General Building Design Standards**

1. **Form and Mass**
   Commercial structures shall incorporate horizontal and vertical wall articulation through the use of wall offsets, recessed windows and entries, awnings, roof overhangs, second (2nd) floor setbacks, and/or covered arcades.
2. **Rooflines**
   When flat roofs are used, there shall be a screening parapet topped with a coping, cornice, or, if determined appropriate to the project's style, a modified mansard.
3. **Entries**
   Commercial structures shall have entries protected from the elements and that create a focus or sense of entry for the building.
4. **Building Materials**
   Veneers shall turn corners to avoid exposed edges.

F. **Downtown Building Design Standards**

This subsection provides supplemental building design standards for commercial and mixed-use zones in the Downtown Core Planning Area.

1. **Storefront Renovation**
   When storefronts are to be remodeled, they shall be considered within the context of the whole building and adjacent storefronts. New design elements that alter the architectural character of the building or its relationship to the street are prohibited. New materials that are different or incompatible with materials on the rest of the building are strongly discouraged.
2. **Building Materials**
   The following standards apply to new development, including additions and renovations of existing buildings:
   a. Allowed materials for exterior walls:
      i. Painted wood siding (horizontal and vertical);

ii. Brick (natural earth colors only);
iii. Stucco;
iv. Wood trim;
v. Single color tile when used on bulkheads (below windows) not above three feet in height; and
vi. Anodized aluminum in dark colors for door and window frames.

b. Undesirable/discouraged materials for exterior walls:
i. Plastic molded imitations of any building material;
ii. Corrugated metal or aluminum sheets;
iii. Mirrored or metallized reflective glass;
iv. Stucco treated as "hacienda" texture or other heavy texture;
v. Silver aluminum extrusions for windows and doors;
vi. Coarsely finished "rustic" materials (wood shakes, barnwood, or stained fir plywood);
vii. Variegated brick, oversized brick, and white brick mortar; and
viii. Indoor-outdoor carpeting.

3. **Roof Design and Materials**
The following standards apply to new development, including additions and renovations to existing buildings:
a. Nearly vertical roofs (A-frames) and piecemeal mansard roofs (used on a portion of the building perimeter only) are prohibited.
b. When skylights are used on sloping roofs, a flat design is required. "Bubble" design skylights are prohibited.
c. Allowed materials for visible roof surfaces in new development and additions and/or renovations to existing development include: slate, standing metal seam, and tile in natural colors. The use of a metal roof shall require Conditional Use Permit approval.
d. Prohibited roof materials for new development and additions and/or renovations to existing development include: corrugated metal, high contrast and/or brightly-colored glazed tile, (except where desirable for accent purposes) highly reflective surfaces, illuminated roofing, and wood shakes.

4. **Doors and Windows**
The following standards apply to all new development, including additions and renovations of existing structures:
a. Exterior walls facing any front- or street-facing lot line must include windows, doors, or other openings for at least thirty percent (30%) of the building wall area located between three (3) and seven (7) feet above the elevation of the sidewalk. Openings fulfilling this requirement have transparent glazing and provide views into work areas, sales areas, lobbies, or similar active spaces or into window displays that are at least three (3) feet deep.
b. Upper story street-wall construction shall contain a minimum of thirty-five percent (35%) window area.

c. Large, continuous expanses of glass without careful detailing shall be avoided. Glass areas shall be subdivided by mullions, or decorative millwork to reduce the size of the glass areas.
d. Lightly tinted glass may be used to reduce solar gain; however, deeply-tinted glass and reflective glass which stops views into the interior of buildings shall be prohibited. The reflective coefficient of any glass used shall be less than thirty (30). Where tinted glass is used, the transmittance coefficient shall be greater than thirty (30).
e. Window and door frames may be constructed of any of the following materials: steel, anodized aluminum, wood, wood and metal, and vinyl-covered wood. The materials and finish of the frame shall be appropriate to the overall building character. Silver- and gold-colored aluminum frames are not allowed.

5. **Exterior Colors**
The following standards apply to new development, including additions and renovations of existing buildings:
a. Neutral or soft colors are preferable for large wall surfaces (light gray, cream, beige, tan, light blue, etc.) while brighter or deeper shades provide effective accents and trim colors (brown, dark green, maroon, white, black, charcoal gray, etc.);
b. Walls of intense white color and bright yellow and oranges are not allowed;
c. Buildings shall use no more than three (3) colors;
d. When brick or stone are used on a building, their natural inherent colors shall be maintained; and
e. Contemporary buildings that interpret a historical building style shall follow the traditional color schemes of the particular style.

6. **Awnings and Canopies**
a. The design of awnings shall be compatible to the overall facade on which they are to be placed in terms of size, shape, scale, and color.
b. The highest point of a first(1st)-floor awning shall not be higher than the midpoint of the space between the second (2nd) story windowsills and the top of the first (1st)-floor storefront windows.
c. The overall size and shape of an awning shall be compatible with the size and shape of the door, window, or other feature that it is accenting.
d. A minimum seven (7)-foot vertical clearance between the sidewalk and the lower-most portion of the awning shall be maintained. An eight (8)-foot clearance shall be maintained between the sidewalk and the lowest structure member of the awning.
e. Awnings shall use a single color or two (2)-color stripes.

Chapter 17.43 Reserved

Chapter 17.44 Industrial Zones (IP)

Sections:

17.44.010 Purpose

17.44.020 Industrial Land Use Regulations

17.44.030 Industrial Development Standards

17.44.010 Purpose

This chapter provides regulations applicable to development and new land uses in the industrial zones established in Section 17.36.020 (Zones Established). Zones with "-C" apply only to those parcels determined to be within the Coastal Zone. Industrial zones without a "-C" suffix apply outside the Coastal Zone and are not part of the certified Local Coastal Program Implementation Plan. The purpose of the individual industrial zones and the manner in which they are applied is as follows:

A. **Service Industrial Zone (I and IC-C)**
The I and I-C zones are applied to areas appropriate for more intensive commercial and non-polluting, light manufacturing, and industrial uses.

17.44.020 Industrial Land Use Regulations

Table 17.44.020-A (Allowed Uses and Permit Requirements for Industrial Zones) identifies the uses of land allowed by this Zoning Code in each industrial zone and the land use permit required to establish each use. Land uses that are not listed in the tables or are not shown in a particular zone are not allowed, except as otherwise provided by Subsection 17.02.020.D (Allowable Uses of Land), or Section 17.38.030 (Exemptions from Land Use Permit Requirements).

Table 17.44.020-A: Allowed Uses and Permit Requirements for Industrial Zones

P = Permitted use | MUP = Minor Use Permit required | CUP = Conditional Use Permit required | – = Use not permitted

Additional permits or approvals may be required (see Section 17.38.050)

Land Use	I	I-C	Reference
Manufacturing and Processing Uses			
Electronics, equipment, and appliance manufacturing	P	P	
Fabric product manufacturing	P	P	
Food and beverage product manufacturing	P	P	
Furniture and fixtures manufacturing	P	P	
Handcraft industries, small-scale manufacturing	P	P	

Table 17.44.020-A: Allowed Uses and Permit Requirements for Industrial Zones

P = Permitted use | MUP = Minor Use Permit required | CUP = Conditional Use Permit required | – = Use not permitted

Additional permits or approvals may be required (see Section 17.38.050)

Land Use	I	I-C	Reference
Laundries and dry-cleaning plants	P	P	
Metal products fabrication, machine, and welding shops	P	P	
Plastics, other synthetics, and rubber product manufacturing	P	P	
Recycling facilities – Large collection facilities	CUP	–	Section 17.66.190
Recycling facilities – Reverse vending machines	P	–	Section 17.66.190
Recycling facilities – Small collection facilities	P	–	Section 17.66.190
Research and development	P	–	
Warehousing	P	P	
Wholesaling and distribution	P	P	
Residential Uses			
Caretaker unit	P	P	
Emergency shelters	P	–	Section 17.66.090
Retail Trade Uses			
Accessory retail uses	P	–	Section 17.66.040
Auto and vehicle sales/rental	CUP	–	
Auto parts sales	P	–	
General retail stores (All types)	P	–	
Furniture, furnishings, and appliance stores	P	–	
Plant nurseries and garden supply stores	P	–	
Nonpermanent Vendors	See Section 17.66.160 (Nonpermanent Vendors)		Section 17.66.160

Table 17.44.020-A: Allowed Uses and Permit Requirements for Industrial Zones

P = Permitted use | MUP = Minor Use Permit required | CUP = Conditional Use Permit required | – = Use not permitted

Additional permits or approvals may be required (see Section 17.38.050)

Land Use	I	I-C	Reference
Service/Commercial Uses			
Automated teller machines (ATMs)	P	–	
Business support services	P	–	
Car washes	P	–	
Child day care facilities – Child day care center	CUP	–	Section 17.66.070
Equipment rental	CUP	–	
Offices (All types) – Ground floor	–	P	
Offices (All types) – Second or upper floor	–	P	
Parking facilities/vehicle storage – Recreational vehicles	–	P	
Personal services	P	–	
Public safety facilities	P	–	
Public utility facilities	CUP	–	
Storage yard	P	P	Section 17.66.210
Storage, accessory	P	P	
Storage, personal storage facility (mini-storage)	P	P	
Tattoo parlors	CUP	–	
Wireless communication facilities, major	CUP	–	Section 17.66.220
Wireless communication facilities, minor	CUP	–	Section 17.66.220
Vehicle services – Maintenance/minor repair	P	P	
Vehicle services – Major repair/body work	P	P	
Veterinary clinics, animal hospitals, and animal boarding	P	–	Section 17.66.250

17.44.030 Industrial Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures shall be designed, constructed, and/or established in compliance with the requirements in Table 17.44.030-A (Development Standards for Industrial Zones), in addition to the applicable development standards in Chapter 17.50 (General Site Regulations) through Chapter 17.62 (Signs).

Table 17.44.030-A: Development Standards for Industrial Zones

' = feet | sf = square feet | du = dwelling unit | ac = acre | FAR = floor area ratio | – = Not applicable

Standard	I		I-C
	Residential	*Non-Residential*	
Min. Lot Size			
Lot Area (sf)	–	10,000	10,000
Lot Width	50'	75'	75'
Max Density	–[1]	–	–
Min. Setbacks			
Front	– [1]	–	– [1] Abutting res.: 5'
Side/Rear	– [1]	–	–
From Blufftop	–		–
Max. Site Coverage	–[1]		33%
Max. FAR	1.5		1.50
Max. Height	25'	25'	25'

Notes:

[1] Determined by land use permit.

Chapter 17.45 Reserved

Chapter 17.46 Special Purpose Zones (IP)

Sections:

17.46.010 Purpose

17.46.020 Special Purpose Land Use Regulations

17.46.030 Special Purpose Development Standards

17.46.040 Supplemental Regulations

17.46.010 Purpose

This chapter provides regulations applicable to development and new land uses in special purpose zones established in Section 17.36.020 (Zones Established). Zones with "-C" apply only to those parcels determined to be within the Coastal Zone. The purpose of the individual special purpose zones and the manner in which they are applied is as follows:

A. **Mobile Home Zone (MH)**
The MH zone is intended to apply to mobile home parks and mobile home subdivisions.

B. **Public Facilities Zone (PF and PF-C)**
The PF and PF-C zones are applied to areas appropriate for public and semi-public land uses including, but not limited to, government buildings, corporation yards, wastewater treatment plants, etc.

C. **Open Space – Preservation Zone (OS-P)**
The OS-P zone is intended to provide for natural open space and the protection of environmentally sensitive habitats in selected areas of the city while allowing a minimum of structural improvements in these areas.

D. **Open Space – Recreation Zone (OS-R)**
The OS-R zone is intended for areas with significant natural resources, environmentally sensitive habitats, and/or scenic views to be protected and used for recreational uses where compatible with those characteristics.

17.46.020 Special Purpose Land Use Regulations

Table 17.46.020-A (Allowed Uses and Permit Requirements for Special Purpose Zones) identifies the uses of land allowed by this Zoning Code in each special purpose zone, and the land use permit required to establish each use. Land uses that are not listed in the tables or are not shown in a particular zone are not allowed, except as otherwise provided by Subsection 17.02.020.D (Allowable Uses of Land), or Section 17.38.030 (Exemptions from Land Use Permit Requirements).

Table 17.46.020-A: Allowed Uses and Permit Requirements for Special Purpose Zones

P = Permitted use | MUP = Minor Use Permit required | CUP = Conditional Use Permit required | – = Use not permitted
Additional permits or approvals may be required (see Section 17.38.050)

Land Use	MH	PF	PF-C	OS-P	OS-R	Reference
Recreation, Education, and Public Assembly Uses						
Community assembly	–	P	P	–	–	
Indoor commercial recreation facilities	CUP	–	–	–	–	
Visitor-serving uses	–	CUP	CUP	–	–	

Table 17.46.020-A: Allowed Uses and Permit Requirements for Special Purpose Zones

P = Permitted use | MUP = Minor Use Permit required | CUP = Conditional Use Permit required | – = Use not permitted

Additional permits or approvals may be required (see Section 17.38.050)

Land Use	MH	PF	PF-C	OS-P	OS-R	Reference
Outdoor commercial recreation facilities	CUP	P	P	–	–	
Parks and playgrounds	CUP	P	P	–	CUP	
Private residential recreation facilities	CUP	P	P	–	–	
Schools	–	P	P	–	–	
Residential Uses						
Accessory dwelling units	–	–	–	P	P	Section 17.66.020
Child day care facilities – Large family day care home	P	P	P	P	P	Section 17.66.070
Child day care facilities – Small family day care home	P	P	P	P	P	Section 17.66.070
Community care facility (All types) – 6 or fewer clients	P	P	P	P	P	
Community care facility (All types) – 7 or more clients	CUP	CUP	CUP	CUP	CUP	
Home occupations	P	–	–	CUP	CUP	Section 17.66.110
Mobile home parks	P	–	–	–	–	Section 17.66.140
Mobile homes	P	–	–	CUP	CUP	Section 17.66.150
Multi-family dwellings	–	CUP [1]	CUP [1]	–	–	Section 17.68.030
Residential accessory uses and structures	P	–	–	CUP	CUP	Section 17.66.030
Residential Care Facility for the Elderly – 6 or fewer clients	P	P	P	P	P	

Table 17.46.020-A: Allowed Uses and Permit Requirements for Special Purpose Zones

P = Permitted use | MUP = Minor Use Permit required | CUP = Conditional Use Permit required | – = Use not permitted

Additional permits or approvals may be required (see Section 17.38.050)

Land Use	MH	PF	PF-C	OS-P	OS-R	Reference
Residential Care Facility for the Elderly – 7 or more clients	CUP	CUP	CUP	CUP	CUP	
Single-family dwellings	P [2]	–	–	CUP	CUP	
Supportive housing	P	P	P	P	P	
Transitional housing	P	P	P	P	P	
Service/Commercial Uses						
Child day care facilities – Child day care center	–	P	P	–	–	Section 17.66.070
Medical services – Hospitals	–	P	P	–	–	
Parking facilities/vehicle storage – Recreational vehicles	CUP	–	–	–	–	
Offices – Professional (Public)	–	P	P	–	–	
Public safety facilities	–	P	P	–	–	
Public utility facilities	–	P	P	–	–	
Wireless communication facilities, major	–	CUP	CUP	–	–	Section 17.66.220
Wireless communication facilities, minor	–	CUP	CUP	–	–	Section 17.66.220

Notes:

[1] Only publicly subsidized low-cost housing is allowed.

[2] Only modular or manufactured single-family dwellings or subdivisions are permitted.

17.46.030 Special Purpose Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures shall be designed, constructed, and/or established in compliance with the requirements in

Table 17.46.030-A (Development Standard for Special Purpose Zones), in addition to any other applicable requirements of this chapter and the development standards in Chapter 17.50 (General Site Regulations) through Chapter 17.62 (Signs).

Table 17.46.030-A: Development Standard for Special Purpose Zones

sf = square feet | ' = feet | CUP = Conditional Use Permit

Standard	MH	PF	PF-C	OS-P	OS-R
Min. Lot Size (sf) [1]					
Lot Area (sf)	2 acres	Determined by CUP			
Lot Width	100'	–			
Max. Density [2]		–	–	1 unit/parcel	
Setbacks					
Front	15'				
Side (Min-Max)					
Corner lot	20% lot width (7'-10')	Determined by CUP			
Interior lot	10% lot width (4'-5')	Determined by CUP			
Rear (Min-Max)	10% avg. lot depth (5'-10')	Determined by CUP			
From Blufftop	Blufftop setbacks shall be determined in compliance with Subsection 17.48.040.E (Bluff Hazard, Erosion, and Bluff Retreat Criteria and Standards).				
Max. Site Coverage [3]	–	80%	80%	60% or 5,000 sf of the parcel, whichever is less	
Max. FAR	–	2.0	2.0	0.60 or 2,000 sf, whichever is less	
Min. Open Space	–	Determined by CUP			
Max. Height	25' [4]	Res: none Other structures: 25'		Determined by CUP	

Notes:

[1] Minimum area and width for parcels proposed in new subdivisions.

[2] Maximum number of dwelling units allowed for each specified unit of land. No more than sixty percent (60%) or five thousand (5,000) sf of the site, whichever is less, shall be utilized for residential uses including buildings, parking, landscaping, gardening, outdoor living area, or other uses. Within areas visible from U.S. Highway 101, residential structures are only permitted where no other use of the property is feasible, consistent with General Plan/Local Coastal Plan Action COS-3.1e.

[3] Maximum percentage of site area that may be covered with structures. See the definition of site coverage in Chapter 17.72 (Definitions and Rules of Measurement).

[4] In the Pismo Coast Village RV Resort, the maximum height for commercial retail uses shall be thirty-five (35) ft.

17.46.040 Supplemental Regulations

A. **Special Development Standards for Conditional Uses in the OS Zone.**

1. **Minimum Resource Protection Standards**
   Protection of sensitive resources in this zone shall conform to the resource management guidelines established for siting and designing projects in an environmentally sensitive manner, as required by the California Coastal Act, state law, and the General Plan/Local Coastal Plan.
2. **Additional Development Standards**
   The following development standards apply to specific areas and land uses within the OS-P zone in addition to the provisions of Section 17.46.030 (Special Purpose Development Standards).
   a. **Streams or Riparian Areas**
      Proposed development and new land uses within stream or riparian areas shall be subject to the criteria in Section 17.50.100 (Environmentally Sensitive Habitat Area Protection (IP) and the General Plan/Local Coastal Plan.
   b. **Environmentally Sensitive Habitat Areas**
      Development in an environmentally sensitive habitat area (ESHA) shall only be allowed consistent with the General Plan/Local Coastal Plan, including Policy COS-4.3 and its associated actions.
3. **Transfers of Density**
   The owner of private property in the OS-P zone may request the City to "transfer" entitlement of the allowed density to another property in the city provided that a condition of any such transfer shall be a requirement that the open space parcel be dedicated to the City for open space purpose only, either in fee or subject to a permanent open space easement as authorized by state law. The City may, of its sole discretion, approve or deny said request. For all such density transfers which are approved, the City and the property owner shall execute a recordable development agreement specifying all terms and conditions of the agreement.

Chapter 17.47 Reserved

Chapter 17.48 Overlay Zones (IP)

Sections:

17.48.010 Purpose

17.48.020 Applicability

17.48.030 Archaeology – Historic Sites Overlay (A)

17.48.040 Hazards and Protection Overlay (H)

17.48.050 Coastal Access Overlay (AC)

17.48.060 Coastal Appeal Overlay (CA)
17.48.070 Floodplain Overlay (F)
17.48.080 Height Limitations Overlay (HL)
17.48.090 Public or Visitor Parking Overlay (P)
17.48.100 Residential Very High-Density Overlay (RVHD)
17.48.110 View Considerations Overlay (VC)

17.48.010 Purpose

This chapter provides regulations for development and new land uses in the overlay zones established by 17.36.020 (Zones Established). The overlay zones established by this chapter provide guidance for development and new land uses in addition to the standards and regulations of the base zones, where important site, neighborhood, or compatibility issues require particular attention in project planning.

Table 17.48.010-A: Overlay Zones

Zone Symbol	Zone Name	Description	Reference
A	Archaeology – Historic Sites Overlay	Preserves, protects, and maintains sites with significant historical, archaeological, and cultural importance that may be of unique value for scientific or educational purposes. Applies to structures, land, areas, and improvements included in the cultural resources section of the General Plan/Local Coastal Plan and all known archaeological sites.	Section 17.48.030
H	Hazards and Protection Overlay	Restricts, prohibits, or conditions development in areas subject to geologic and coastal hazards including landslide zones, fault areas, unstable slopes, liquefaction potential, and eroding bluffs. Ensures development protects public safety and property while preserving coastal, watershed, and hillside resources.	Section 17.48.040
AC	Coastal Access Overlay	Ensures the public's right to gain access from the nearest public roadway to the shoreline when consistent with current uses and safety, security, and environmental needs.	Section 17.48.050

Table 17.48.010-A: Overlay Zones			
CA	Coastal Appeal Overlay	Specifies the areas subject to coastal appeal and the grounds for appeal of action taken by the City.	Section 17.48.060
F	Floodplain Overlay	Restricts, prohibits, or conditions development within areas identified as hazardous floodplains. Assures that the type and intensity of use is consistent with the protection and preservation of people, property, and significant areas.	Section 17.48.070
HL	Height Limitations Overlay	Establishes maximum height limits on development in specific areas of the city with the intention of protecting scenic hillside, canyon, and coastal views. Applies to areas where the City has determined it necessary to maintain and control building bulk and scale.	Section 17.48.080
P	Public or Visitor Parking Overlay	Ensures access to coastal activities by fulfilling visitor parking demands.	Section 17.48.090
RVHD	Residential Very High-Density Overlay	Serves to implement the General Plan/Local Coastal Plan Housing Element policies. Establishes development regulations and incentives for the development of higher density affordable housing projects.	Section 17.48.100
VC	View Considerations Overlay	Ensures the site planning, building design, grading, and landscaping techniques preserve and protect the character and quality of the city's visual resources.	Section 17.48.110

17.48.020 Applicability

The provisions of this chapter apply to proposed land uses and development in addition to all other applicable requirements of this Zoning Code. In the event of any conflict between the provisions of this chapter and any other provision of this Zoning Code, the most restrictive shall control.

A. **Mapping of Overlay Zones**
The applicability of any overlay zone to specific sites is shown by the Zoning Map for the specific overlay zone.

B. **Allowed Land Uses**
Except as may be otherwise provided for in a specific overlay zone, any land use normally allowed in the base zone by this Zoning Code may be allowed within an overlay zone, subject to any additional requirements of the overlay zone.

C. **Permit Requirements**
Except as may be otherwise provided for in a specific overlay zone, development and new land uses within an overlay zone shall obtain the land use permits required by this Zoning Code for the base zone.

D. **Development Standards**
Except as may be otherwise provided for in a specific overlay zone, development and new land uses within an overlay zone shall comply with all applicable requirements of the base zone.

17.48.030 Archaeology – Historic Sites Overlay (A)

A. **Purpose**
The Archaeology – Historic Sites (A) Overlay zone is established to preserve, protect, and maintain land and water areas, structures and other sites which have significant historical, archaeological, or cultural importance and provide for the designation of areas which may be of unique value for scientific or educational purposes.

B. **Criteria and Standards**
1. This zone shall include:
    a. Structures, land, areas, and improvements as described and included in the cultural resources section of the General Plan/Local Coastal Plan as well as any additional land, areas, structures, and improvements which may be designated by the City as being of historical significance; and
    b. All known archaeological sites on file with the Department, as well as any additional sites that may be established by a qualified archaeologist recognized by the State Historic Preservation Office.
2. An archaeological surface survey of each site shall be conducted by a qualified archaeologist as a condition of development review for any proposed project within the archaeology-historic sites overlay zone in areas of unknown significance based upon a written determination of the Department. The results of this survey shall be submitted as a part of the development application. Included with this survey will be an evaluation of the presence of cultural resources based on supportable evidence and shall also include appropriate mitigation measures, as necessary, for the project. Any site which is surveyed pursuant to the requirements of this ordinance shall not be required to be further surveyed unless specified by the findings of the survey.
3. Since it is reasonably possible that archaeological or historical materials may be discovered in any area of the city, the following standard condition shall be applied to all developments:

    "In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall cease in the immediate area, and the find left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation."

a. Any mitigation measures included in archaeological studies shall be appropriately incorporated into the design of the project, including construction techniques which will minimize impact to the archaeological resources.
b. Where damage or destruction of archaeological resources stemming from development of recognized site cannot be completely avoided or mitigated the developer shall be responsible to develop and preserve the most complete archaeological record of the site possible for future analysis using the most current archaeological methods available.

4. All non-structural development which has the potential to damage or destroy archaeological resources are prohibited unless specifically permitted by the permit issuing agency with provisions for adequately protecting any archaeological resources. Such activities shall include off-road vehicle activity and the unauthorized collection of artifacts.
5. Where feasible, structures which are deemed by the City to be of historical significance shall be protected and rehabilitated. When appropriate, such structures may be relocated to another approved site, such as the Price Adobe Historical Park.
6. The transfer of any City-owned properties containing known significant archaeological or historical resources must be accompanied by a deed restriction containing provisions protecting the archaeological or historical resources on the site.
7. Any archaeological or historical sites of state-wide significance shall be nominated for inclusion in the Registry of California Historic Landmarks. Those of national significance shall be nominated for inclusion in the National Registry of Historic Place and the National Historic Program. Such sites shall be adequately protected.

17.48.040 Hazards and Protection Overlay (H)

A. **Purpose of Zone**

The Hazards and Protection (H) Overlay zone is intended to prevent unsafe development of hazardous areas; to minimize damages to public and private property; and to minimize social and economic dislocations resulting from injuries, loss of life, and property damage. This overlay zone includes those area unsafe for development which are (1) prone to downslope movement or severe land slippage (i.e., slump, landslide areas); (2) in direct contact with known active or potentially active faults or fault zones; and (3) located in areas of high liquefaction potential, unstable slopes, retreating ocean bluffs or easily erodible areas. This overlay zone is intended to maintain and enhance land and watershed management, control storm drainage and erosion and control the water quality of both urban runoff and natural water bodies by regulating development within those areas with slopes of ten percent (10%) or greater. Also included in this overlay zone is the City's hillside regulations. This overlay zone is intended to also protect and enhance the shoreline bluffs and beaches of the City from visual as well as physical deterioration or erosion.

B. **Drainage, Runoff, Erosion, and Slopes; Criteria and Standards**
All development in those areas of the City with ten percent (10%) or greater slopes shall meet the following standards and criteria:

1. All determinations required under this section shall be made by the City Engineer except that all landscaping plans shall be approved by the Director as required by the approved plans;
2. The building inspector shall verify the installation of approved landscaping improvements in compliance with the plans approved in Subsection B.1 above;
3. Development on easily erodible areas shall be prohibited unless acceptable mitigation measures are established and required;
4. Development occurring in hillsides and environmentally sensitive areas shall preserve native flora and fauna to minimize erosion hazards and loss of wildlife;
5. A runoff control plan shall be submitted to the City Engineer for review and approval prior to the issuance of a building permit for all construction on slopes of ten percent (10%) or greater. The runoff control plan shall be designed by a licensed engineer qualified in hydrology and soil mechanics. This plan shall include the following provisions (with any supporting calculations as necessary):
    a. Runoff control shall be accomplished by minimizing grading and utilizing non-structural techniques such as erosion retardant vegetation as well as structural techniques such as on-site percolation galleries. Energy dissipating devices at the terminus of outflow drains shall be required;
    b. For permitted grading all permanent erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities;
    c. Prior to the commencement of any grading activity, the permittee shall submit a grading schedule which indicates that grading shall be completed within the permitted time stipulated in Subsection B.5.e below and that any variation from the schedule shall be promptly reported to the City Engineer;
    d. All areas disturbed by grading shall be planted with temporary, or in the case of finished slopes, permanent erosion retardant vegetation. With respect to grading not exempted by Subsection B.5.e, such planting shall be made prior to November first (1st). Native species shall be planted wherever feasible. Such planting shall be accomplished under a plan prepared and submitted by a licensed landscape architect and shall consist of seeding, mulching, fertilization, and irrigation adequate to provide ninety percent (90%) coverage within ninety (90) days of the time of planting. Planting shall be repeated if the required level of coverage is not established within the time period stipulated above. This requirement shall apply to all disturbed soils, including stockpiles, and to all building pads and road cuts;
    e. All grading activities for roads, future building pads, utilities, and the installation of erosion and sedimentation control devices shall be prohibited within the period from November first (1st) to March thirty-first

(31st) of each year, except that the following grading activities may be permitted outside the above time constraints:

i. Grading on slopes if they do not drain into an environmentally sensitive habitat area,
ii. Grading on slopes less than ten percent (10%), if the amount to be graded does not exceed fifty (50) cubic yards,
iii. Grading in areas outside of the coastal zone only when the department of fish and game and the City Engineer have agreed in writing to an erosion control plan for the particular development and all necessary erosion control measures and facilities have been completed prior to November first (1st) and there is adequate bonding to assure maintenance of all erosion control facilities.

6. Permits and zoning clearances shall not be issued for developments that significantly alter the hydrological character of the surrounding area.
7. New development shall include storm drainage studies as part of their project application requirements.
8. Development in the Freeway Foothills planning area shall be required to provide structures to carry surface water runoff from their property without impacting other development.
9. Runoff from any new development on lands adjacent to the marsh area shall not exceed the volume rate of flow or particulate content of runoff from the land in its natural, undisturbed state.
10. Grading on slopes in excess of thirty percent (30%) is prohibited.
11. Construction on areas known to be prone to landsliding or severe land slippage is prohibited without specific slope stability engineering studies proving that safe construction is feasible.
12. Runoff from any project which drains to the marsh within the Meadow Creek watershed or to Pismo Creek within the City limits shall not exceed the volume rate of flow or particulate content of runoff from the land in its natural and undisturbed state.

C. **Hillside Regulation Criteria and Standards**

The hillside regulations shall be and hereby are applied to those areas of the City of Pismo Beach which, due to topography, require special consideration to assure that development of hillside lands will not destroy the natural amenities of such lands nor deplete the scenic resources of the City.

1. **Applicability**

These regulations shall apply to all hillside areas within the City of Pismo Beach, except as specifically excluded herein. The term "hillside areas" is defined as all properties in the City which have a natural slope of ten percent (10%) or more or to which proposed access to the site traverses slopes of ten percent (10%) or more. No grading shall commence on slopes greater than thirty percent (30%) (except within the Coastal Zone portion of Pismo Heights, where the maximum slope shall be twenty percent (20%)). These hillside development regulations

shall be in addition to the applicable standards which are otherwise required by the City.

2. **Permit Requirements**
   Prior to the issuance of a grading or building permit or the approval of a tentative tract map for any parcel of land located within a hillside area, the applicant is required to submit development plans to the Planning Commission in accordance with the provisions of any specific provision of this section. The Planning Commission shall have the power to authorize or deny the issuance of any grading or building permit and approve or deny any tentative map where development plans fail to meet either the specific provisions or the general purpose and intent of this chapter. The Planning Commission may authorize the issuance of said permits upon such conditions, if any, as it determines necessary and proper to assure the general purpose and intent of this Title and may require such guarantees, if any, as it deems necessary to assure the fulfillment of such conditions.
3. **Permitted Uses**
   All uses permitted in any zone are subject to the provisions of this section.
4. **Application Procedure**
   Upon application for grading or building permit, or tentative tract map approval, the applicant shall submit preliminary development plans consisting of the following:
   a. For all grading or building permit applications, proposed site plans, grading plans, profiles of proposed grading plans, and upon approval of grading plans proposed landscape and irrigation plans.
   b. With all tentative tract maps: proposed grading plans and profiles of proposed grading plans; together with conceptualized site plans and landscape plans.
      All plans and profile drawings shall be prepared to scale and submitted with copies of each (twenty-four (24) inches by thirty-six (36) inches) to the Department. The Department will distribute the various copies to appropriate City staff members for review and comment prior to the submission of such plans to the Planning Commission. The Department shall forward all recommendations along with any comments from City staff to the Planning Commission. The Planning Commission shall thereafter review and approve, conditionally approve, or reject such preliminary plans.
5. **Additional Data Required**
   In addition to preliminary development plans, the applicant may be required to submit detailed data describing the existing topographic, soils, geologic, seismic, and drainage conditions at the proposed site. Detailed studies and analysis may be required as part of an Environmental Impact Report prepared in accordance with adopted City guidelines. Upon determination by the Planning Commission, the applicant may also be required to submit a scaled, profile model depicting any or all portions of the site proposed for development.

6. **Planning Commission Review**
   In reviewing preliminary development plans for hillside areas, the Planning Commission shall be guided by the following objectives:
   a. Preservation of natural topographic features and appearances by means of land sculpturing so as to blend any manmade or manufactured slopes into the natural topography;
   b. Preservation of natural topographic features and appearances through prohibition of excessive padding and terracing of building sites in hillside areas;
   c. Retention of major natural skyline profiles so as to avoid abrupt changes in grade;
   d. Retention of major natural topographic features such as canyons, drainage swales, steep slopes, watershed areas, flood plains, view corridors, and scenic vistas;
   e. The preservation and enhancement of prominent landmark features such as natural rock outcroppings, prominent trees and plant material, and other areas of special natural beauty;
   f. The design and arrangement of alternative building sites, lot sizes, setbacks, and setback variations, and residential densities on steeper terrain so as to limit the extent of grading alterations;
   g. The utilization of clustered sites and buildings and increased densities on more gently sloping terrain so as to reduce grading alterations on steeper, more pronounced, natural terrain;
   h. The utilization and blending of building designs, locations, and arrangements which serve to avoid a continuous, hard skyline effect and which will afford view privacy and protection;
   i. The preservation and re-establishment of native plant material so as to protect slopes from soil erosion and slippage, and to minimize the visual effects of grading and construction on hillside areas; and
   j. The utilization of street designs and improvements which serve to minimize grading alterations and harmonize with the natural contours and character of the hillside.
7. **Development Standards**
   The following development standards shall apply to all hillside developments under this ordinance:
   a. The overall shape, height, and grade of any cut or fill slopes shall be developed in concert with the existing natural contours and scale of the natural terrain of a particular site;
   b. All cut and fill slopes in excess of ten (10) feet vertical height shall be rounded with vertical curves from the crest of the slope and from any surface drains constructed on the face or top of the slope;
   c. Where two (2) cut or fill slopes intersect, the ends of each slope shall be horizontally rounded and blended with a minimum radius of twenty-five (25) feet;

d. Where any cut or fill slopes meet the natural grade, the ends of each slope shall be vertically and/or horizontally rounded and blended with the natural contours so as to represent natural slope appearance.
e. Where any cut or fill slopes exceed one hundred (100) feet in horizontal length, the horizontal contours of the slope shall be curved in a continuous, undulating fashion;
f. The top and toe of each slope in excess of ten (10) feet vertical height, excepting the toe of any slope within twenty-five (25) feet of a dwelling, shall be vertically rounded and designed in proportion to the total height of the slope;
g. In all instances of the creation of cut or fill slopes, detailed landscape and irrigation plans shall be submitted to the Planning Commission for review and approval prior to the issuance of any building or grading permit;
h. Detailed planting plans shall be included for all cut or fill slopes in excess of five (5) feet in height;
i. Planting and irrigation on all graded slopes shall be commenced and pursued to completion in accordance with approved plans upon the completion of grading operations, pursuant to the standards of Subsection B above;
j. All planting and irrigation of slopes carried out pursuant to the standards and criteria of this section shall be completed, verified, and approved by the City prior to the issuance of occupancy permits for the development; and
k. The applicant and/or developer shall be responsible for the maintenance and upkeep of all slope planting and irrigation systems until such time as the individual properties and dwellings are occupied or until a prescribed homeowners' association accepts the responsibility to maintain the landscaping in common areas.

D. **Seismic Criteria and Standards**

1. New construction directly astride or across known or potential active faults or fault zones is prohibited.
2. Construction in areas with high liquefaction potential without site specific analysis is prohibited.
3. All new development shall use the planning and technical criteria presented in the Safety Element to reduce hazard risk.
4. Permits shall not be issued to new developments until a project has been reviewed to determine if any part of the construction or operation will create unacceptable conditions which would affect the welfare or safety of City residents.
5. All normal construction shall be designed or engineered to withstand the force of an eight point five (8.5) magnitude earthquake (Richter Scale).
6. All critical facility construction shall be designed or engineered to withstand and remain functional after the force of an eight point five (8.5) magnitude earthquake (Richter Scale).

E. **Bluff Hazard, Erosion, and Bluff Retreat Criteria and Standards**

1. New structures shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of one hundred (100) years. The City shall determine the required setback based on the following criteria:
    a. For development on single family residential lots subdivided prior to January 23, 1981, the minimum bluff setback shall be twenty-five (25) feet from the top of the bluff (blufftop is defined as the point at which the slope begins to change from near horizontal to more vertical). A geologic investigation may be required at the discretion of the City Engineer, and a greater setback may be applied if local conditions warrant.
    b. For all other development, a geologic study shall be required for any development proposed within the area between the face of the bluff and a line described on the blufftop by the intersection of a plane inclined at a twenty (20) degree angle from horizontal, passing through the toe of the bluff or cliff, or fifty (50) feet inland from the edge of the bluff, whichever is greater. All geologic reports prepared for blufftop development which do not address the area beyond this twenty (20) degree rule, shall include a specific finding that no study beyond the area delimited by a line running from the base of the bluff to the top of the bluff at a twenty (20) degree angle is necessary to assure the long-term structural stability of the proposed development.
2. In addition to the criteria and standards for bluff top hazard setbacks as identified in this subsection, additional building setbacks shall be required for specific planning areas as identified in the General Plan/Local Coastal Plan to incorporate public access and recreational areas in addition to cliff retreat zones.
3. Geologic studies and reports shall consider, describe, and analyze the following:
    a. Cliff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site;
    b. Historic, current, and foreseeable cliff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available and possible changes in shore configuration and sand transport;
    c. Geologic conditions, including soil, sediment, and rock types and characteristics in addition to structural features, such as bedding, joints, and faults;
    d. Evidence of past or potential landslide conditions, the implications of such condition for the proposed development and the potential effects of the development on landslide activity;
    e. Impact of construction activity on the stability of the site and adjacent area;
    f. Ground and surface water conditions and variations, including hydrologic changes caused by the development (i.e., introduction of sewage, effluent, and irrigation water to the groundwater system); alterations of surface drainage;

g. Potential erodibility of site and mitigation measures to be used to ensure minimized erosion problems during and after construction (i.e., landscape and drainage design);
h. Effects of marine erosion on seacliffs;
i. Potential effects of seismic forces resulting from a maximum credible earthquake; and
j. Any other factors that might affect slope or bluff stability.

4. A site-specific erosion control plan for all permitted blufftop development shall be prepared by a registered engineer qualified in hydrology and soil mechanics and shall assure that the development would not contribute to the erosion or failure of any bluff face and will eliminate or mitigate any adverse impacts on local shoreline sand supply to the maximum extent feasible.

F. **Shoreline Protection Criteria and Standards**

1. No permanent above ground structures shall be permitted on the dry sandy beach except facilities necessary for public health and safety, such as, but not limited to lifeguard towers and the pier.
2. Off-shore oil drilling or any other activity that may endanger the Pismo clam, or recreational value of the beach shall be prohibited within the City's jurisdiction, and discouraged in adjacent outside ocean areas.
3. Sand mining offshore in the City's jurisdiction shall not be permitted.
4. Seawalls shall not be permitted, unless the City has determined that there are no other less environmentally damaging alternatives for protection of existing development or coastal dependent uses. If permitted, seawall design must (a) respect natural landforms; (b) provide for lateral beach access; and (c) use visually compatible colors and materials and will eliminate or mitigate any adverse impacts on local shoreline sand supply.
5. New development shall not be permitted where it is determined that shoreline protection will be necessary for protection of the new structures now or in the future based on a one-hundred (100) year geologic projection.
6. Shoreline structures, including groins, piers, breakwaters, pipelines, outfalls or similar structures which serve to protect existing structures, or serve coastal dependent uses and that may alter natural shoreline processes shall not be permitted unless the City has determined that when designed and sited, the project will:
    a. Eliminate or mitigate impacts on local shoreline sand supply;
    b. Provide lateral beach access;
    c. Avoid significant rocky points and intertidal or subtidal areas; and
    d. Enhance public recreational opportunities.
7. No additional development shall be permitted on any bluff face, except engineered staircases or accessways to provide public beach access, and pipelines for scientific research or coastal dependent industry. Drainpipes shall be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the bluff face, toe, and beach.

8. Drainage devices extending over the bluff face shall not be permitted if the property can be drained away from the bluff face. All new drainage structures shall be constructed in such a manner that drainage water is not permitted to spill over or onto the bluff face.
9. For any development along the bluff top appropriate erosion control measures shall be implemented.
10. All actions taken under this overlay zone shall be consistent with the relevant goals, policies, and programs of the General Plan/Local Coastal Plan.

G. **Assumption of Risk in Hazard Overlay Zone**

Consistent with General Plan/Local Coastal Plan Action LU-8.3b, a CDP for development including the land between the sea and the first public road paralleling the sea or within three-hundred (300) feet of the top of the seaward face of a coastal bluff, within three-hundred (300) feet of the inland extent of any beach or the mean high tide line of the sea where there is no beach, or within one-hundred (100) feet of any stream (Coastal Act Section 30603) in the Hazard Overlay Zone shall be conditioned to require the applicant to acknowledge and agree, and private applicants to also record a deed restriction that acknowledges and agrees:

1. That the site may be subject to hazards, including those identified in the Hazards Overlay Zone and/or identified pursuant to the site-specific hazard analysis required by this section;
2. To assume all such hazard risks in connection with the permitted development;
3. To unconditionally waive any claim of damage or liability against the permitting agency, its officers, agents, and employees for injury or damage from such hazards, and to indemnify the permitting agency against any liability, claims, damages or expenses arising from any injury or damage due to such hazards, in connection with the permitted development;
4. The development is located in a hazardous area or an area that may become hazardous in the future;
5. That sea level rise could render it difficult or impossible to provide services to the site;
6. Development approvals shall not permit encroachment onto public trust land; and
7. That adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified Local Coastal Program.

17.48.050 Coastal Access Overlay (AC)

A. **Purpose**

The Coastal Access (AC) Overlay zone is intended to implement the requirements a of Section 4 of Article X of the California Constitution to ensure the public's right to gain access from the nearest public roadway to the shoreline, unless access is inconsistent with agricultural use, public safety, military security needs or protection of fragile coastal resources. In implementing public access policies applicable to developments in the California Coastal Act and the City's General Plan/Local Coastal Plan, vertical and lateral accessways shall be required as a condition of development pursuant to the requirements of the certified General Plan/Local Coastal Plan.

B. **Criteria and Standards**

1. Public access, including new segments of the California Coastal Trail, where required by the General Plan/Local Coastal Plan, shall be provided to the coast through public easements, deed restrictions, stairways, public parking, lateral accesses or bluff accesses, whichever is appropriate to the specific planning area's needs, and shall be required of new development pursuant to the requirements of the certified General Plan/Local Coastal Plan.
2. For all new developments between the first public road and the ocean, the owner shall grant a lateral easement along the shoreline for public access.
3. Lateral accessway dedication of the area between the toe of the bluff and the mean high tide line shall be required. These accessways should not extend further landward than the foot of an existing shoreline protective device nor shall any access path be closer than ten (10) feet to any residence or five (5) feet to any motel room.
4. All dry sandy beach, intertidal and subtidal areas seaward of the toe of the bluff shall be dedicated to the State Department of Parks and Recreation or other appropriate public agency. If no lateral sandy beach access is available, a lateral easement of no less than twenty-five (25) feet in width shall be granted at or near the blufftops, unless a greater lateral easement is required in accordance with the City's General Plan/Local Coastal Plan. Existing single-family lots as of January 23, 1981, or homes on any blufftop are excluded from the requirement of providing any lateral blufftop easements.
5. A public boardwalk shall be incorporated into any new development along the beachfront from Pomeroy Street to the Pismo Creek Trail. The boardwalk shall be designated as a public easement and shall be required to be improved or maintained as a part of any development proposal adjacent to this area.
6. Development adjacent to or over publicly owned properties (i.e., via air space rights) may be required for the renovation, enlargement, and maintenance of the downtown commercial core. Provisions for greater and expanded coastal access for the public shall be provided through the provision of public paths, stairways, public parking, and similar visitor serving facilities.
7. Commercial uses utilizing airspace over publicly owned lands and the pier shall be limited to visitor serving uses to enhance the downtown waterfront area pursuant to the policies and programs of the certified General Plan/Local Coastal Plan.
8. Public access from the nearest roadway to the shoreline and along the beach shall be provided in new developments except where protection of environmentally sensitive habitats prohibits such access or adequate public access exists nearby unless impacts associated with the accessway are adequately mitigated.
9. Public access to and along the beach may not be required if such access would be detrimental to sensitive tidal or subtidal areas or where construction of public accessways would increase erosion hazards or other safety hazards or environmental degradation unless impacts associated with the accessway are adequately mitigated.

10. Public vertical accessways shall be provided where feasible.
11. An in-lieu fee or dedication of public vertical access may be required as a condition of development applications within the area of this overlay zone if it is infeasible to provide public access on the property for the purpose of providing nearby access.
12. Accessways along the creek areas shall be required consistent with the provisions of the General Plan/Local Coastal Plan.
13. Public parking shall be required in conjunction with vertical and lateral accessways pursuant to the General Plan/Local Coastal Plan. The number of spaces shall be determined by the relevant sections of the General Plan/Local Coastal Plan and shall be based on safety considerations, carrying capacity of the beach, view potential, or other pertinent considerations. In conformance with LUP Policy LU-8.2c changes in timing, pricing and availability of parking require a Coastal Development Permit.
14. Dedicated accessways shall not be required to be opened to public use until a public agency, private association, or property owner(s) agrees to accept responsibility for maintenance and/or liability of the accessway, unless such accessways are created by the recordation of a deed restriction, where the fee title owner of the property shall be responsible for the maintenance and liability of the accessway. Existing accessways being offered for dedication or easement shall not be closed prior to the acceptance of said dedication or easement.
15. Continue efforts to construct the California Coastal Trail. The California Coastal Trail is envisioned as a continuous interconnected public trail system along the California coastline to provide walking and hiking trails as close to the ocean as possible. The trail should generally parallel the bluff edge, be designed to minimize erosion and potential adverse impacts to biological resources, and be aligned adequately inland to accommodate future sea level rise and bluff erosion projections. The California Coastal Trail is considered a coastal-dependent use and its implementation, maintenance, and improvement along the coastline shall be a priority.
16. **Coastal Dependent Development**
    a. **General**
    Pursuant to the provisions of Chapter 3 of the Coastal Act, commencing with Section 30200, coastal dependent development shall have priority over other developments on or near the shoreline consistent with the land use and zone designations of the City's certified General Plan/Local Coastal Plan. In addition, it shall be the responsibility of the City to implement the basic goals of the State of California as set forth in the Coastal Act including the public's constitutional right of access to and along the Coastal Zone. In implementing this responsibility, the City shall encourage the utilization of innovative access management techniques. Furthermore, the California legislature has found and declared that it is necessary to locate coastal dependent developments in the Coastal Zone in order to ensure that inland as well as coastal resources are preserved and that orderly economic development proceeds within the state.

b. **Protection**
Subject to the standards of Public Resources Code Section 30235, structures such as, but not limited to, breakwaters, groins, and seawalls shall be permitted to serve or protect coastal dependent uses and existing structures in danger of erosion pursuant to the standard of said section.

c. **Restoration**
In an effort to improve the overall quality of the Coastal Zone environment, the City shall protect, maintain, enhance, and restore the natural and manmade resources of the Coastal Zone, subject to the standards and limitations of the certified Local Coastal Program. Restoration of coastal dependent uses must be conducted pursuant to the requirements of the certified Local Coastal Program, including but not limited to Section 17.48.040 (Hazards and Protection Overlay (H)).

17. Development permitted in the areas specified in the General Plan/Local Coastal Plan for public beach access or recreation shall be limited to structures and facilities designs to accommodate passive recreational use of the area, including but not limited to stairways, benches, tables, refuse containers, restrooms, bicycle racks and public parking facilities. In no case shall any development except public access paths and public stairways be permitted within the bluff retreat setbacks identified in site specific geological studies.
18. All actions taken under this overlay zone shall be consistent with the relevant goals, policies, and programs of the General Plan/Local Coastal Plan.

17.48.060 Coastal Appeal Overlay (CA)

A. **Purpose**
The Coastal Appeal (CA) Overlay zone is intended to specify the area subject to coastal appeal and the grounds for appeal of an action taken by the City on a Coastal Development Plan application. The procedures for appeals of Coastal Development Permit applications are described in Chapter 17.12 (Coastal Development Permits (IP)). The coastal appeal overlay zone is to be used in conjunction with other overlay zones and pertinent sections of this Zoning Code. This appeal overlay is for illustrative purposes only because the appeal boundary can shift as on the ground conditions change, even though the regulatory basis of appeal remains consistent. Other types and locations of projects may be appealable (see Section 17.12.110).

B. **Criteria**
The criteria for appeals to the Coastal Commission are described in Section 17.12.110 (Appeals of Coastal Development Permit Decisions).

17.48.070 Floodplain Overlay (F)

A. **Purpose**
The Floodplain (F) Overlay zone is intended to restrict, prohibit, or condition development within hazardous floodplain areas to assure that the type and intensity of use are consistent with the protection and preservation of people, property, and significant resources. This zone includes those areas where grading of land may

endanger public health and safety due to erosion and those areas possibly subject to flooding or inundation from stormwater.

New structural development, including expansions, additions, and improvements to existing development, shall be located outside of the flood hazard areas to the maximum extent feasible. Any otherwise permissible new structural development located in flood hazard areas, including expansions, additions, improvements, and repairs to existing development, shall be constructed consistent with the standards set forth in Section 17.48.070.B.

B. **Criteria and Standards**

1. An applicant for any proposed development within the Floodplain Overlay zone must submit proof at the time of application to the City:
    a. That their project complies with FEMA regulations for construction within one hundred (100)-year flood zone boundaries, including minimum elevation requirements as determined by the Pismo Beach Building Code and the Base Flood Elevation assigned to the specific flood zones on a FIRM, or the sea level rise amount projected for the anticipated lifespan of the development, whichever is greater; or
    b. An engineering data guaranteeing that the property is outside the one hundred (100)-year flood plain.
2. When base flood elevation data has not been provided in accordance with Subsection B.1, the City Engineer shall obtain, review, and reasonably utilize the best base flood data available from any source: federal, state, or other; such as high-water mark(s), floods of record, or private engineering reports, in order to administer the standards of this overlay zone and provide the developer with an estimated based flood elevation. When uses are subject to potential flooding, but adequate data does not exist, the following criteria shall be used:
    a. Single-family use will be required to elevate the lowest floor of any structure to no less than two (2) feet above natural grade when base flood data does not exist; and
    b. Multi-family and commercial uses will be required to have all proposals establish the one hundred (100)-year base flood elevation before consideration of the preliminary plan for development.
3. Development in the one hundred (100)-year floodplain shall not be permitted unless the applicant substantiates to the City that the development is protected from such flooding and will not result in an obstruction to flood control or adversely affect migrating tidelands, coastal wetlands, estuaries, or other sensitive habitat within the floodplain. No new fill, structure or other obstruction shall be placed or constructed within a floodway unless a detailed hydrologic study has been prepared and approved by the City Engineer ensuring that the structure will not obstruct, in any way, passing floodwaters, by such measures as elevated structures on piers or pilings.
4. Public facilities and bridges that must be built within the one hundred (100)-year floodplain zone shall be elevated to a minimum level of two (2) feet above the one hundred (100)-year flood lines.

5. No structures shall be located within the stream channel except:
    a. Those structures necessary for flood control purposes which are found to be the only possible alternative to protect existing structures and property from flood hazards in the floodplain;
    b. Bridges when supports are located outside critical habitat areas;
    c. Pipelines, when no alternative route is feasible; and
    d. New underground utility transmission lines when no alternative route is feasible.
6. No concrete channelization or other alterations of natural stream beds are permitted, except where necessary to protect existing facilities or bridges and where it is found that no other feasible alternative exists.
7. No new development shall be allowed in the floodplain overlay zone which will contribute to flood hazards on the same or other properties or require flood control works for flood protection. Development within the floodplain overlay zone, in areas where a regulatory floodway is not designated, will only be permitted when the applicant has provided engineering technical data and facts which demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community; or establish a setback front the stream bank equal to five (5) times the width of the stream at the top of the bank or twenty (20) feet on each side from the top of the bank, whichever is greater, or where the development is built-up on pilings or where other similar measures are utilized which the City shall determine will not increase flood levels.
8. Within the Pismo Marsh/Meadow Creek Riparian and Creek Corridor, east of the railroad right of way, no additional structural development including diking, dredging, or filling is permitted below the forty-five (45) feet contour line. Only those structures necessary to provide flood protection for existing structures, or to protect the public health and safety, and where no other feasible method of flood protection is possible, or the primary purpose of the project is the improvement of fish and wildlife habitat, shall be permitted. All permitted development which substantially alters any natural landform shall incorporate the best mitigation measures feasible to minimize the adverse environmental impacts of such development.
9. New development above the forty-five (45)-foot contour line north of Pismo Marsh/Meadow Creek shall be limited to that which is compatible with marsh preservation and shall be sited and designed to ensure that such development will not result in adverse impacts due to additional sediment, runoff, and other disturbances.
10. Runoff from any project which drains to the marsh within Meadow Creek watershed or to Pismo Creek within the city limits shall not exceed the volume rate of flow or particulate content of runoff from the land in its natural and undisturbed state unless restoration plans are developed consistent with the General Plan/Local Coastal Plan.

11. The City shall maintain and make available for public inspection the standards and criteria needed for flood insurance policies.
12. All new construction and substantial improvements within the floodplain when allowable by these standards shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
13. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and use methods and practices that minimize flood damage.
14. Where elevating new non-residential construction and substantial improvements in conformance with the standards in this ordinance is infeasible, flood proofing to the base flood elevation must occur. Examples, of flood proofing including, but not limited to:
    a. Installation of water tight doors, bulkheads, and shutters;
    b. Reinforcement of walls to resist water pressure;
    c. Use of paints, membranes, tars, or mortars to reduce seepage through walls;
    d. Addition of mass or weight to structure to resist flotation;
    e. Armor protection of all fill materials from scour and/or erosion; and
    f. Certification by a registered professional engineer or architect that the standards of this subsection are satisfied.
15. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
16. On-site water disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
17. All new mobile homes and additions to mobile homes in existing parks subject to flooding shall be set on permanent foundation by anchoring the unit to resist flotation, collapse, or lateral movement by one of the following methods:
    a. By providing an anchoring system designed to withstand horizontal forces of fifteen (15) pounds per square foot and uplift forces of nine (9) pounds per square foot;
    b. By the anchoring of the unit's system, designed to be in compliance with the Department of Housing and Urban Development Mobile Home Construction and Safety Standards; or
    c. By bolting the frame or undercarriage to a reinforced, permanent foundation such as a retaining wall or storm wall used to set the unit.

    As set forth in the City's Floodplain Overlay zone regulations, certification meeting the standards above is required of the installer or state agency responsible for regulating the placement, installation, and anchoring of individual mobile home units.
18. No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.
19. Specific buffer setback standards for developments adjacent to Pismo Marsh/Meadow Creek and Pismo Creek are contained in the specific planning

Area segments of the General Plan/Local Coastal Plan and shall be applied as a condition of development.

20. All actions taken under this overlay zone shall be consistent with the relevant goals, policies, and programs of the General Plan/Local Coastal Plan.
21. All applicable criteria contained in Title 44, Emergency Management and Assistance, Chapter One (1)--Federal Emergency Management Agency, Section 60.3 (c), (d), and (e) if not included in the above regulations, is adopted by reference.

17.48.080 Height Limitations Overlay (HL)

A. **Purpose**
The Height Limitations (HL) Overlay zone is intended to establish maximum height limits on development in specific areas of the city to protect scenic hillside, canyon, and coastal views. The HL zone may also be applied to areas where the City has determined that it is necessary to maintain and control building bulk and scale and its relationship to the surrounding environment.

B. **Applicability**
Multiple HL overlay subzones are established by this section, each indicated by a numerical suffix, (e.g., HL-1), which identifies the area where the height limit applies. In the event that there is a conflict between an HL overlay subzone and a base zone, the HL overlay subzone shall apply.

C. **Height Limit**
Proposed development and alterations to existing structures shall not exceed the applicable height limit shown in Table 17.48.080-A in the areas of the city where the HL overlay is applied on the Zoning Map. See also Section 17.50.060 (Height and Height Exceptions (IP)).

Table 17.48.080-A: Height Limitation Overlay Zone Standards

Height Limitation District	Height Limit
HL-1	Fifteen (15) ft. from highest point on the roof to highest point of site grade; twenty-five (25) ft. from the center point of the building footprint at site grade.
HL-2	Fifteen (15) ft. from center of finished building pad grade.
HL-3	Up to two (2) stories but not to exceed twenty-five (25) ft., provided ocean views from Highway 101 are not substantially blocked; fifteen (15) ft. from the center point of the building footprint on ocean fronting sites
HL-4	Twenty-five (25) ft. from site grade. The height for new park structures shall not significantly block ocean views from Highway 101 and shall not exceed twenty-five (25) ft.
HL-5	Twenty-five (25) ft. from existing grade as of January 23, 1981, or three (3) stories above site grade, whichever is less; and structures shall not detract from views of coastal landforms.

Table 17.48.080-A: Height Limitation Overlay Zone Standards	
Height Limitation District	**Height Limit**
HL-6	Twenty-five (25) ft. from site grade, and not to appear to be more than two (2) stories from the exterior.
HL-7	Twenty-five (25) ft. from site grade.

D. **Special Height Limits – Ocean Fronting Parcels**
Special height limitations for ocean fronting parcels in the following planning areas shall be described below:

1. **North Spyglass Planning Area**
For structures adjacent to public lateral accessways (along this bluff top), special consideration shall be given to siting and design standards including: reduced height of structures adjacent to said accessway, setting back of each floor to reduce vertical bulk appearance and encouraging variations in setbacks of structures adjacent to the lateral accessway consistent with the requirements of the view consideration overlay zone.
2. **Motel District Planning Area**
Structures adjacent to any public lateral accessway shall be sited and designed with special consideration to reduced height of structures adjacent to said accessway, setting back of each floor to reduce vertical bulk appearance and encouraging variations in setbacks of structures adjacent to the lateral accessway consistent with the requirements of the view consideration overlay zone.
3. **Commercial Core Planning Area**
    a. Beginning at the inland extent of the public boardwalk identified in the City's General Plan/Local Coastal Plan, one (1) story facades no higher than twelve (12) feet in height above site grade (including roofs) shall be permitted immediately adjacent to the boardwalk. Additional story facades beyond the first (1st) level shall maintain the following minimum setbacks from the inland extent of the public boardwalk:

Level	*Min. Setback from Boardwalk*
First (1st)	None required
Second (2nd)	Seven to ten (7-10) ft.
Third (3rd)	Fourteen to twenty (14-20) ft.
Fourth (4th)	Twenty-one to thirty (21-30) ft.

    b. Additional levels beyond those described above shall be treated similarly up to the maximum height permitted by the zone, providing said maximum height is consistent with the requirements of the view considerations overlay zone.

c. Development within these "stepback" areas shall be limited to see-through balcony railings no higher than forty-two (42) feet, and roof overhangs consistent with the applicable regulations of this Zoning Code. Ocean fronting parcels of record (as of January 23, 1981) that are less than fifty (50) feet in depth shall be required to provide setbacks of upper floors to reduce vertical bulk along the beachfront; however, due to their small size the standards related above shall not be applied as a minimum setback but rather the setbacks of upper floors on these parcels shall be determined on a case-by-case basis.

17.48.090 Public or Visitor Parking Overlay (P)

A. **Purpose**
The Public or Visitor Parking (P) Overlay zone is intended to ensure access to coastal activities by fulfilling visitor parking demands. This zone will also relieve congestion and provide better circulation throughout the city.

B. **Criteria and Standards**
1. Improved public parking shall be provided in conjunction with vertical and lateral accessways wherever necessary to ensure the use of the accessway and consistent with site constraints. Values otherwise specified in the General Plan/Local Coastal Plan, the number of spaces shall be determined by the Planning Commission and shall be based on safety considerations, carrying capacity of the beach or view potential, whichever is applicable, and past use of the area in question. Fee simple dedication of land shall not be required for such parking; however, other means of securing public parking for access purposes including but not necessarily limited to deed restrictions, easements and conditions of approval may be used in lieu of offers to dedicate land in fee simple. Adequate signing for all public parking shall be provided with each development.
2. Public off-street parking will be required by the Planning Commission in areas designated by the General Plan/Local Coastal Plan for required visitor parking. Other visitor parking may be required by the Planning Commission where necessary to meet the needs for visitor parking for the location of the project based upon current or projected usage.
3. All actions taken under this overlay zone shall be consistent with the relevant goals, policies, and programs of the General Plan/Local Coastal Plan.

17.48.100 Residential Very High-Density Overlay (RVHD)

A. **Purpose**
The Residential Very High Density (RVHD) Overlay zone serves to implement General Plan/Local Coastal Plan Housing Element policies of providing new housing that addresses affordable housing needs in the city by establishing development regulations and incentives for the development of higher density affordable housing projects.

B. **Applicability**
The standards and regulations of this section apply to areas designated with an RVHD extension on the Zoning Map. Except as provided in this chapter, all new structures and

development, as well as alterations to existing structures, shall comply with the requirements and review procedures of the R-3-C zone.

C. **Affordable Housing Requirement**
All of the total number of residential units within the project, exclusive of units added by a density bonus awarded pursuant to state law, shall be provided at prices affordable to moderate-income or below households for a minimum of fifty-five (55) years.

D. **Density**
Development within the RVHD Overlay zone shall provide a minimum density of twenty (20) residential units per acre and shall not exceed a maximum density of fifty (50) units per acre, exclusive of units added by a density bonus awarded pursuant to state law.

E. **General Development Standards**
    1. **Building Heights**
    No building or structure shall exceed thirty-five (35) feet in height above site grade except as provided below.
        a. **Height Exception**
        Buildings may be up to forty-five (45) feet in height where the Planning Commission finds that significant public views to and along the coast and other scenic areas are protected.
        b. **Visual Study Required**
        In order to evaluate a proposed project's compliance with the above criteria, submittal of a visual study that substantiates the basis for granting a height exception is required.
    2. **Minimum Yard Setbacks**
    Each lot shall have a front yard setback of not less than ten (10) feet. Other yard setbacks shall be provided in accordance with those otherwise required in the R-3-C zone.
    3. Maximum allowable lot coverage limitations shall not apply.
    4. Maximum allowable total building floor area for all structures as a percentage of lot area shall not apply.
    5. A minimum of ten percent (10%) of the total lot area shall consist of planting and vegetation area.
    6. Minimum lot area per family unit requirements shall not apply.

F. **Parking**
Parking shall be provided pursuant to Chapter 17.60 (Parking and Loading), except as provided below.
    1. **Minimum Off-Street Parking Requirements**
    Minimum off-street parking requirements, inclusive of accessible parking and guest parking, shall comply with California Density Bonus Law (California Government Code Section 65915).
    2. **Configuration**
    Parking spaces may be covered or uncovered and may be provided in a tandem configuration provided no more than two (2) vehicles shall be placed one (1) behind the other and both spaces shall be assigned to a single dwelling unit.

G. **Open/Amenity Space**
Open/amenity space shall be provided as follows.
1. A minimum of sixty (60) square feet of open/amenity space shall be provided per unit.
2. The required open/amenity space may be provided as private open space or common amenity space.
3. **Minimum Dimensions**
    a. **Private Open Space**
    Private open space located on the ground level (e.g., yards, decks, patios) shall have no dimension less than eight (8) feet. Private open space located above ground level (e.g., balconies) shall have no dimension less than six (6) feet.
    b. **Common Amenity Space**
    Common amenity space, whether provided as outdoor or indoor space, shall have minimum horizontal dimensions of twenty (20) feet.
4. **Configuration**
    a. **Private Open Space and Outdoor Common Amenity Space**
        i. Private open space and outdoor common amenity space shall be unoccupied by main or accessory buildings, parking areas, driveways, and loading areas and be open and unobstructed to the sky.
        ii. 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, decking, or other serviceable, dust-free surfacing.
        iii. Slope shall not exceed ten percent (10%).
    b. **Indoor Common Amenity Space**
    Indoor common amenity space shall consist of common areas providing services to residents such as meeting and community rooms, community kitchen, daycare and other social service areas, gyms and other indoor recreation areas, and computer labs/media rooms.
5. **Accessibility**
    a. **Private open space**
    Private open space shall be accessible to only one (1) living unit by a doorway to a habitable room or hallway.
    b. **Common amenity space**
    Common amenity space shall be accessible to all of the living units on the lot.

17.48.110 View Considerations Overlay (VC)

A. **Purpose**
The View Considerations (VC) Overlay zone is intended to ensure that site planning, building design, grading, and landscaping techniques will preserve and protect the

character and quality of the city's visual resources including: predominant natural landforms; coastal, canyon and hillside views; distinctive vegetation; and urban form.

B. **Applicability**
The VC Overlay zone is applied to areas along City designated scenic highways (Highways 1 and 101, Price Canyon Road), and other major public view corridors providing significant views and vistas to areas of public lands, beaches, and waters within the city which characterize the city's appearance.

C. **Application Content**
All applications for development within the VC Overlay zone shall include:

1. **Graphic Visual Impact Analysis**
Cross-sectional and elevational drawings analyzing the impacts of the proposed project on scenic views. Overviews are measured by describing the vertical view plane first (1st), and then superimposing the proposed structures against the vertical view plane. This method will provide a two (2)-dimensional illustration of the extent of view blockage relative to the amount of view corridor and overview required by Subsection E.2 (Specific Area Requirements).
2. **Visual Simulations**
Visual simulations of the proposed project illustrating how proposed structures will appear within the existing landscape after construction. The simulations shall be to scale, shall accurately demonstrate proposed height and massing in relation to adjacent structures, and shall include a perspective from eye-level. Simulations shall be prepared showing the proposed project from at least the following vantage points, and any additional vantage points required by the Director:
    a. From all streets fronting the site; and
    b. From any location adjacent to Highway 101 where the proposed structures may be visible.

D. **General Development Standards**
Development and new land uses, or changes to existing structures or land uses shall comply with the following requirements.

1. **Protection of Existing Views**
Development and new land uses, or changes to existing structures or land uses shall not result in a change in the elevation of the land, or the construction of any improvement, which would significantly, materially, and irrevocably, block, alter, or impair major views, vistas, viewsheds of major coastal landforms from designated scenic highways, public lands, waters, or viewpoints.
2. **Side Yard View Corridors**
Where side yards provide a view from the street to the ocean or a view to attractive hills and valleys, the side yards should be maintained as open visual access corridors the width of the required side yard setback. These areas shall be open to the sky and free from all visual obstructions including trees and shrubs (except for a transparent gate or fence) from the front property line to the rear property line. Existing structures are exempt from this requirement.
3. **Screening**
All industrial facilities, public utilities, and public works facilities shall be screened

from the view of any scenic highway to the maximum extent feasible. See also the screening requirements of Section 17.50.110 (Screening).

4. **Existing Topography**
   Proposed development, including roads, shall minimize the alteration of the natural topography and scenic values of the area.
   a. **Ridgeline and Slope-Side Development**
      Consistent with General Plan/Local Coastal Plan Action COS-3.1f, new structures shall not be placed on ridgelines or slope breaks where they would profile against the sky as seen from Highway 101. Compliance shall be demonstrated through the structure silhouette and vertical view plane analysis required by Subsection C.1 (Graphic Visual Impact Analysis).
   b. **Sunset Palisades Area Requirements**
      All development shall be constructed on or into existing grades.
   c. **Freeway Foothills Area Requirements**
      All development shall be constructed on or into existing grades; and residential units shall be clustered and located off the tops of ridges, knolls, and hummocks a sufficient distance to retain the silhouette profile of the topographic feature.
5. **Foothill Backdrop**
   The size, location, and massing of structures shall not significantly obscure views of the scenic backdrop provided by the foothills from scenic highways.
6. **Landscaping**
   Landscaping along scenic highways designated in the General Plan/Local Coastal Plan shall be designed to enhance existing scenic views.
7. **Signs**
   All signs visible from scenic highways shall be designed so as to not detract from the visual quality of the area.
8. **Existing Trees**
   Existing mature trees visible from scenic highways shall be conserved whenever feasible.
9. **Ancillary and other Structures**
   Ancillary and other structures shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

E. **Protection of Ocean Views in Specific Areas**
Proposed development shall be designed so that their height, bulk, and scale shall not significantly block ocean views from City designated scenic highways and shall be designed to provide and maintain corridor views and/or overviews of the ocean from the scenic highways.

1. **General Site Planning Guidelines**
   Proposed development shall utilize clustered design concepts.

2. **Specific Area Requirements**
   Proposed development within the certain planning areas shall be designed and sited to comply with the following requirements.
   a. **North Spyglass and Motel District Planning Area**
      Development proposed on any site with more than one hundred and fifty (150) feet of frontage on Shell Beach Road shall be designed to maintain at minimum:
      i. Thirty-five percent of the site frontage width in open scenic view corridors of twenty (20) feet or more in width;
      ii. Forty percent (40%) scenic overviews, measured in compliance with Subsection C (Application Content); or
      iii. A combination of open scenic view corridors and overview totaling forty percent (40%) of the vertical view plane.
   b. **Dinosaur Caves Planning Area**
      For new development within the Dinosaur Caves planning area, all projects shall minimally provide either:
      i. Forty percent (40%) of the property frontage width in open scenic view corridor (of thirty (30) feet or more);
      ii. Fifty percent (50%) scenic overviews; or
      iii. A combination of open scenic view corridors and overviews totaling fifty percent (50%) of the vertical view plan.
3. **Place and Design of View Corridors**
   Proposed development shall be designed and constructed to provide view corridors and shall be designed to not impair the view corridor from Highway 101.
4. **Required Findings**
   Project approval shall include specific, project- and site-based findings by the review authority based on the application of this section and the potential for view preservation and enhancement on each site, consistent with the General Plan/Local Coastal Plan.

Chapter 17.49 Reserved

Part 4: Citywide Regulations

Chapter 17.50 General Site Regulations

Sections:

17.50.010 Contiguous Parcel Development
17.50.020 Design Considerations
17.50.030 Exceptions to Required Setbacks (IP)
17.50.040 Fences, Walls, and Hedges
17.50.050 Flagpoles
17.50.060 Height and Height Exceptions (IP)
17.50.070 Outdoor Lighting and Glare (IP)
17.50.080 Performance Standards
17.50.090 Portable Structures
17.50.100 Environmentally Sensitive Habitat Area Protection (IP)
17.50.110 Screening
17.50.120 Solar Energy Systems
17.50.130 Undergrounding Utilities (IP)
17.50.140 Visitor Serving Commercial Conversions (IP)

17.50.010 Contiguous Parcel Development

When a single development is proposed over two (2) or more contiguous parcels in common ownership, the parcels shall be combined through lot line adjustment or merger in compliance with Title 16 (Subdivisions) and the Map Act prior to issuance of a building permit. Where parcels are subject to a bona fide lien or mortgage which would prevent merger that was of record prior to the adoption of this requirement, the City Attorney may approve appropriate deed restrictions which would adequately tie common uses across common property lines. The Planning Commission may exempt parcels from this requirement if the Planning Commission finds that merger is inappropriate or unnecessary, and that appropriate deed restrictions or easements will adequately tie common uses.

17.50.020 Design Considerations

Proposed development and new land uses shall be designed in compliance with the General Plan/Local Coastal Plan and this Zoning Code.

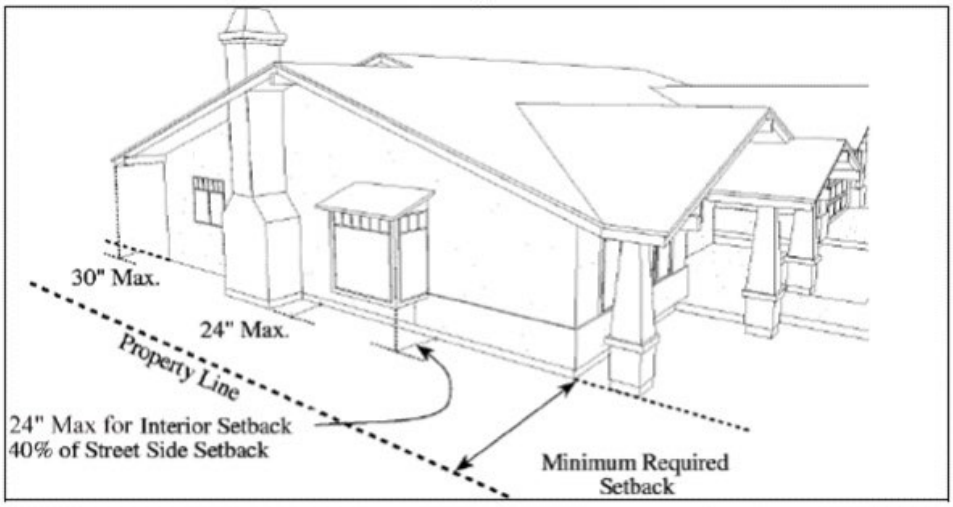
17.50.030 Exceptions to Required Setbacks (IP)

Attached architectural features and certain detached structures may project beyond the wall of the structure and into the front, side, and rear yard setbacks, in compliance with the following requirements.

A. **Architectural Features, Regulations, and Restrictions**
Architectural features may be permitted to extend into required setbacks a maximum distance as described below. See also Figure 17.50.030-1 (Examples of Allowed Projections into Side Setbacks).

1. Bay windows and similar projecting windows may extend a distance not more than two (2) feet into the required front, side, and rear yard setbacks; shall not extend to ceiling; and shall not be closer than three (3) feet from any property line
2. Cornices, eaves, canopies, and similar structures shall not extend more than thirty (30) inches into any required front, side, or rear yard, but in no case closer than two (2) feet to any side property line.
3. Fireplaces and chimneys not exceeding six (6) feet in breadth may extend two (2) feet into any required front, side, or rear yard, but in no case closer than three (3) feet to any side property line.
4. Open, uncovered raised porches, patios, landing places, decks, or outside stairways in rear or side yards may extend a distance not more than twenty percent (20%) into the required rear or interior side yard setbacks and not more than thirty (30) inches above the existing grade. Street side yard extensions may be a distance not to exceed forty percent (40%) of the required street setback.
5. Cantilevered balconies and decks that are open, uncovered, and raised thirty (30) inches or more above the existing grade may extend a distance of not more than twenty percent (20%) into the required front yard setback.
6. Covered or semi-covered balconies (other than allowable roof overhands), porches, patios, landing places, decks, stairways, or similar structures may not extend into required front, side, or rear yard areas.
7. Other architectural features not listed here may extend two (2) feet into any required front, side, or rear yard, but in no case closer than three (3) feet to any side property line or to any wall or fence constructed on the property line.

Figure 17.50.030-1: Examples of Allowed Projections into Side Setbacks



B. **Equipment**
Air conditioning, heating, and similar equipment may extend up to thirty (30) inches into side and rear yards, but to no closer than thirty-six (36) inches to any property line.

C. **Setback Requirements for Specific Structures**

1. **Decks, Earthworks, and Other Site Design Elements**
    a. Decks, earthworks, free-standing solar devices, steps, terraces, and other site design elements that are placed directly upon grade and do not exceed a height of thirty (30) inches above the surrounding grade at any point are exempt from setback requirements.
    b. Detached decks, earthworks, freestanding solar devices, steps, terraces, and other site design elements which are placed directly upon the grade and which exceed a height of thirty (30) inches above the surrounding grade at any point shall conform to the setback requirements for detached accessory structures in 17.66.030 (Accessory Residential Uses and Structures).
2. **Swimming Pools, Hot Tubs, and Associated Equipment**
Swimming pools, hot tubs, spas, and associated equipment shall be set back a minimum of five (5) feet from side and rear property lines, or any larger blufftop setback requirement.
3. **Retaining Walls**
    a. Retaining walls four (4) feet or less in height may be located within a required setback.
    b. Retaining walls greater than four (4) feet but less than six (6) feet in height may be located within a required setback, provided that the exposed side of the wall faces into the property.
    c. Retaining walls greater than four (4) feet in height where the exposed side of the wall faces out from the property, and all walls greater than six

(6) feet in height shall be subject to the same requirements as the primary structure in the applicable zone.

D. **Exceptions for Coastal Blufftop Developments (IP)**
All uses in any zone with side or rear yards abutting coastal bluffs and beaches are subject to the standards adopted in the Local Coastal Program policies and programs. Development permitted in the areas reserved for public beach access or recreation shall be limited to structures and facilities designed to accommodate passive recreational use of the area, including but not limited to stairways, benches, tables, refuse containers, restrooms, bicycle racks, and public parking facilities. In no case shall any development except public access paths, public stairways, native landscaping, and related improvements be permitted within the bluff retreat setbacks identified in site specific geological reports, except for fences in the R-1-C zone consistent with Subsection 17.50.040.E (Coastal Blufftop Fences (IP)).

17.50.040 Fences, Walls, and Hedges

The following standards shall apply to the installation of all fences, walls, and hedges.

A. **Permit Requirement**
Fences and walls require a Development Permit (Chapter 17.10 (Development Permits)), except where exempted from land use permit requirements by Subsection 17.50.040.B (Exemptions from Permit Requirements).

B. **Exemptions From Permit Requirements**
The following fences and walls do not require land use permit approval when constructed, unless they are blufftop fences subject to the provisions of Subsection 17.50.040.E (Coastal Blufftop Fences (IP)), but shall otherwise comply with all applicable provisions of this Zoning Code.

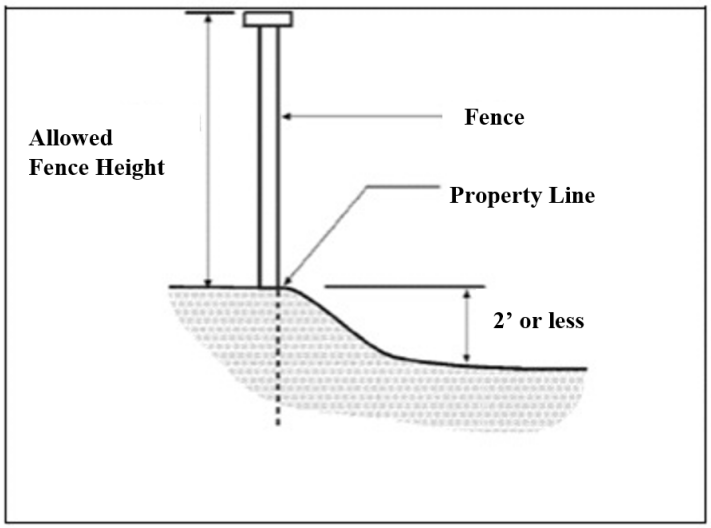
1. **Fences**
Fences (wood, wrought iron, chain link, and similar materials) and walls (concrete, concrete block, brick, other masonry) are exempt from land use permit requirements when the height of the fence or wall measured from existing grade does not exceed:
    a. Forty-two (42) inches when located within a front setback or street side setback; or
    b. Six (6) feet when located outside of a front or street side setback.
2. **Retaining Walls**
Retaining walls (retaining earth only) are exempt from land use permit requirements when less than thirty (30) inches in height with no surcharge and are not required by Chapter 17.56 (Hillside Development) to have a grading permit.
3. **Government Facilities**
Fences used to screen government facilities are exempt from land use permit requirements when the height of the fence does not exceed six feet.
4. **Required Fences**
The provisions of this section shall not apply to a fence or wall required by any law or regulation of the City, state, or any state agency

5. **Temporary Construction Fencing**
   Temporary construction fencing is exempt from land use permit requirements but requires administrative approval by the Director and shall comply with the following standards:
   a. Fencing shall be chain link between seven (7) and eight (8) feet in height with mesh or vinyl screen cover in a neutral color (e.g., green, tan, brown).
   b. Fencing shall enclose the entire perimeter of the construction site where a six (6)-foot wall or barrier does not exist.
   c. Fencing may be approved for an initial period of twenty-four (24) months, with one extension of up to twenty-four (24) additional months at the Director's discretion.
   d. Fencing shall be removed within thirty (30) days of project completion.

C. **Height Limitations**
Fences, hedges, and walls are subject to the following height limitations unless a lower height is required in another section of this Zoning Code.

1. **Applicability**
   The height limitations of this section shall not apply to: trees trimmed (to the trunk) to a line at least six (6) feet above the elevation of the intersection; saplings or plant species of open growth habits and not planted in the form of a hedge, which are planted and trimmed to leave a clear and unobstructed crossview during all seasons; supporting members of appurtenances to permanent structures existing on the date that this Zoning Code becomes effective; and official warning signs or signals.
2. **Height Determination**
   Where there is a difference in the ground level between two (2) adjoining parcels of less than two (2) feet, the height of any fence/wall constructed along the common property line shall be determined by using the finished grade of the highest contiguous parcel. Where there is a difference in the ground level between two (2) adjoining parcels of two (2) feet or more, the height of any fence/wall on the property line shall be determined by the Director.
3. **Hedges**
   Hedges within a front yard setback shall be limited to a height of forty-two (42) inches.
4. **Retaining Walls**
   Individual retaining walls shall not exceed a height of six (6) feet unless otherwise approved by the Director. All retained slopes should be terraced and landscaped/screened.

Figure 17.50.040-1: Example of Fence Height



D. **Fence Design**
Perimeter fences/walls adjacent to public rights-of-way shall be articulated by providing a minimum of one (1), two (2)-foot deep by five (5)-foot long landscaped recession for every one hundred (100) feet of continuous wall. The design may include an appropriate mix of materials and finish subject to the approval of the Director.

E. **Coastal Blufftop Fences (IP)**

1. **Applicability and Setback Requirements**
Fences within bluff retreat setbacks shall comply with the requirements of this subsection and the following minimum setback from the top edge of the bluff:
    a. **Residential Zones**
    Fences in residential zones shall maintain a minimum setback of five feet from the top edge of the bluff.
    b. **Non-Residential Zones**
    Fences in non-residential zones shall maintain a minimum setback of ten (10) feet from the top edge of the bluff.
2. **Height Limit and Opacity**
Fences within bluff retreat setbacks shall not exceed forty-two (42) inches in height and shall be constructed so that ninety percent (90%) of the fence surface area is transparent.
3. **Readily Removable Fences Required**
Fences within bluff retreat setbacks shall be designed and sited to allow their easy removal or relocation in order to continually maintain the applicable minimum setback from the top edge of the bluff. A document to this effect, in a form approved by the City Attorney, shall be recorded with the title of the property.
4. **Criteria for Approval**
A fence proposed within a bluff retreat setback shall only be approved when the fence complies with all applicable requirements of this section and Zoning Code, and when the geological report finds that the proposed fence (or alternate

location, where appropriate) will not contribute to the erosion or failure of the bluff.

5. **Periodic Review**
   The Building Official is authorized to periodically review all fences approved within bluff retreat setbacks to ensure that minimum blufftop setbacks are maintained. Property owners with approved blufftop fences shall permit periodic, pre-arranged entry by the Building Official to permit these inspections.

F. **Fences, Retaining Walls, and Hedges in the Coastal Zone (IP)**
   Any fence, retaining wall or hedge that would restrict public coastal access or significantly impact public coastal views shall be prohibited.

G. **Prohibited Materials**
   The use of barbed wire, electrified fence, or razor wire fence in conjunction with any fence, wall, or hedge, or by itself within any zone, is prohibited unless approved by the Director or required by any law or other applicable regulation.

H. **Screening**
   Fences or walls may be required between different land uses (e.g., commercial and residential, multi-family residential and single-family residential, etc.) in compliance with Section 17.50.110 (Screening).

17.50.050 Flagpoles

Flagpoles may be erected in any zone provided that the following is complied with:

A. The height of the flagpole shall be no greater than ten (10) feet above the allowed building height permitted on the property or a twenty (20)-foot pole, whichever is greater.
B. On residential lots only, the setbacks for flagpoles shall be a minimum of ten percent (10%) of the lot depth in the front yard setback, five percent (5%) of the lot width in the side yard setback, and five percent (5%) of the lot depth in the rear yard setback.
C. A building permit shall be required but without fee, in order to support the flying of the American flag.
D. The size of the flag shall not exceed a maximum size of ten (10) feet by fifteen (15) feet.
E. Flagpoles shall not interfere with line of sight from vehicles on adjacent public streets.

17.50.060 Height and Height Exceptions (IP)

A. **Purpose**
   This section provides the required methods for measuring the height of structures in compliance with the height limits establish by this Zoning Code, as well as exceptions to height limits.

B. **Maximum Height of Structures**
   The height of structures shall not exceed the standard for the applicable zone established by this Zoning Code, except as otherwise provided by this section.

C. **Height Measurement**
   The maximum allowable height shall be measured as defined in Chapter 17.72 (Definitions and Rules of Measurement), Section 17.72.040 (“B”).

D. **Exceptions to Height Limits**

1. **Non-Residential Zones, R-2, R-2-C, and R-3-C**
   Uninhabited structures (including chimneys, cupolas, domes, elevator housings, flag poles, spires, steeples, towers, water tanks, and similar structures), may exceed the height limits of the applicable zone by a maximum of fifteen percent (15%), subject to Development Permit approval, or where applicable to the primary structure, Conditional Use Permit approval.
2. **Residential Zones Other than R-2, R-2-C, and R-3-C**
   Chimneys, television antennas, cupolas, towers, solar collectors, and similar structures not exceeding a dimension of six (6) feet at their base may exceed the height limits of the applicable zone by a maximum of five (5) feet.

17.50.070 Outdoor Lighting and Glare (IP)

A. **Purpose**
The purpose of this section is to maintain adequate visibility and safety, conserve energy, minimize direct upward light, spill light, glare and artificial night sky glow, preserve dark sky conditions, and protect coastal visual resources and sensitive habitat areas.

B. **Applicability**
The standards of this section apply to all new development and to exterior alterations and additions that involve replacement light fixtures or systems, except as provided below:

1. Public and private street lighting.
2. Athletic field lights used within a school campus or park.
3. Safety and security lighting for public facilities.
4. All construction or emergency lighting fixtures, provided they are temporary and are discontinued immediately upon completion of the construction work or abatement of the emergency.
5. Seasonal lighting displays related to cultural or religious celebrations.
6. Lighting in conjunction with a City-sanctioned special event.

C. **Application Materials**
Applications for land use permit approval for multi-family dwellings, non-residential uses, and outdoor recreation facilities shall include complete photometric plans demonstrating compliance with the standards of this section.

D. **View (V) Overlay Zone Requirements**
In the View (V) Overlay Zone, photometric plans submitted pursuant to Subsection 17.50.070.C (Application Materials) shall also demonstrate that exterior lighting will be limited to pedestrian safety needs, and will not adversely impact coastal views or sensitive habitat areas.

E. **Prohibitions**
The following types of exterior lighting are prohibited:

1. The operation of searchlights for advertising purposes.
2. Mercury vapor lights.
3. Laser lights or any other lighting that flashes, blinks, alternates, or moves.
4. Lighting that results in glare to motor vehicles on public rights-of-way.

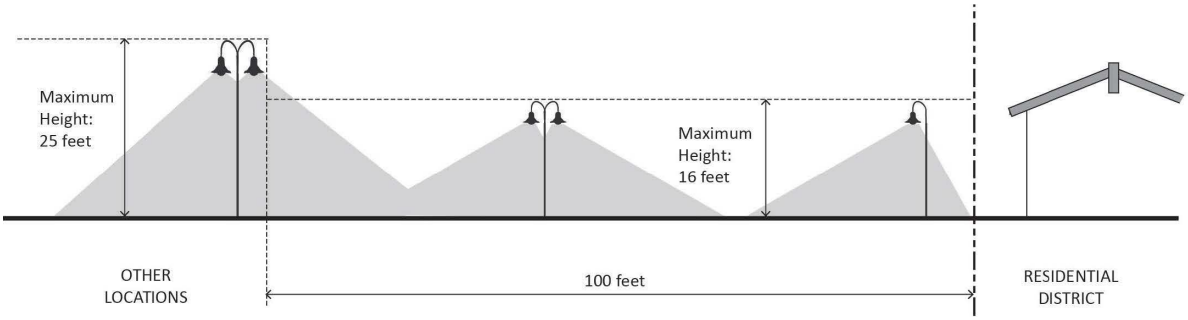
5. Uplighting, except as approved by the review authority for architectural features, monuments, or public art, using narrow-beam fixtures that confine illumination to the specific feature.
6. Outdoor floodlighting, except as required for security purposes at public facilities.

F. **General Requirements**

Exterior lighting shall be designed to be an integral part of the built environment, reflecting a balance for the lighting needs with the contextual ambient light level and surrounding nighttime characteristics of the community. Lighting for commercial installations adjacent to or near residential uses shall be compatible with and not directly illuminate nearby residential uses.

1. **Required Illumination**
   a. **Sites Serving Three or More Residential Units**
      i. Lighting in parking areas, garage areas, and carport areas shall be maintained with a minimum of one (1) foot-candle of illumination at the ground level between sunset and sunrise.
      ii. Aisles, passageways, and recesses related to and within the site shall be illuminated with an intensity of at least 0.25 foot-candles at the ground level during the between sunset and sunrise.
   b. **Non-Residential Buildings**
      All exterior doors, between sunset and sunrise, shall be illuminated with a minimum of 0.5 foot-candle.
   c. **Parking Areas**
      Parking areas consisting of four (4) or more parking spaces shall be illuminated with a minimum of one (1) foot-candle at ground level.
2. **Maximum Height**
   a. Within one hundred (100) feet of a residential zone: sixteen (16) feet.
   b. Other locations: twenty-five (25) feet
   c. **Exceptions**
      The review authority may allow additional height for activities, uses, or development with unique lighting needs; for accentuating historic architectural features of a building, accentuating signage, and/or landscape features; or for security purposes.

Figure 17.50.070-1: Maximum Height, Lighting, and Illumination



3. **Design of Fixtures**
   Fixtures shall be appropriate to the style and scale of the architecture. Fixtures on buildings shall be attached only to walls or eaves, and the top of the fixture shall not exceed the height of the parapet or roof or eave of roof.
4. **Timing Controls**
   a. All exterior lighting in non-residential development shall be on a time clock or photo-sensor system and turned off during daylight hours and during hours when the building or, in the case of shopping centers, all buildings, are not in use and the lighting is not required for security.
   b. Lighting adjacent to sensitive coastal or riparian habitat areas shall avoid operating at unnecessary locations, levels, and times, and shall incorporate motion sensors or other controls to minimize disturbance to wildlife.
5. **Light Trespass and Shielding**
   All lights shall be directed, oriented, and fully shielded to prevent light trespass or glare onto adjacent properties and to direct lighting downward and away from the shoreline and sensitive habitat areas. Light fixtures shall be fully shielded (full cut-off design) to prevent upward light emission. The light level at property lines shall not exceed 0.3 foot-candles.
6. **Color Temperature**
   All outdoor lighting shall use lamps with a correlated color temperature (CCT) not exceeding three thousand (3000) Kelvin to minimize impacts on wildlife and preserve night sky quality.

G. Lighting in the Coastal Zone

1. At minimum, lighting in the Coastal Zone shall comply with the standards of this section.
2. In addition, exterior lighting shall be wildlife-friendly, shall use lamps that minimize the blue end of the visible spectrum, and shall be limited to the maximum extent feasible to the minimum lighting necessary for safe ingress, egress, and use purposes. All lighting (exterior and interior) shall be sited and designed so that it limits the amount of light or glare visible from both public viewing and natural areas to the maximum extent feasible (i.e., through using the lowest luminosity possible, directing lighting downward and away from public and natural areas, shielding bulbs/light sources from view, prohibiting lighting that blinks or flashes, etc.). All outdoor lighting fixtures shall not create light trespass or spillover onto neighboring properties or ESHA.

17.50.080 Performance Standards

A. **Purpose**
The purposes of this section are to:

1. Establish permissible limits and permit objective measurement of nuisances, hazards, and objectionable conditions;
2. Ensure that all uses will provide necessary control measures to protect the community from nuisances, hazards, and objectionable conditions; and
3. Protect industry from arbitrary exclusion from areas of the city.

B. **Applicability**
The requirements of this section apply to all land uses in all zones except for legal nonconforming uses, temporary events approved with a Temporary Use Permit, emergency activities, construction activities, or other similar activities as determined by the Director Standards in Title 8 (Health and Safety) also apply.

C. **General Standard**
Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive or other hazard that would adversely affect the surrounding area.

D. **Measurement of Impacts**
Measurements necessary for determining compliance with the standards of this section shall be taken at the lot line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.

E. **Fire and Explosive Hazards**
All activities, processes and uses involving the use of, or storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. Firefighting and fire suppression equipment and devices standard in industry shall be approved by the Fire Department. All incineration is prohibited.

F. **Air Contaminants**
Uses, activities, and processes shall not operate in a manner that emits excessive dust, fumes, smoke, or particulate matter, unless authorized under federal, state, or local law. Sources of air emissions shall comply with all rules established by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the San Luis Obispo County Air Pollution Control District.

G. **Electromagnetic Interference**
No use, activity or process shall cause electromagnetic interference with normal radio and television reception, or with the function of other electronic equipment beyond the lot line of the site in which it is situated. All uses, activities and processes shall comply with applicable Federal Communications Commission regulations.

H. **Hazardous Materials**
The use, handling, storage, and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations and the California Fire and Building Codes, as well as the laws and regulations of the California Department of Toxic Substances Control and the County Environmental Health Agency. Activities, processes, and uses shall not generate or emit any fissionable or radioactive materials into the atmosphere, a sewage system or onto the ground. A Use Permit shall be required for any commercial or industrial use involving potentially hazardous materials, and a hazardous waste management plan shall be required as a condition of approval.

I. **Liquid or Solid Wastes**

1. **Discharges to Water or Sewers**
Liquids and solids of any kind shall not be discharged, either directly or indirectly, into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board (California Administrative Code,

Title 23, Chapter 3 and California Water Code, Division) and any other agency as shall have jurisdiction of such activities.

2. **Solid Wastes**
   Solid wastes shall be handled and stored so as to prevent nuisances, health, safety, and fire hazards, and to facilitate recycling. There shall be no accumulation outdoors of solid wastes conducive to the breeding of rodents or insects, unless stored in closed containers.

J. **Noise**
   No use or activity shall create ambient noise levels that exceed the noise limits established in the General Plan/Local Coastal Plan, except that the noise limits shall not apply to emergencies or warning devices, special events, public works projects, or similar activities as determined by the Director.
   1. **Limitation on Development in High Noise Areas**
      Proposed development and new land uses shall not be approved where the noise level caused by existing stationary sources or the noise levels from existing or projected transportation noise exceeds the standards of the noise element of the General Plan/Local Coastal Plan, unless it is determined that effective noise mitigation measures have been incorporated into the project to reduce noise exposure to the acceptable levels identified in the noise element of the General Plan/Local Coastal Plan.
   2. **Standards for New Noise-Producing Uses**
      Development and new land uses that will include stationary noise sources, or transportation noise sources, which are proposed on or adjacent to lands designated for noise-sensitive uses, shall incorporate mitigation measures so that the noise levels do not exceed those identified in the noise element of the General Plan/Local Coastal Plan.

K. **Odors**
   No use shall be permitted which creates noxious or annoying odor in such quantities as to be readily detectable beyond the boundaries of the parcel or unit where the use is located.

L. **Vibration**
   No vibration shall be permitted to as to cause a noticeable tremor measurable without instruments at the lot line.

M. **Glare**
   No use shall be operated such that significant, direct glare, incidental to the operation of the use is visible beyond the boundaries of the lot where the use is located.

17.50.090 Portable Structures

Portable structures, but not including accessory structures defined in Section 17.66.030 (Accessory Residential Uses and Structures (IP)), in residential zones including but not limited to pre-manufactured storage sheds, etc., may be erected in residential zones subject to the following criteria:

A. Maximum floor area: One hundred and twenty (120) square feet.
B. Maximum structure height: Eight (8) feet.

C. Structure is located behind any required front yard setbacks. The structure may be located in any side or rear setback.
D. Storage of hazardous materials and chemicals is prohibited.
E. A single structure per lot or unit is permitted. Any additional portable structures shall comply with the requirements for accessory structures in the underlying zone.

Structures that meet the criteria described above do not require a permit, provided, however, that any such structures shall also be subject to required blufftop setbacks as specified in the Local Coastal Program.

17.50.100 Environmentally Sensitive Habitat Area Protection (IP)

A. **Application Requirements – Habitat Assessment**
A land use permit application for any site which is traversed by, includes any portion of, or is within one hundred (100) feet of an environmentally sensitive habitat area, including Pismo Creek, Pismo Marsh, or any other watercourse shown as a blue line on a USGS topographic quadrangle map shall include a habitat assessment prepared by a qualified biologist and, where appropriate, a botanical survey prepared by a qualified expert, consistent with General Plan/Local Coastal Plan Action COS-4.3b. The habitat assessment shall identify the extent of environmentally sensitive habitat areas, document site constraints, and sensitive species, and recommend appropriate buffers, setbacks, and mitigation measures, consistent with General Plan/Local Coastal Plan Action COS-4.3c and COS-4.3d.

B. **Environmentally Sensitive Habitat Area Protection**
    1. **Applicability**
    Development within or adjacent to an environmentally sensitive habitat area (ESHA) shall comply with General Plan/Local Coastal Plan Policy COS-4.3 and Actions COS-4.3a through COS-4.3k.
    2. **General ESHA Buffers**
        a. **Minimum Width**
        Buffers around non-wetland ESHA, excluding riparian habitat subject to Subsection D, shall be a minimum of fifty (50) feet in width, measured from the edge of the ESHA.
        b. **Buffer Reduction**
        Buffers for non- wetland ESHA, excluding riparian habitat subject to Subsection D, may be reduced to not less than twenty-five (25) feet consistent with General Plan/Local Coastal Plan Action COS-4.3d and COS-4.3e, only if the reduced buffer provides the same or greater protection to the ESHA.
        c. **Structures in Buffers**
        No permanent structures shall be permitted within ESHA buffers except for the minimum amount of fencing required for security and habitat protection purposes, or structures of a minor nature such as at-grade improvements for pedestrian or equestrian trails, consistent with General Plan/Local Coastal Plan Action COS-4.3e.

d. **Existing Development in Buffers**
Existing development that was legally permitted and constructed within ESHA buffers may be maintained or remodeled unless the remodel or maintenance replaces fifty percent (50%) or more of the structure, at which point the entire development must conform with all applicable ESHA buffer requirements, consistent with General Plan/Local Coastal Plan Action COS-4.3f. Any expansion or addition to existing development shall not increase the nonconformity and shall conform to the required buffer.

3. **Wetland Buffers**
Wetland buffers are subject to the standards specified in Subsection 17.50.100.D.3 (Wetland Buffers).

4. **Specific Habitat Areas**
The following habitat areas within the city are subject to ESHA protection and may have additional specific buffer and protection requirements as established in the General Plan/Local Coastal Plan:
   a. Pismo Creek and riparian corridor (see Subsection 17.50.100.D.1 (Pismo Creek))
   b. Pismo Marsh/Pismo Lake (see Subsection 17.50.100.D.2 (Pismo Marsh and Other Watercourses))
   c. Monarch Butterfly habitat (Action COS-4.3k)
   d. Ocean and shoreline habitats (Policy COS-4.1)
   e. Sand dunes (Action COS-4.1g)
   f. Oak woodlands (Policy COS-4.4)
   g. Other watercourses shown as blue lines on USGS topographic quadrangle maps (see Subsection 17.50.100.D.2 (Pismo Marsh and Other Watercourses))

5. **ESHA Mitigation and Monitoring**
Where impacts to ESHA are unavoidable for allowed resource-dependent development, the following ratios for habitat mitigation and monitoring shall be applied for allowable impacts to upland vegetation. The ratios represent the acreage of the area to be restored/created to the acreage impacted:
   a. 4:1 for wetlands;
   b. 3:1 for riparian habitats;
   c. 3:1 for other habitats that support state or federal rare, threatened, or endangered species, species of special concern or California Rare Plant Society (CNPS) 1b or 2 listed plants;
   d. 3:1 for other ESHA including sensitive natural communities defined as S1-S3, G1-G3 by CDFW;
   e. 2:1 for coastal sage scrub not occupied by listed species.

C. **General Habitat Protection Standards**

1. The minimum standards that may be specified in a habitat assessment shall include the following.

a. Provisions for the preservation of groupings of trees in which at least ten (10) trees with a minimum six (6)-inch diameter (measured four- and one-half (4 ½) feet above natural grade) will be retained.
b. Provisions for the removal of plants from the habitat areas which are diseased or present public safety hazards. These conditions shall be certified by a professional horticulturist or a licensed landscape architect. Replacement and mitigation for removed vegetation shall be consistent with General Plan/Local Coastal Plan Actions COS-4.3h, COS-4.3i, and COS-4.3j.
c. Provisions for the alteration of riparian vegetation. Cutting or alteration of riparian vegetation that functions as a portion of, or protects, a riparian habitat shall not be permitted except:
    i. To protect public safety where it is determined a public safety risk exists after consultation with the Fire Department and Public Works Director, and where the work done is the minimum needed in consultation with a qualified biologist and/or other appropriate professional to address a specific or documented hazard; mitigation shall be required where applicable (see Action COS-4.3i).
    ii. To support a public works project (such as the installation of utility lines, pipelines, driveways, roads, etc.) where the Director determines there is no feasible alternative; and
    iii. To locate a principal permitted use on an existing lot of record where no feasible alternative exists.

2. Where an exception to the above minimum standards is proposed in a habitat assessment, the following findings shall be made to support the exception:
    a. Alternative locations and routes are infeasible or more environmentally damaging;
    b. Adverse environmental effects are mitigated to the maximum extent feasible;
    c. The adjustment is necessary to allow a principal permitted use of the property, and redesign would not allow the use with the standard setbacks; and
    d. The adjustment is the minimum that would allow for the establishment of the principal permitted use.

D. **Riparian Setbacks**

New development shall be setback from the upland edge of riparian vegetation to the maximum amount feasible. Structures, paving, and grading (other than grading determined by the Director to be necessary for slope stabilization) shall be set back from Pismo Creek, and Pismo Marsh, and any other watercourses shown as blue lines on a USGS topographic quadrangle map, by the following minimum distances:

1. **Pismo Creek**

    The following required setbacks shall be measured from the outer edge of riparian vegetation, or from the top of the creek bank where there is no vegetation.

a. **West Bank**
   i. One hundred (100) feet from Cypress Street northward to city limits;
   ii. Twenty-five (25) feet from Cypress Street to the ocean.
b. **East Bank**
   i. One hundred (100) feet from U.S. 101 northward to city limits;
   ii. Fifty (50) feet from U.S. 101 to Dolliver Street;
   iii. Twenty-five (25) feet from Dolliver Street to the ocean.

2. **Pismo Marsh and Other Watercourses**
   The required setback shall be measured from the outer edge of riparian vegetation, or from the top of the creek bank where there is no vegetation. The minimum width of the creek setback shall be one hundred (100) feet between environmentally sensitive areas and proposed development.
3. **Wetland Buffers**
   Buffers shall be provided around wetlands consistent with General Plan/Local Coastal Plan Action COS-4.6d.

E. **Exceptions and Additional Requirements**
Exceptions to creek setbacks and additional required riparian habitat protection measures are established by the conservation and open space element of the General Plan/Local Coastal Plan.

17.50.110 Screening

A. **Screening Between Uses**
Screening between different land uses shall be provided as follows:
   1. Non-residential development shall provide a six (6)-foot high, solid decorative masonry wall along any interior property line abutting a residential zone or existing residential use, unless modified by the Planning Commission.
   2. Multi-family residential development shall provide a six (6)-foot high solid wood fence, or solid decorative masonry wall, along any property line abutting an R-1 zone or existing single-family dwelling.
   3. Required screening walls shall be architecturally treated on both sides, subject to the approval of the Director.

B. **Screening of Equipment**
Mechanical equipment (e.g., air conditioners, ducting, plumbing, vents, and similar equipment), whether on the roof, side of structure, or ground, shall be screened from public view. The method of screening shall be architecturally compatible with other site development in terms of materials, colors, shape, and size. The screening design and construction shall be subject to the approval of the review authority and shall blend with the design of the structure(s) and include appropriately installed and maintained landscaping when on the ground.

C. **Screening of Outdoor Storage and Trash Collection Areas**
All areas used for storage, or for trash collection, shall be located either within a structure, or on the least visible portions of a site, and screened from view by enclosure within a solid wall or fence not less than six (6) feet in height.

1. Trash and storage areas shall be screened by landscaping, fencing, berms or other devices integral with overall site and building design.
2. If visible from the upper stories of nearby structures, trash areas shall incorporate overhead screening features such as trellises or solid roofs.
3. Outdoor trash storage areas subject to scavenging birds shall be enclosed on all sides, and from above, to prevent access by birds.

17.50.120 Solar Energy Systems

A. **Solar Energy**
The Planning Commission shall encourage and may require projects to provide either passive or active solar systems for water heating and space air conditioning where feasible. The following techniques shall be explored:
1. Orientation of structures for maximum solar heat gain;
2. Proper location of roof overhangs and eves to maximize natural cooling and heating;
3. Utilization of deciduous trees south of structures to provide for natural cooling and heating;
4. Use of passive and active solar systems to provide room heating and cooling needs as well as water heating.

B. **Solar Protection**
The Planning Commission shall require that CC&R's adopted for new residential development contain provisions for the protection of solar access to any solar collection device required to be constructed by the City for that development. Provisions to be enforced by the homeowner's association shall include requirements that new vegetation, walls or structures may not be allowed to shade more than twenty percent (20%) of the average solar energy reaching active or passive solar collecting devices during the hours of 10:00 a.m. and 3:00 p.m. Solar collecting devices must be for the primary purpose of providing space heating or cooling, or water heating for the residence or pool.

17.50.130 Undergrounding Utilities (IP)

Existing and proposed new utility services shall be placed underground whenever feasible. This requirement shall not apply to single family homes and/or lots existing as of the date of adoption of this Zoning Code.

17.50.140 Visitor Serving Commercial Conversions (IP)

Conversion of low-cost visitor-serving lodging or overnight accommodations to other non-visitor-serving types of uses or high-cost overnight visitor accommodations shall be prohibited unless the cost of rehabilitation is greater than fifty percent (50%) of the market value of the structure or the City finds, based upon supporting data, that the existing use can no longer be made economically viable. Where conversion or demolition is allowed, the loss shall be mitigated with the order of priority being onsite replacement, offsite replacement, and then in-lieu fees.

Chapter 17.51 Reserved

Chapter 17.52 Inclusionary Housing

Sections:

17.52.010 Purpose
17.52.020 Inclusionary Housing Requirements
17.52.030 Applicability
17.52.040 Exclusions to Inclusionary Housing Requirements
17.52.050 Affordable Housing Units Methods and Procedures
17.52.060 In-Lieu Fee Methods and Procedures
17.52.070 Dwelling Unit Dedication Methods and Procedures
17.52.080 Real Property Dedication Methods and Procedures
17.52.090 Inclusionary Housing Project Application
17.52.100 Affordable Housing Agreement
17.52.110 Affordable Housing Eligibility
17.52.120 Affordability Restrictions
17.52.130 Shared Equity Purchase Program

17.52.010 Purpose

The purpose and intent of this chapter is to promote the public welfare by establishing inclusionary housing requirements and standards identified in Section 17.52.020 (Inclusionary Housing Requirements). In establishing these inclusionary housing requirements and standards and offering these bonuses and other incentives, this chapter is intended to implement the requirements of state law (California Government Code Sections 65302 and 65913 et seq.) as they may be amended from time to time.

17.52.020 Inclusionary Housing Requirements

A. The provisions of this chapter shall apply to all new residential and commercial projects within, and to be annexed to, the City.

B. **Methods of Meeting Inclusionary Housing Requirements**
New development projects shall satisfy the inclusionary housing requirement as specified in Section 17.52.030 (Applicability). To meet the inclusionary housing requirements, the developer shall comply with one or more of the following methods:

1. Construct the required number of affordable housing units, as specified in this chapter;

2. Pay an in-lieu fee as described in this chapter;
3. Dedicate existing dwelling units for affordable housing equal to or greater than the equivalent value to the applicable in-lieu fee which would otherwise be required by this chapter and table;
4. Dedicate real property for affordable housing equal to or greater than the equivalent value to the applicable in-lieu fee which would otherwise be required by this chapter; or
5. Use a combination of the above methods subject to the approval of the Council.

C. **Inclusionary Housing Standards**
Affordable housing units acquired or constructed must meet inclusionary housing requirements and must be consistent with the affordability policies contained in the Housing Element of the General Plan/Local Coastal Plan.

D. **Concurrent Development**
The required affordable housing units shall be acquired or constructed before, or concurrently with, market value dwelling units, unless the developer and the Council agree within an affordable housing agreement to an alternate development schedule.

17.52.030 Applicability

The provisions of this chapter shall apply to the following types and numbers of development projects:

A. **Residential Developments**
Residential developments shall provide housing as set out below.
1. Fraction units less than 0.50 shall be rounded down to the first whole number unit, and fractional units of 0.50 percent or greater shall be rounded up to the next higher number unit.
2. For residential projects consisting of custom-built dwelling units which are to be constructed subsequently to the completion of the subdivision, building valuation shall be determined by using the average building permit value of five (5) recently constructed comparable dwelling units. Under circumstances where recent construction values cannot be used, the average value of constructed dwelling units listed as property improvements on the assessor's roll shall be used in calculating in-lieu fees.
3. **Number of Units**
    a. For each ten (10) residential units provide one (1) affordable unit; or
    b. For five (5) or more residential units provide in-lieu fees equal to or more than five percent (5%) of building permit value; or
    c. For each ten (10) residential units dedicate one (1) used dwelling or real property equal to or more than the applicable in-lieu fee; or
    d. A combination of the above methods subject to Council approval;
    e. Projects which involve subdivision of residential lots only shall be required to either:
        i. Dedicate a number of lots equal to ten percent (10%) of the total, or an equivalent land area, to the City for future development of low- and moderate-income housing; or

ii. Pay in-lieu housing fees established by the City ordinance; or
iii. A combination of the above methods subject to Council approval;
iv. Residential projects in which the total development on the property is more than one unit but less than twenty (20) units shall be required to either provide affordable units on the same percentage bases specified in Subsection A.3.a or to pay in-lieu fees as established by City ordinance. If affordable units are to be provided, the City may permit those units to be developed elsewhere at other appropriate sites within the city.
v. The percentages of this housing set aside shall apply to the total development project and be proportionally included in annual phasing.

B. **Commercial Developments in the City and for Annexed Properties Designated for Commercial Use**

Commercial developments in the city or to be annexed shall:

1. For each five thousand (5,000) square feet of commercial area, provide one (1) affordable unit;
2. For a commercial building five thousand (5,000) square feet or greater, provide in-lieu fees equal to or more than two percent (2%) of building permit value;
3. For each five thousand (5,000) square feet of commercial building provide one (1) used dwelling or real property equal to the value of, or more than, the applicable in-lieu fee; or
4. A combination of the above methods subject to Council approval.

17.52.040 Exclusions to Inclusionary Housing Requirements

The provisions of this chapter shall not apply to the following types of development projects:

A. Residential projects consisting of four (4) or less lots or new dwelling units;
B. New commercial projects consisting of less than five thousand (5,000) square feet of gross floor area;
C. Residential and commercial building additions, repairs, or remodels, provided that such work does not increase the number of existing dwelling units in a residential project by five (5) or more units or result in an increase in gross floor area of five thousand (5,000) square feet or more in a commercial project;
D. Residential conversions of less than ten (10) dwelling units to condominiums within any five (5)-year period;
E. Commercial condominium conversions which do not result in the creation of new spaces exceeding five thousand (5,000) square feet;
F. Affordable dwelling units in any development project;
G. Emergency projects, or projects which the Council determines are necessary to protect public health and safety;
H. Development projects which the Council determines in its sole discretion are essentially non-commercial and non-residential in nature, which provide educational, social, or related services to the community and which are proposed by public agencies, foundations, and other similar organizations;

I. Projects which replace or restore a structure damaged or destroyed by fire, flood, earthquake, or other disaster. Application for a new replacement structure(s) shall be made within three (3) years of date of said disaster;
J. Approved projects for which a construction permit was issued prior to the effective date of this chapter and which continue to have unexpired permits.

17.52.050 Affordable Housing Units Methods and Procedures

A. **Affordable Housing Unit Number Determination**
In determining the number of affordable housing units required to be constructed pursuant to Section 17.52.030 (Applicability), residential projects phased over time shall meet the inclusionary housing requirements cumulatively. The first development phase shall be required to meet the inclusionary housing requirements based upon the number of affordable housing units in that phase. Each additional development phase shall be required to meet the inclusionary housing requirements for all development phases approve, less the number of affordable housing units already constructed as required by this chapter and Section 17.52.030 (Applicability).
B. **Timing Regarding Inclusionary Housing Requirements**
The inclusionary housing requirements contained in this chapter applicable to the construction of affordable housing units shall be satisfied prior to the following:
    1. The issuance of a certificate of occupancy for the first unit in a building;
    2. The first building in a complex to be constructed or remodeled;
    3. Final map approval, for subdivisions;
    4. Building permit issuance, for projects for which a certificate of occupancy is not issued; or
    5. As otherwise agreed to by the Council as part of a tentative map, rezoning, Conditional Use Permit, or other development approval.

17.52.060 In-Lieu Fee Methods and Procedures

A. **Payment of In-Lieu Fee**
As an alternative to constructing a required number of affordable housing units, the developer may, at their discretion, choose to pay an in-lieu fee to the City to meet the inclusionary housing requirements.
B. **Amount and Method of Paying In-Lieu Fee**
The dollar amount and method of payment of an in-lieu fee shall be as described in Section 17.52.030 (Applicability).
C. **Timing Regarding Inclusionary Housing Requirements**
The in-lieu fee shall be paid, and other requirements met prior to the following, as decided by the Director:
    1. The release of occupancy of the first dwelling within a residential development;
    2. The final subdivision map approval, for residential subdivisions to be built out by others;
    3. Occupancy for new commercial buildings or remodels;
    4. Building permit issuance, for projects for which a certificate of occupancy is not issued; or

5. As otherwise agreed to by written agreement between the developer and the City, with the approval of the Director.

D. **Affordable Housing Fund**
An in-lieu fee paid and collected pursuant to this chapter shall be deposited into an affordable housing fund. The affordable housing fund shall be administered by the City's Finance Director and shall be used exclusively to provide funding for the provision of affordable housing and for reasonable costs associated with the development of affordable housing, at the discretion of the Council.

17.52.070 Dwelling Unit Dedication Methods and Procedures

A. **Irrevocable Offer to Dedicate Dwelling Units**
As an alternative to the construction of a required number of affordable housing units or paying an in-lieu fee to the City to meet the inclusionary housing requirements, the developer may make an irrevocable offer to dedicate existing dwelling units located within three (3) miles of the development project within the city limits equal to, or greater in value than the applicable in-lieu fee which would otherwise be required pursuant to Section 17.52.030 (Applicability). The existing dwelling unit or units shall be dedicated to the City or to the housing provider designated by the City. Existing dwelling units must comply with all applicable building codes before they are accepted for dedication. In considering the dedication of dwelling units, the Council must find that converted affordable housing units will provide equal or greater public benefit than the construction of affordable housing units or the value of in-lieu fees. The Council shall consider the following criteria when making the necessary findings:
    1. Valuation of the acquired existing dwelling units to be dedicated relative to other methods of meeting the inclusionary housing requirements; and
    2. Feasibility of conversion of the acquired existing dwelling units to affordable housing units, including General Plan/Local Coastal Plan consistency, and the availability of infrastructure.

B. **Existing Dwelling Unit Valuation**
The valuation of the existing dwelling units shall be determined by the Director, based upon an appraisal made by a qualified appraiser chosen by the Director.

C. **Agreement/Timing Regarding Dwelling Unit Dedication**
The dwelling unit dedication shall be by deed or other instrument acceptable to the City and shall be completed by recordation with the Recorder of the County of San Luis Obispo prior to the following:
    1. The occupancy release of the first (1st) residential unit or commercial building in the development project;
    2. Prior to recordation of a final map for a residential subdivision to be built out by others;
    3. Building permit issuance for a project for which a certificate of occupancy is not issued; or
    4. As otherwise provided by written agreement between the developer and the City.

D. **Dwelling Unit Dedication Trust**
Existing dwelling units irrevocably offered for dedication pursuant to this chapter, shall be

phased into a dwelling unit dedication trust. The dwelling unit dedication trust shall be administered by the City's Finance Director, or a designated housing agent approved by the Council and shall be used exclusively to provide affordable housing and for reasonable costs associated with the development of affordable housing, at the discretion of the Council. Toward this goal, the existing dwelling units may be sold, leased, traded, developed, or improved.

E. **Conversion of Rental Units**
Conversion of any rental units to ownership units occurring during the period the rental controls are in effect will require the percentage of controlled units to be offered for sale at a cost affordable to the eligible moderate-income household, and resale controlled by the City or housing authority. Tenants must be provided notice consistent with state law, including California Government Code Section 65863.10 and 66427.1. This policy applies to all property for which development application or specific plan has not been previously approved at the time of adoption of the housing element.

F. **Cost of Dedication**
Costs associated with the dedication, including, but not limited to appraisal, title insurance, transfer recordation and related costs, shall be borne by the developer.

17.52.080 Real Property Dedication Methods and Procedures

A. **Irrevocable Offer to Dedicate Real Property**
As an alternative to the construction of a required number of affordable housing units or paying an in-lieu fee to the City to meet the inclusionary housing requirements, the developer may make an irrevocable offer to dedicate real property within the city limits equal to or greater in value than the applicable in-lieu fee which would otherwise be required pursuant to Section 17.52.030 (Applicability). The property shall be dedicated to the City or to a housing provider designated by the City. In considering an offer to dedicate real property, the Council must find that the dedication of real property will provide equal or greater public benefit than the construction of affordable housing units or paying in-lieu fees. The Council shall consider the following criteria in making the necessary findings:
    a. Valuation of the land and/or improvements to be dedicated relative to other methods of meeting the inclusionary housing requirements;
    b. Suitability of the land and/or improvements for housing, including General Plan/Local Coastal Plan conformity, size, shape, topography, and location; and
    c. Feasibility of developing affordable housing, including General Plan/Local Coastal Plan consistency, and availability of infrastructure.

B. **Real Property Valuation**
The valuation of real property offered shall be determined by the Director, based upon an appraisal made by a qualified appraiser chosen by the Director.

C. **Agreement/Timing Regarding Real Property Dedication**
The real property dedication shall be by deed or other instrument acceptable to the City, and shall be completed by recordation with the Recorder of the County of San Luis Obispo prior to the following:
    1. The occupancy release of the first (1st) residential unit or commercial building in the development project;

2. Prior to recordation of a final map for a residential subdivision to be built out by others;
3. Building permit issuance for projects for which a certificate of occupancy is not issued; or
4. As otherwise provided by written agreement between the developer and the City.

D. **Real Property Dedication Trust**
Real property irrevocably offered for dedication pursuant to this chapter shall be placed into a real property dedication trust. The real property dedication trust shall be administered by the City's Finance Director, or a designated housing agent approved by the Council, and shall be used exclusively to provide affordable housing and for reasonable costs associated with the development of affordable housing, at the discretion of the Council toward this goal, the existing dwelling units may be sold, leased, traded, developed or improved.

E. **Cost of Dedication**
Costs associated with the dedication, including, but not limited to appraisal, title insurance and transfer, recordation, and related costs, shall be borne by the developer.

17.52.090 Inclusionary Housing Project Application

A. **Method of Application**
An applicant proposing a development project for which inclusionary housing is required shall submit a statement with a standard planning application, describing the inclusionary housing project proposal. The developer's statement shall include the following:

1. A brief description of the proposal including the method chosen to meet the inclusionary housing requirements, the number, type and location of affordable housing units, the term of affordability, a preliminary calculation of in-lieu fees, or an offer of existing dwelling units or real property dedication;
2. A description of how the proposal meets the General Plan/Local Coastal Plan policies and the inclusionary housing requirements;
3. Plans and other exhibits showing preliminary site layout, grading, building elevation, parking and other site features, and the location of the affordable housing units and, where applicable, the market value dwelling units;
4. A description of financial assistance requested. Such financial assistance could be in the form of a density bonus, reduced permit fees, exceptions to development standards, or any other incentives; and
5. Such other information which the Director determines necessary to adequately evaluate the proposal.

B. **Director Response**
After receiving a developer's required statement with a standard planning application for a development project, the Director shall respond to the applicant/developer's affordable housing proposal. The City’s response shall identify the following:

1. The affordable housing proposal, issues, and constraints;
2. The incentives which the Director can support when making a recommendation to the review authority; and

3. The procedures that are required to be followed to comply with the inclusionary housing requirements.

17.52.100 Affordable Housing Agreement

A. **Submittal of Affordable Housing Agreement**
Applicants for a project with affordable housing subject to this chapter shall, as a condition of development approval, prepare and submit a proposed affordable housing agreement for approval by the Director and City Attorney. The draft agreement shall comply with these inclusionary housing requirements, City policies and standards, and applicable codes. Following approval and signing of the affordable housing agreement by the parties, the final agreement shall be recorded, and relevant terms and conditions shall be recorded, as a deed restriction on those lots or affordable housing units subject to the inclusionary housing requirements. The affordable housing agreement shall be binding on all future owners and successors in interest.

B. **Agreement Regarding Construction of Affordable Housing**
For development projects meeting their inclusionary housing requirements through the construction of affordable housing units, the affordable housing agreement shall specify at least the following:
   1. The number and location of the affordable housing units;
   2. The size (square footage), number of bedrooms, and design of the affordable housing units;
   3. The terms of affordability;
   4. The schedule for construction of the affordable housing units;
   5. The incentives or other financial assistance to be provided by the City;
   6. Where applicable, the procedures to be used for qualifying tenants or buyers, setting rental/sales costs, renting, or selling units, filling vacancies, and managing the units; and
   7. Such other terms and conditions requested by the City.

C. **Agreement Regarding Payment of In-Lieu Fees**
An affordable housing agreement or agreements for existing dwelling unit or real property dedication shall not be required for development projects which meet their inclusionary housing requirements through the payment of in-lieu fees.

D. **Agreements for Dwelling Unit or Real Property Dedication**
For development projects meeting their inclusionary housing requirements through existing dwelling unit or real property dedication, the affordable housing agreement shall specify the following:
   1. The method of conveyance, schedule, and appraisal value of the proposed dedication;
   2. The calculation of affordable housing in-lieu fees otherwise applicable (pursuant to Section 17.52.030 (Applicability)) to the development project at the time of recordation;
   3. Provide title report and insurance;
   4. The description of the location, condition, improvements, and other relevant factors applying to the real property; and
   5. Such other information required by the City.

17.52.110 Affordable Housing Eligibility

A. **Eligibility**
Only moderate-income households, low-, or very low-income households shall be eligible to rent, purchase, or occupy affordable housing units developed or funded in compliance with the inclusionary housing requirements. For sale of affordable dwelling units, the affordable housing units shall be occupied by the owner for the entire term of the affordable housing agreement.

B. **Eligibility Screening**
The City, or other approved housing provider designated by the City shall screen prospective renters or buyers of the affordable housing units. Renters or buyers of inclusionary dwelling units shall enter into an agreement with the City, its housing authority or other approved housing provider to comply with the inclusionary housing requirements. A priority preference shall be applied when selling or leasing affordable units within rental and ownership projects to applicants who have lived or worked in the city for at least the previous two (2) years, with additional preference given to first(1st)-time homebuyers for ownership opportunities.

17.52.120 Affordability Restrictions

Developers of affordable housing units for sale shall specify the inclusionary housing requirements to be applied. The developer shall choose to either:

A. Enter into an affordable housing agreement to ensure that affordability is maintained for a period of not less than thirty (30) years, or as otherwise required by state law (affordable housing units shall also be subject to a thirty (30)-year term of affordability); or
B. Participate in a shared equity purchase program, as described in Section 17.52.130 (Shared Equity Purchase Program).

17.52.130 Shared Equity Purchase Program

Under the shared equity purchase program, the qualified buyer of a designated affordable housing unit shall enter into a shared equity agreement with the City. The shared equity agreement shall be recorded as a second trust deed against the purchased property, at no interest. It shall secure the City's equity share as calculated by the Director, which shall be the decimal percentage of the real property's value resulting from the following:

A. The difference between the real property's market value and the actual price paid by the homeowner, divided by the real property's market value; or
B. When applicable, the amount of subsidy provided by the City to the homeowner to purchase the real property, divided by the real property's market value.

Upon sale, the City's equity share shall be repaid to the City from the proceeds of the sale, at the close of escrow.

Chapter 17.53 Reserved

Chapter 17.54 Affordable Housing Density Bonus

Sections:

17.54.010 Purpose

17.54.020 Implementation

17.54.030 Types of Incentives Allowed

17.54.040 Application Procedures

17.54.050 Affordability Monitoring and Agreements

17.54.010 Purpose

The purpose of this chapter is to provide incentives for the production of housing for very low, low, moderate income, and senior households consistent with California Government Code Sections 65915 through 65918 (State Density Bonus Law), as amended from time to time. In enacting this chapter, it is the intent of the City to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the Housing Element of the City's General Plan. Where this chapter does not address a specific requirement, or where state law differs from this chapter, state law shall control.

17.54.020 Implementation

The City shall grant a density bonus, incentives or concessions, waivers or reductions of development standards, and parking reductions to a qualifying project consistent with State Density Bonus Law.

17.54.030 Types of Incentives Allowed

A. **Types of Incentives**
If requested by the applicant, a qualifying project shall be entitled to incentives or concessions as required by California Government Code Section 65915, unless the City makes the findings required by Section 65915(d)(1). Permissible incentives may include, but are not limited to, one or more of the following:

1. **Reduction or Modification of Development Standards**
A reduction in site development standards or a modification of zoning requirements that exceed the minimum building standards provided in California Health and Safety Code Sections 18901 through 18949.31, which may include:
    a. Reduced minimum lot sizes or dimensions;
    b. Reduced minimum setbacks;
    c. Reduced minimum open space requirements;
    d. Increased maximum lot coverage;

e. Increased maximum building height;
f. Reduced on-site parking standards;
g. Reduced minimum building separation requirements; or
h. Other site or zoning requirements applicable to residential development.

2. **Mixed Use Zoning**
Mixed-use zoning to allow the project to include nonresidential uses or to allow residential uses within a nonresidential zone, where such uses will reduce the cost of the housing development and are consistent with the General Plan/Local Coastal Plan.
3. **Other Cost-Reducing Regulatory Incentive**
Another regulatory incentive or concession proposed by the applicant and agreed to by the City that results in identifiable, financially sufficient, and actual cost reductions.

17.54.040 Application Procedures

A. **Application Requirements**
An application for a density bonus, incentives, concessions, waivers, or parking reductions shall be submitted concurrently with the application for the housing development and shall include the following information:
1. The total number of base units allowed on the site under the applicable General Plan/Local Coastal Plan and zoning designation;
2. The number, type, and income level of affordable housing units proposed (very low, low, moderate, or other qualifying category);
3. The specific density bonus percentage, incentive(s), concession(s), waiver(s), or parking reduction(s) requested, if any; and
4. For any requested incentive, concession, or waiver, documentation demonstrating how it will result in identifiable, financially sufficient, and actual cost reductions to provide affordable housing.

B. **Processing Timeline**
Applications shall be processed consistent with California Government Code Section 65915(a)(3), including:
1. Completeness determination within the timeframe specified in §65915(a)(3)(A);
2. Initial eligibility determination within the timeframe specified in §65915(a)(3)(B); and
3. Final action on the application concurrent with or prior to action on the housing development application.

C. **Concurrent Processing**
Density bonus applications shall be processed concurrently with other development applications for the project and shall not require a separate public hearing unless otherwise required by state law.

D. **Local Coastal Program Consistency (IP)**
For affordable housing density bonuses, an analysis of coastal resource impacts associated with the density bonus project (and any alternatives) shall be provided. Such analysis shall identify the Coastal Act and LCP-consistent project for the site, defined as the maximum size, scale, density, and intensity of

development (including the number of market-rate and affordable residential units) that can be accommodated on a proposed project site consistent with all Coastal Act and LCP requirements, and without applying any State Density Bonus law incentives/waivers/concessions. The LCP-consistent project shall be compared against a density bonus project, including clearly identifying any LCP deviations proposed to be sought, the coastal resource impacts associated with such deviations, and the affordable housing benefit being provided. Such analysis shall quantitively and qualitatively identify, compare, and contrast expected coastal resource impacts between the LCP-consistent project and the density bonus project. Such analysis shall also include an analysis of measures that could be applied to the density bonus project(s) to ensure that they do not result in any significant adverse coastal resource impacts (e.g., measures necessary to ensure consistency with all applicable Coastal Act and LCP provisions addressing wetlands, streams, environmentally sensitive habitats, coastal hazards, public recreational access, etc.).

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

17.54.050 Affordability Monitoring and Agreements

A. **Affordable Housing Agreement Required**
Prior to issuance of building permits for a project receiving a density bonus, incentives, concessions, waivers, or parking reductions, the applicant shall enter into an affordable housing agreement with the City.

B. **Agreement Contents**
The affordable housing agreement shall include, at minimum:

1. The total number of units proposed within the housing development, including the number of affordable units;
2. A description of the household income group to be accommodated by the housing development, and the standards for determining the corresponding affordable rent or affordable sales price and housing cost;
3. The location, unit sizes (square feet), and number of bedrooms of affordable units;
4. Tenure of use restrictions for affordable units;
5. A schedule for completion and occupancy of affordable units;
6. A description of any incentives, concessions, waivers, or parking reductions being provided;
7. A description of remedies for breach of the agreement by either party; and
8. Other provisions to ensure implementation and compliance with this chapter and California Government Code Sections 65915 through 65918.

C. **Recordation**
The Affordable Housing Agreement shall be recorded against the property with the San Luis Obispo County Clerk-Recorder's Office prior to issuance of building permits.

D. **Continued Availability**
All affordable units shall be made available to qualified occupants at the same time as market-rate units within the project, consistent with California Government Code Section 65915(c)(3).

E. **Notice of Conversion or Expiration**
Property owners shall provide all notices required by California Government Code Sections 65863.10 and 66427.1, including notice to tenants prior to conversion or removal of affordable units.

Chapter 17.55 Reserved

Chapter 17.56 Hillside Development

Sections:

17.56.010 Purpose

17.56.020 Applicability

17.56.030 Permit Requirements

17.56.040 Design Objectives

17.56.050 Hillside Grading Standards

17.56.010 Purpose

This chapter establishes regulations for development within hillside areas in order to:

A. Preserve and protect the views to and from hillsides in order to maintain the identity, image, and environmental quality of the city;
B. Ensure that hillside development is located in areas with the least environmental and visual impact and is designed to conform with existing land forms; and
C. Preserve significant features of the natural topography, including swales, canyons, knolls, ridgelines, and rock outcrops.

17.56.020 Applicability

The requirements of this chapter shall apply to development proposed on sites with a natural slope of fifteen percent (15%) or more, or sites where proposed access will cross an area with a slope of fifteen percent (15%) or more; except that these provisions shall not apply to existing single-family dwellings and accessory structures within the Pismo Heights planning area, within

the R-1 zone, on parcels recorded prior to January 23, 1981, nor shall these provisions apply to lots where the average slope is fifteen percent (15%) or more, but where the portion of the lot that would be under the building footprint has an average slope of less than fifteen percent (15%). For development in the Coastal Zone, see Chapter 17.12 (Coastal Development Permits (IP)) and Section 17.48.040 (Hazards and Protection Overlay).

17.56.030 Permit Requirements

A. **Permit Required**
Approval of a Development Permit by the Planning Commission shall be required prior to the issuance of building or grading permits, or tentative map approval, for all development that is subject to the provisions of this chapter.

B. **Application Content**
Applications for hillside projects subject to the provisions of this chapter shall include all information and materials required by Section 17.08.020 (Permit Filing and Processing) and all additional information and materials listed in the Instructions for Hillside Development Applications, available from the Department.

17.56.040 Design Objectives

Application approval in compliance with this chapter shall require that the review authority determine that development proposed on hillsides has been designed to achieve the following objectives.

A. **Preservation of Natural Terrain Appearance**
Proposed hillside development shall preserve natural topographic features and appearances:
    1. Through land sculpturing, to blend any constructed or altered slopes into the natural topography;
    2. By avoiding excessive terracing and padding of building sites;
    3. By designing and locating structures to avoid a continuous hard skyline effect; and
    4. By retaining major natural skyline profiles wherever feasible.

B. **Retention of Major Natural Features**
Proposed hillside developments shall be designed to:
    1. Retain major natural topographic features including canyons, drainage swales, steep slopes, watershed areas, flood plains, view corridors, and scenic vistas; and
    2. Preserve and enhance prominent landmark features including rock outcroppings, prominent trees and other vegetation, and other areas of special natural beauty.

C. **Limitations on Grading**
Proposed hillside developments shall limit the extent of site grading through:
    1. The design and arrangement of alternative building sites, lot sizes, setbacks, and setback variations, and limited residential densities on steeper terrain;
    2. The use of clustered building sites and structures, and increased densities on more gently sloping terrain; and

3. The use of street designs and improvements which follow natural contours and preserve the character of the hillside.

D. **Landscaping**
Proposed hillside developments shall provide for the preservation and enhancement of native plant materials to protect slopes from soil erosion and slippage, and to minimize the visibility of grading and construction.

E. **Building Colors and Materials**
Development on the hillsides shall be visually subordinated to the hills. Colors used on buildings and structures shall be dark, natural colors with a light reflective value of less than forty percent (40%), or as approved by the Planning Commission. Light colors including white, cream, and light blue shall not be allowed, nor shall the lighter or more brilliant colors of red fired clay tile, brightly colored glazed tile, or reflective metal be used for roofs. Development shall also be screened to the extent possible from freeway views through the use of trees and other landscaping materials.

F. **Hillside View Corridors**
Where side yards provide a view from the street to the ocean or a view to hills and valleys, the side yards should be maintained as open visual access corridors the width of the required side yard setback. These areas shall be open to the sky and free from all visual obstructions including trees and shrubs (except for a transparent gate or fence) from the front property line to the rear property line. Existing structures are exempt from this requirement.

G. **Scenic or Open Space Easement**
A scenic or open space easement prohibiting development above the two hundred (200)-foot contour shall be required to be dedicated to the City as a condition of approval of any development below the two hundred (200)-foot contour, except that this provision shall not apply to lots existing as of October 21, 2003 or otherwise prohibited by state law.

17.56.050 Hillside Grading Standards

Development and new land uses proposed in hillside areas shall comply with the following requirements.

A. **Grading on Steep Slopes Prohibited**
No buildings or grading shall be allowed on slopes greater than thirty percent (30%) except that this provision shall not apply to lots existing as of October 21, 2003 with average slopes of thirty percent (30%) or greater zoned for development.

B. **Grading Standards**
Grading of hillside areas shall comply with the standards in Subsection 17.48.040.C.7 (Development Standards).

Chapter 17.57 Reserved

Chapter 17.58 Landscaping

Sections:

17.58.010 Purpose
17.58.020 Applicability
17.58.030 Landscape Approval Requirements
17.58.040 Landscaping Planning Requirements
17.58.050 Landscape Standards
17.58.060 Landscape Design Guidelines
17.58.070 Oak Tree Preservation

17.58.010 Purpose

This chapter establishes landscape regulations that are intended to enhance the appearance of developments, reduce heat and glare, control soil erosion, conserve water, screen incompatible land uses, preserve the character of neighborhoods, and improve pedestrian and vehicular traffic and safety.

17.58.020 Applicability

All proposed development shall provide and maintain landscaping in compliance with the provisions of this chapter, and Chapter 15.48 (Water-Efficient Landscape Standards and Requirements).

17.58.030 Landscape Approval Requirements

Landscape plans shall be prepared and submitted in compliance with Chapter 15.48 (Water-Efficient Landscape Standards and Requirements).

17.58.040 Landscaping Planning Requirements

Landscape shall be provided in the locations described in this section in compliance with Section 17.58.050 (Landscape Standards), in addition to any areas required by Chapter 17.50 (General Site Regulations) and Chapter 17.66 (Standards for Specific Land Uses).

A. **General Locations for Landscape**
Landscape shall be provided in the following locations, unless the Director determines that the required landscape is not necessary to fulfill the purposes of this chapter.
    1. **Setbacks**
    All setback areas required by this Zoning Code shall be landscaped in compliance with this chapter, except where a required setback is occupied by a sidewalk or driveway or is enclosed and screened from public view.
    2. **Unused Areas**
    All areas of a site not intended for a specific use or purpose, including pad sites in shopping centers held for future development, shall be landscaped.

3. **Parking Areas**
   Landscape shall be located within parking areas in compliance with Section 17.60.070 (Development Standards for Off-Street Parking).

B. **Specific Zone Landscaping Requirements**
Proposed development and new land uses shall be designed, constructed, and maintained with landscaped open space areas of the minimum size shown in Table 17.58.040-A (Minimum Landscaped Area by Zone), based on the zone applicable to the site. These required landscaped open space areas are in addition to the landscaping required by Subsections A.2 (Unused Areas) and A.3 (Parking Areas). Additional landscaping may be required by the review authority to provide visual relief or contrast, or to screen incompatible or obtrusive features.

Table 17.58.040-A: Minimum Landscaped Area by Zone

Zone	Minimum Percentage of Site Area Required to be Landscaped
R-1, R-1-C, R-2, R-2-C, R-3-C	20% [1]
C-1, C-1-C, C-2-C, VC-C, CD-C, MU-C	10%
VL-C	20%
CR-C	30%
I, I-C	10%
MH	See 17.66.140 (Mobile Home Parks and Subdivisions)
PF, PF-C	10%
OS-P, OS-R	Determined by review authority

Notes:
[1] The South Palisades Specific Plan area requires minimum landscaping of forty percent (40%). See Table 17.40.030-B (Development Standards for Specific Plan Areas).

17.58.050 Landscape Standards

Landscape areas and materials shall be designed, installed, and maintained as provided by Chapter 15.48 (Water-Efficient Landscape Standards and Requirements). In landscaped open space areas, the City shall require the use of drought and fire-tolerant vegetation.

17.58.060 Landscape Design Guidelines

A. **Purpose**
This section provides landscape design guidelines that are intended as a guide to assist property owners and project designers in understanding the General Plan/Local Coastal Plan's goals for attaining high quality development that is sensitive to the city's unique character and climate.

B. **Applicability**
These guidelines will be used during the application review process as criteria against which to review projects.
1. The provisions of this section apply to all development projects providing required landscaping, unless otherwise specified. Any addition, relocation, or construction requiring a Development Permit in compliance with Chapter 17.10 (Development Permits) shall adhere to these guidelines where applicable.
2. These design guidelines may be interpreted with some flexibility in their application to specific projects as not all design criteria may be workable/appropriate for each project. In some circumstances, a guideline may be relaxed in order to accomplish another, more important guideline. The overall objectives are to ensure that the intent and spirit of the design guidelines are followed, and to attain the best possible design within reason.

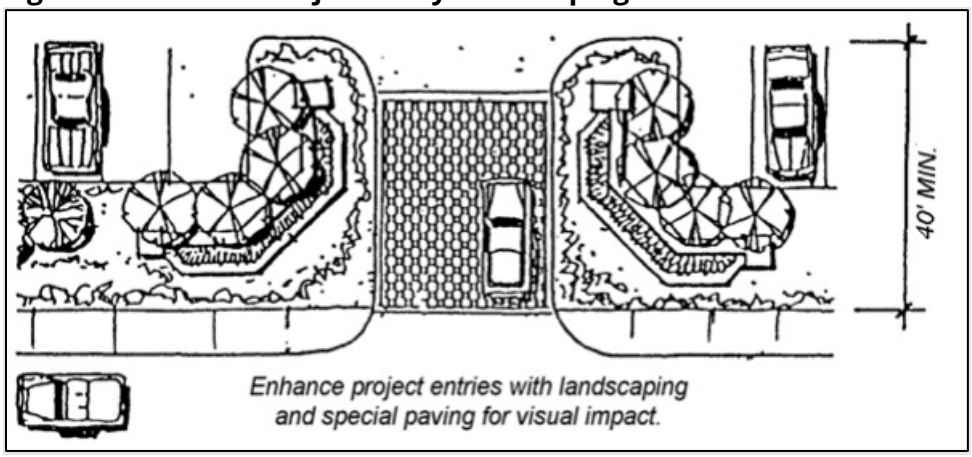
C. **General Guidelines**
1. Landscape design should accent the overall design theme through the use of structures, arbors, and trellises that are appropriate to the particular architectural theme of the project.
2. Landscape designs should generally use a three (3)-tier concept:
    a. Hardy, low growing ground covers;
    b. Medium height shrubs; and
    c. Trees.
3. The following are common landscape design concepts that can be used to increase the visual and functional quality of the development:
    a. Specimen trees (minimum forty-eight (48)-inch box) used in informal groupings or rows at major focal points (e.g., project entry, pedestrian plaza, etc.);
    b. Use of flowering vines both on walls and arbors;
    c. Use of pots, vases, wall, or raised planters for accents in locations that otherwise would be difficult to provide in-ground landscaping;
    d. Use of planting to soften hardscape and provide shadows/patterns against walls;
    e. Use of distinctive plants and colors as focal points;
    f. Use of berms, plantings, and low walls to screen parking areas while allowing views to larger structures beyond; and
    g. Dense landscaping to screen unattractive views and features (e.g., storage areas, trash enclosures, freeway structures, transformers, and generators) and other project features that do not contribute to the enhancement of the surroundings.

4. Landscaped areas should be separated from paved areas by a poured-in-place concrete curb or curb-and-gutter to prevent water leakage to the pavement area.
5. Existing on-site vegetation should be retained whenever possible and new landscaping should respect and incorporate existing landscape elements.
6. Landscape areas should be provided in plazas, courtyards, and areas of frequent pedestrian use. Plazas should be designed and planted to reflect an informal place suited to the pedestrian scale.
7. Landscape design should reflect a variety of deciduous and evergreen trees, shrubs, perennials, and groundcovers. Plant materials should be selected for their structure, texture, color, ultimate growth characteristics, and sense of unity with their surroundings.
8. Landscape designs should emphasize xeriscaping and California native, drought-tolerant, non-invasive species suited to the Pismo Beach climate, and should minimize the use of turf.
9. In residential areas, hardscape (both impervious and pervious) should be limited to a maximum of fifty percent (50%) of the front setback.

D. **Project Entry Landscaping**

1. Entries to multi-tenant projects should be designed as special statements reflective of the character and scale of the project in order to establish identity for tenants, visitors, and patrons. Flowering accent plantings and specimen trees should be used to reinforce the entry statement. See Figure 17.58.060-1 (Project Entry Landscaping).

Figure 17.58.060-1: Project Entry Landscaping



2. Textured paving treatments (e.g., interlocking pavers, stamped concrete, etc.) should be used at project entries. Textures should be selected that:
    a. Provide a visual of transition between the street, sidewalk, and the entry driveway;
    b. Do not become slippery when wet; and
    c. Are not so rough or irregular as to make walking difficult, discourage the use of baby strollers or wheelchairs, conflict with adjacent uses, or create noise.

E. **Pedestrian Area Landscaping**
   1. Planting next to walkways, within plazas, and adjacent to other pedestrian spaces should include smaller species of shrubs and trees in keeping with the intent to maintain an intimate human scale in these areas.
   2. Pedestrian spaces should be enhanced by planting accents including vines espaliered against wall surfaces, flower beds, window boxes, and hanging pots with flowers and vines.

F. **Installation of Landscaping**
   1. Trees should be planted three (3) to five (5) feet from turf areas to prevent over-watering of the tree, surface rooting, crown-rot, and "girdling" of the tree trunk by maintenance equipment.
   2. If trees are to be planted in a turf area, the following criteria should be followed:
      a. Only deep-rooted tree species should be used;
      b. Turf areas around trees should be graded so that water drains away from the tree; and
      c. Turf irrigation should be directed away from the tree. The tree should be irrigated by a combined bubbler/deep water pipe fixture.
   3. The spacing of trees and shrubs should be appropriate to the species used. Spacing should ensure unobstructed access for vehicles and pedestrians and provide clear vision of intersections.
   4. Plant material should conform to the following spacing criteria:
      a. A minimum of twenty-five (25) feet from the property corner at a street intersection to the center of the first tree or large shrub;
      b. A minimum of fifteen (15) feet between the center of trees and large shrubs to light standards and fire hydrants; and
      c. A minimum of ten (10) feet between the center of trees and large shrubs and the edge of a driveway.
   5. Tree grates should be installed around trunks where trees are planted within sidewalks or other paved pedestrian areas.
   6. Deciduous trees should predominate along south and west building exposures.

G. **Landscape Maintenance**
   1. All landscaping (e.g., ground cover, hedges, lawns, shrubs, and trees) shall be maintained in a healthful and thriving condition at all times.
   2. Any damaged, dead, or decaying vegetation shall be replaced by the equivalent vegetation of a size, form, and character which will be comparable at full growth.

H. **Paving in Residential Setbacks**
   1. To limit the amount of hardscape paving in residential areas, paving, both impervious and pervious, shall be limited to a maximum fifty percent (50%) of the front setback.
   2. The review authority may allow up to a twenty percent (20%) increase of the paving area allowed for irregularly shaped parcels that lack sufficient area for adequate driveway and pedestrian access due to topography or other site conditions.

I. **Artificial Turf**

1. **Where Allowed**
   a. Artificial turf may be installed only on parcels in residential zones.
   b. Artificial turf shall not be installed within an ESHA buffer established under Section 17.50.100 (Environmentally Sensitive Habitat Area Protection (IP)), within dedicated open space areas, or within stormwater drainage facilities.
2. **Materials and Base**
   Artificial turf shall be certified by the manufacturer as containing no intentionally added per- and polyfluoroalkyl substances (PFAS), and shall be installed over a permeable base consistent with City standards (e.g., infiltration requirements).
3. **Setback Area Standards**
   Artificial turf installed in the front yard setback area shall not exceed fifty percent (50%) of the total required front yard landscaping. This limit does not apply to side or rear yard areas.

J. **Landscaping in the Coastal Zone (IP)**
All proposed landscaping shall be identified on project plans and shall consist of low water-using, native, non-invasive species appropriate to the Pismo Beach shoreline area, and shall be maintained in a litter-free, weed-free, and healthy growing condition (including through replanting and/or remediation to achieve consistency with this condition). No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist on the site.

17.58.070 Oak Tree Preservation

A. **Purpose**
This section provides standards for the preservation of native oak species (Quercus agrifolia, Quercus lobata, Quercus chrysolepis).

B. **Applicability**
The provisions of this section apply to all native oak species (Quercus agrifolia, Quercus lobata, Quercus chrysolepis) measuring at least six (6) inches in circumference at four and one-half (½) feet above natural grade, except scrub oak (Quercus dumosa).

C. **Protection Required**
No person shall cut, remove, encroach into, or remove brush from the protected zone of any oak tree, or remove or transplant any oak tree on any public or private property within the city, unless removal has been authorized in conjunction with the approval of a land use permit in compliance with this section.

1. **Exemptions**
   The requirements of this section do not apply to:
   a. Dead trees, as verified by the Director;
   b. Domestic oak trees that do not exceed eight inches in diameter and are not located within a public right-of-way, front or street side setback;

c. Trees damaged by storms, floods, earthquakes, fires, or other disasters, and determined to be hazardous and in need of emergency removal or alteration by a federal, state, county, or City official in their official capacity. The Department shall be notified of the emergency action at the first reasonable opportunity;
d. Replacement, modification, and repair of existing utility lines and equipment, emergency actions, or routine maintenance activities necessary to maintain the facilities or property of a public utility; or
e. Trimming of healthy oaks for fire safety purposes, as verified by the Fire Department, and approved by the Director.

2. **Utility Projects**
New construction and the replacement of existing facilities (other than the replacement, modification or repair of existing utility lines and equipment covered under Subsection C.1 (Exemptions) shall comply with all applicable provisions of this section.
a. Utilities shall be held responsible for unnecessary damage to nonexempt oak trees.
b. Utilities shall notify the Department five (5) working days in advance of any maintenance activity that may affect a nonexempt oak. As an alternative to individual prior notification for each maintenance activity, the utility may submit to the City an annual notification. An annual notification shall include:
i. A list of the facilities to be maintained;
ii. A schedule of work;
iii. The extent of maintenance activities; and
iv. A list of nonexempt oak trees that may be affected.

3. Utilities may take emergency action regarding nonexempt oak trees without advance notice to the City when immediate action is required to protect public or utility employees, prevent damage or destruction of facilities and property, or for the prompt reinstatement of utility service after an interruption. The utility shall notify the City of any emergency action taken at the first (1st)reasonable opportunity.

D. **Application Filing and Processing**
Land use permit applications proposing the removal of oak trees shall be prepared, filed, and processed in compliance with Section 17.08.020 (Permit Filing and Processing) and the following requirements.

1. **Application Materials**
The application shall include the following, in addition to all information and materials required by Section 17.08.020 (Permit Filing and Processing).
a. **Oak Tree Report**
An oak tree report prepared by a City-qualified arborist, including a topographic plot plan showing the following:
i. Natural grade plan indicating genus, location, diameter, orientation, and of all trees on the site, and identifying trees that are proposed to be removed, transplanted, or altered; and

ii. Finished grade plan indicating genus, location, diameter, orientation, registration number, and trees that have been planted or transplanted.

b. **Explosives Bond or Insurance**
A bond and/or insurance as determined to be necessary by the Director, where work on an oak tree that is subject to this section is proposed to involve the use of explosives.

2. **Oak Tree Consultant Review**
The Director shall forward a complete land use permit application proposing oak tree removal to a City-qualified oak tree consultant for review and comment prior to review authority consideration of the application.

E. **Findings and Decision**
The review authority may approve oak tree removal only after first (1st)finding that:

1. The condition or location of the oak tree or trees requires altering to maintain or aid tree health, balance, or structure;
2. The condition of the tree or trees with respect to disease, danger of falling, proximity to existing structures, high pedestrian traffic areas including parking lots, and pedestrian walkways, cannot be controlled or remedied through reasonable preservation and/or prevention procedures and practices; or
3. The removal, transplanting, alteration, or encroachment into the protected zone of an oak tree is necessary to enable the reasonable and conforming use of the site, which is otherwise prevented by the presence of the tree. Reasonable use of the property shall be determined as part of the review of the permit application.

F. **Conditions for Altering, Transplanting, or Removal**
The review authority may impose any conditions on the permit deemed necessary and reasonable, including any of the following:

1. **Fencing**
The fencing of the protected zone of potentially affected trees prior to any construction activity on the site.
2. **Bonds**
Bonds and/or sureties for reforestation, monitoring, and maintenance, in compliance with Subsection 17.08.070.C (Performance Guarantees).
3. **Replacement**
Replacement or placement of additional trees, which shall be oak or native species, associated hardwood canopy, land, or wildlife habitat to offset the impacts associated with: the loss of oak trees, limbs, or roots; or encroachments into the protected zone(s).
4. **Monitoring**
Where required, monitoring may be conducted during all grading and construction activities, at quarterly intervals, or more frequently if the review authority determines that site conditions warrant. Information provided by monitoring will be used by the City in establishing realistic mitigation measures and to ensure the future oak resources of the city.

a. **Type of Monitoring**
Monitoring shall consist of quantitative and qualitative observations, useful in identifying stress-related responses of the trees.
b. **Duration**
After construction, monitoring should be required for a minimum of five (5) years on a biannual basis, or more if warranted by site conditions, to ensure the continued health of the trees.
c. **Personnel**
All monitoring will be done by a City-approved person or firm and the cost borne by the applicant.

G. **Nonliability of City**
Nothing within this section shall impose any liability for damages, or a duty of care and maintenance upon the City, or its officers or employees. Any person in possession and/or control of an oak tree on public or private property shall have a duty to keep the oak trees in a safe, healthy condition.

Chapter 17.59 Reserved

Chapter 17.60 Parking and Loading

Sections:

17.60.010 Purpose (IP)
17.60.020 Applicability (IP)
17.60.030 General Parking and Loading Regulations (IP)
17.60.040 Number of Parking Spaces Required (IP)
17.60.050 Reduction of Off-Street Parking Requirements (IP)
17.60.060 Disabled Parking Requirements
17.60.070 Development Standards for Off-Street Parking
17.60.080 Parking Design Guidelines
17.60.090 Driveways and Site Access
17.60.100 Loading Space Requirements

17.60.010 Purpose (IP)

The off-street parking and loading standards of this chapter are intended to:

A. Provide sufficient parking facilities to meet the needs generated by the proposed use;
B. Provide accessible, attractive, secure, properly lighted, and well-maintained and screened off-street parking and loading facilities;

C. Reduce traffic congestion and hazards;
D. Encourage the use of alternative modes of transportation by providing for safe, adequate, and convenient bicycle and carpool parking;
E. Protect neighborhoods from the effects of vehicular noise and traffic;
F. Ensure access and maneuverability for emergency vehicles; and
G. Provide loading and delivery facilities in proportion to the needs generated by the proposed use.

17.60.020 Applicability (IP)

Every permanent land use (including a change of use), and every structure shall be provided permanently maintained off-street parking and loading areas, in compliance with this chapter.

17.60.030 General Parking and Loading Regulations (IP)

A. **Location of Parking and Loading Areas**
All parking and loading spaces, areas, and their accessways shall be located on the site of a proposed land use, outside of the public right-of-way, in compliance with Section 17.60.070 (Development Standards for Off-Street Parking). Off-site spaces may be used to satisfy the parking requirements of this chapter as follows.
    1. The review authority may authorize a portion or all of the required parking to be located on an adjacent parcel or on a non-contiguous parcel, provided that:
        a. All required parking spaces will be within six hundred (600) feet, along a pedestrian route, of the principal entrance containing the use(s) for which the parking is required; and
        b. A written agreement between the landowner and the City in a form satisfactory to the City Attorney is executed and recorded at the Office of the County Recorded. The agreement shall include guarantees among the landowners for access to and use of the parking facility and that the spaces to be provided will be maintained and available consistent with the agreement.
    2. Off-site parking may also be authorized in compliance with Section 17.60.050 (Reduction of Off-Street Parking Requirements (IP)). The distance limitation in Subsection A.1 does not apply to off-site parking provided pursuant to Section 17.60.050 (Reduction of Off-Street Parking Requirements (IP)).
B. **Maintenance of Parking and Loading Areas**
All covered or uncovered off-street parking and loading facilities required by this chapter shall be permanently reserved for parking and loading purposes. All parking facilities, including but not limited to curbs, directional markings, disabled symbols, landscaping, pavement, signs, striping, and wheel stops, and other facilities, shall be permanently maintained by the property owner/tenant in good repair, free of litter and debris, potholes, obstructions, and stored material.
C. **Residential Guest Parking**
Required guest parking in residential zones shall be designated and restricted for the use of guests.
D. **Recreational Vehicle Parking – Residential Areas**
The storage (parking for any period longer than 72 hours) of recreational vehicles and

boats on private property in residential zones shall be allowed only within driveway areas, within interior side setbacks, and rear setbacks.

1. All vehicles stored in areas other than driveways that may be visible from the public view of the front, or street-side areas of the site shall be screened by a combination of fencing, walls, and/or screening landscaping as determined by the Director.
2. Stored vehicles shall be solely for the personal use of the property owner or residents of the site intended for accessory storage. Recreational vehicles shall not be used for living, sleeping, or housekeeping purposes when stored on a residential lot, or in any location not approved for these purposes.

E. **Commercial Vehicle Parking – Residential Areas**
No commercial vehicle exceeding eight feet in height and/or twenty (20) feet in combined total length, or towed equipment, shall park between the hours of 6:00 p.m. and 6:00 a.m. on private property or public rights-of-way within residential zones. This prohibition shall not apply to construction sites during the construction process or to vehicles in the process of making deliveries or pickups. Additional requirements for the parking of commercial and oversize vehicles are provided by Chapter 10.08 (Stopping, Standing, and Parking).

17.60.040 Number of Parking Spaces Required (IP)

All proposed land uses shall be designed and constructed to provide the minimum number of off-street parking spaces required by this chapter, except where a greater number of spaces is required through land use permit conditions of approval.

A. **New Structures and Land Uses**
Parking in accordance with this chapter shall be provided at the time any main building or structure is erected or any new land use is established.

B. **Reconstruction, Expansion, and Change in Use of Existing Structure**

1. **Incremental Parking Required**
When a change in use, expansion of a use, or expansion of floor area creates an increase in the number of required parking spaces, additional parking spaces shall be provided for such addition, enlargement, or change in use and not for the entire structure or site, except where a reduction in parking space requirements is approved in compliance with Section 17.60.050 (Reduction of Off-Street Parking Requirements (IP)).
    a. **Exception, Downtown Core**
    Within the Downtown Core Planning Area, additional parking spaces are not required for a change of use within commercial and mixed-use zones, except for changes to hotels, motels, bed and breakfast inns, and other transient lodging facilities.
2. **Maintenance of Existing Parking**
Existing parking and loading shall be maintained.
3. **Credit for Excess Parking**
If the number of existing parking spaces is greater than the requirements for the current use, the number of spaces in excess of the prescribed minimum may be

counted toward meeting the parking requirements for the addition, enlargement, or change in use.

4. **Change in Occupancy**
   A change in occupancy is not considered a change in use unless the new occupant is in a different use classification than the former occupant.
5. **Reconstruction Without Floor Area Increase**
   Additional parking spaces are not required for the reconstruction of an existing structure when there is no increase in floor area.

C. **Multiple Uses on a Single Site**
A site or facility proposed for multiple tenants or uses (e.g., a building with ground-floor shops and second (2nd)-floor offices) shall provide the aggregate number of parking spaces required by this section for each separate use, except where shared parking is allowed in compliance with Section 17.60.050 (Reduction of Off-Street Parking Requirements (IP)).

D. **Parking Districts**
The parking requirements of this section do not apply to any use proposed within a parking district established by the Council after the effective date of this section, except for hotels, motels, bed and breakfast inns, and other transient lodging facilities.

E. **Parking Requirements by Land Use**
Each land use shall be provided the minimum number of off-street parking spaces shown in Table 17.60.040-A (Required Number of Parking Spaces).

1. **Additional Requirements**
   Additional spaces may be required by the review authority through land use permit conditions of approval, where applicable.
2. **Uses Not Listed**
   Land uses not specifically listed by Table 17.60.040-A (Required Number of Parking Spaces) shall provide parking as required by the Director or review authority, and such determination shall be based on the requirement for the most comparable use specified in Table 17.60.040-A (Required Number of Parking Spaces).
3. **Rounding of Quantities**
   Where the number of required parking spaces results in a fraction of 0.50 or higher, the requirements shall be rounded up to the next whole space.

Table 17.60.040-A: Required Number of Parking Spaces

Land Use	Number of Parking Spaces Required [1]
Manufacturing and Processing Uses	
Electronics, equipment, and appliance manufacturing Fabric product manufacturing Food and beverage product manufacturing	One (1) space for each five hundred (500) sf of gross floor area plus one (1) space for each vehicle operated in connection with each on-site use.

Table 17.60.040-A: Required Number of Parking Spaces	
Land Use	**Number of Parking Spaces Required [1]**
Furniture and fixtures manufacturing Handcraft industries, small-scale manufacturing Laundries and dry-cleaning plants Metal products fabrication, machine, and welding shops Plastics, other synthetics, and rubber product manufacturing Printing and publishing Research and development Warehousing Wholesaling and distribution	
Recycling facilities – Large collection facilities and Small collection facilities	If the facility is open to the public, an on-site parking area shall be provided for a minimum of ten (10) customers at any one (1) time. Space shall be also provided for the anticipated peak load of customers to circulate, park, and deposit recyclable materials. No additional parking is required for a small collection facility located in an existing parking lot or a primary use. One (1) employee parking space shall be provided on-site for each commercial vehicle operated by the facility.
Research and development	One (1) space for each three hundred (300) sf of gross floor area.
Recreation, Education, and Public Assembly Uses	
Child day care facilities	
Child day care center	One (1) space for each employee plus an adequate drop-off area consistent with Section 17.66.070 (Child Day Care Facilities).
Large family day care home *Small family day care home*	None beyond what is required for the residential housing type.
Community assembly	One (1) space for every four (4) fixed seats; one (1) space per each thirty (30) sf of meeting/multipurpose room floor area without fixed seats.

Table 17.60.040-A: Required Number of Parking Spaces	
Land Use	**Number of Parking Spaces Required [1]**
Golf courses/country clubs	Two (2) spaces per tee; plus clubhouse spaces as required for restaurants, bars, health/fitness clubs, and similar accessory uses.
Health/fitness facilities	One (1) space for each one (1) fifty (50) sf of gross floor area.
Indoor commercial recreation facilities	
Arcades	One (1) space for each two hundred (200) sf of gross floor area.
Bowling alleys	Four (4) spaces per lane.
Dance halls	One (1) space for each one hundred (100) sf of gross floor area.
Pool and billiard rooms	Two (2) spaces per table.
Libraries and museums	One (1) space for each five hundred (500) sf of gross floor area.
Outdoor commercial recreation facilities	Determined by review authority.
Public safety facilities Public utility facilities	One (1) space per employee; plus one (1) space per four hundred (400) sf of gross floor area.
Schools	
Elementary/junior high school	One (1) space for each classroom; plus one (1) space per five (5) fixed seats in an auditorium; plus one (1) space for each thirty-five (35) sf of floor area in meeting/multipurpose rooms without fixed seats.
High schools	Five (5) spaces for each classroom; plus one (1) space per five (5) fixed seats in an auditorium; plus one (1) space for each thirty-five (35) sf of floor area in meeting/multipurpose rooms without fixed seats.
Studios – Art, photography, etc.	One (1) space for each two (2) students.
Theaters, motion picture	One (1) space for every four (4) fixed seats; one (1) space per each thirty (30) sf of meeting/multipurpose room floor area without fixed seats.

Table 17.60.040-A: Required Number of Parking Spaces	
Land Use	**Number of Parking Spaces Required [1]**
Residential Uses	
Accessory dwelling units	See 17.66.020 (Accessory Dwelling Units)
Boarding houses	One (1) space per sleeping room, or one (1) space per one hundred (100) sf of actual sleeping area, whichever is greater.
Condominiums	See "Multi-family dwellings."
Duplexes	Two (2) spaces; both outside of required setbacks for new construction except that for parcels less than 4,000 sf, one parking space may be located in the setback .
Emergency shelters	One (1) space per employee and agency vehicle.
Employee housing	None beyond what is required for the residential housing type.
Community care facilities (All types)	
Six (6) or fewer clients	None beyond what is required for the residential housing type.
Seven (7) or more clients	One (1) space for each nonresident employee plus parking required for the residential use.
Mobile home parks	Two (2) spaces per unit, one (1) covered; plus one (1) space for each four (4) units, for guest and RV parking.
Mobile or manufactured homes	Two (2) spaces, one (1) within a garage or carport.
Multi-family dwellings	Studio and one (1)-bedroom units of less than six hundred (600) sf; one (1) space per unit. Units of two (2) or more bedrooms and/or six hundred (600) sf or more; two (2) spaces per unit. Guest parking – None required for projects of eight (8) units or less; one (1) space per four (4) units for projects of nine to fifty (9-50) units; one (1) space per two (2) units for projects of more than fifty (50) units. (Spaces may be within garages, carports, or open parking courts; parking courts require Development Permit approval.)

Table 17.60.040-A: Required Number of Parking Spaces	
Land Use	**Number of Parking Spaces Required [1]**
Residential Care Facilities for the Elderly (All types)	
Six (6) or fewer clients	None beyond what is required for the residential housing type.
Seven (7) or more clients	One (1) space for each nonresident employee plus parking required for the residential use.
Vacation rentals, short-term rentals, and homestays	See Chapter 17.64 (Short-Term Rentals and Vacation Rentals (IP)).
Single-family dwellings	Two (2) spaces; both outside of required setbacks for new construction except that for parcels less than 4,000 sf, one parking space may be located in the setback. Carports shall not be allowed for single-family dwellings.
Supportive housing	None beyond what is required for the residential housing type.
Transitional housing	None beyond what is required for the residential housing type.
Retail Trade Uses	
Auto and vehicles sales/rental Auto parts sales Mobile home, recreational vehicle, and boat sales	One (1) space for each four hundred and fifty (450) sf of gross floor area for showroom and office; plus one (1) space for each two thousand (2,000) sf of outdoor display area; plus one (1) space for each five hundred (500) sf of gross floor area for vehicle repair; plus one (1) space for each three hundred (300) sf of gross floor area for the parts department.
Bars and night clubs	One (1) space for each two hundred (200) sf of gross floor area.
Furniture, furnishings, and appliance stores	One (1) space for each six hundred (600) sf of gross floor area.
General retail stores (All types)	One (1) space for each three hundred (300) sf of gross floor area.
Outdoor dining	One (1) per two hundred (200) square feet of outdoor seating area in excess of three hundred and fifty (350) square feet (see Section 17.66.170 (Outdoor Dining)).

Table 17.60.040-A: Required Number of Parking Spaces	
Land Use	**Number of Parking Spaces Required [1]**
Plant nurseries and garden supply stores	One (1) space for each three hundred (300) sf of indoor display area; plus one (1) space for each one thousand (1,000) sf of outdoor display area.
Restaurants	One (1) space for each two hundred (200) sf of gross floor area.
Shopping centers	One (1) space for each two hundred and fifty (250) sf of gross floor area.
Warehouse retail stores	One (1) space for each one hundred and sixty-five (165) sf of gross floor area.
Service/Commercial Uses	
Car washes	Twelve (12) spaces, plus adequate queuing and drying area. If self-service, two and a half (2.5) spaces per washing stall, plus adequate queuing and drying area.
Lodging – Hotels and motels	One (1) space for each guest room, and one and a half (1.5) spaces for each multi-room suite; plus one (1) space for each twenty (20) guest rooms. See 17.66.100 (Hotels and Motels) for additional parking requirements.
Medical services	
Clinics and laboratories	One (1) space for each one hundred and fifty (150) sf of gross floor area.
Extended care	One (1) space for each three (3) beds.
Hospitals	One (1) space for each patient bed.
Offices (All types)	One (1) space for each three hundred (300) sf of gross floor area.
Personal services	
Barber/beauty shops	Two and a half (2.5) spaces for each service chair.
Laundromats	One (1) space for every three (3) washing machines.
Other personal service uses	One (1) space for each three hundred300 sf of gross floor area.

Table 17.60.040-A: Required Number of Parking Spaces	
Land Use	**Number of Parking Spaces Required [1]**
Service stations	One (1) space for each one hundred and eighty (180) sf of gross building floor area; plus one (1) space for each service bay; plus one (1) space for each three hundred (300) sf of convenience retail.
Storage, personal storage facility (mini-storage)	One (1) space for each five thousand (5,000) sf of gross floor area plus two (2) spaces for any resident manager.
Vehicle services (All types)	Five (5) spaces, plus one (1) space for each two hundred (200) sf of gross floor area. For establishments that provide an on-site waiting area, four (4) additional spaces per service bay are required.
Veterinary clinics, animal hospitals, and animal boarding	One (1) space per four hundred (400) sf of gross floor area.
[1] The minimum parking requirements for uses in commercial and mixed-use zones within the Downtown Core Planning Area shall be reduced by twenty percent (20%).	

F. **Maximum Parking in the Downtown Core**

For development in commercial and mixed-use zones within the Downtown Core Planning Area, no more than one hundred and twenty percent (120%) of the minimum required parking shown in Table 17.60.040-A (Required Number of Parking Spaces) shall be provided consistent with the following.

1. When the parking requirement is zero (0), a maximum of five (5) parking spaces shall be provided.
2. The maximum parking limit does not apply to parking lots or parking structures as a primary use, shared parking areas, or City facilities.
3. Exceptions to the maximum parking limit may be approved by the Planning Commission through Conditional Use Permit approval upon finding that the additional parking is necessary to adequately serve the proposed use and is consistent with the purposes of this section.

17.60.050 Reduction of Off-Street Parking Requirements (IP)

The number of off-street parking spaces required by Section 17.60.040 (Number of Parking Spaces Required (IP)) may be reduced as provided by this section.

A. **General Shared Parking Reduction**

1. **Applicability**

a. Consistent with California Government Code Section 65863.1, shared parking spaces shall be allowed to count toward meeting off-street

parking requirements for new or existing developments or uses when entities enter into a shared parking agreement which outlines the terms under which underutilized parking will be shared.

b. "Underutilized parking" means parking where twenty percent (20%) or more of a development's parking spaces are not occupied during the period that the parking is proposed to be shared by another user, group, development, or the public, consistent with California Government Code Section 65863.1(a)(4).

2. **Distance Requirements**
   Shared parking shall be allowed to count toward meeting off-street parking requirements when the entities sharing parking meet any of the following distance criteria:
   a. The entities sharing parking are located on the same or contiguous parcels; or
   b. The sites of the entities sharing parking are separated by no more than two thousand (2,000) feet of travel by the shortest walking route; or
   c. The sites of the entities sharing parking are separated by more than two thousand (2,000) feet of travel by the shortest walking route, but there is a plan for shuttles or other accommodations to move between the parking and site, including a demonstrated commitment to sustain such transportation accommodations.
3. **Shared Parking Agreement Content**
   An application for approval of a shared parking agreements shall include the following information:
   a. Identification of the entities that are parties to the agreement;
   b. Description of the specific parking spaces to be shared, including location and number of spaces;
   c. Hours and days when parking spaces will be available for sharing;
   d. Provisions that secure long-term provision of parking spaces or afford the opportunity for periodic review and approval by the City;
   e. Maintenance and liability responsibilities for shared parking areas; and
   f. Enforcement mechanisms and contact information for responsible parties.
4. **Review and Approval Process**
   a. **Agreements With Parking Analysis (Ministerial Approval)**
      i. When a shared parking agreement includes a parking analysis using peer-reviewed methodologies developed by a professional planning association (e.g., Urban Land Institute, National Parking Association, and the International Council of Shopping Centers) sufficient to determine how many parking spaces can be reasonably shared between uses to fulfill parking requirements, the agreement shall be reviewed by the Director.
      ii. The Director shall approve the shared parking agreement if the entities sharing parking meet a distance criterion in Subsection A.2 (Distance Requirements) and the agreement secures long-

term provision of the parking spaces or affords the opportunity for periodic review and approval by the City. The remaining content required by Subsection A.3 (Shared Parking Agreement Content) is an application submittal requirement and shall not be a basis for denial.

iii. The Director may request additional information necessary to verify compliance with this section.

b. **Agreements Without Parking Analysis (Discretionary Approval)**
When a shared parking agreement does not include the parking analysis described in Subsection A.4.a.i, the agreement shall be reviewed as follows:

i. **Director Approval (Minor Use Permit)**
When the proposed reduction in required parking spaces is fifty percent (50%) or less, the Director shall review the agreement through approval of a Minor Use Permit and shall decide whether to approve or deny the shared parking agreement and determine the number of parking spaces that can be reasonably shared between uses to fulfill parking requirements.

ii. **Planning Commission Approval (Conditional Use Permit)**
When the proposed reduction in required parking spaces exceeds fifty percent (50%), the Planning Commission shall review the agreement through approval of a Conditional Use Permit and shall decide whether to approve or deny the shared parking agreement and determine the number of parking spaces that can be reasonably shared between uses to fulfill parking requirements.

iii. **Considerations**
In making determinations pursuant to Subsections A.4.b.i (Director Approval (Minor Use Permit)) or A.4.b.ii (Planning Commission Approval (Conditional Use Permit)), the review authority may consider factors including, but not limited to:

(a.) Whether the peak hours of use will overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;

(b.) Whether the proposed number of parking spaces to be provided will be adequate to serve each use; and

(c.) Whether the shared parking agreement has been prepared consistent with the requirements of this subsection.

5. **Shared Parking Agreement Filing and Recording**

a. All approved shared parking agreements shall be filed with the City.

b. The review authority may require that shared parking agreements be recorded against the parcels that are part of the agreement.

c. Any modification to an approved shared parking agreement shall be filed with the City and subject to the same review process as the original agreement.
d. Termination of a shared parking agreement shall be reported to the City within thirty (30) days.

6. **Verification and Conditions**
The review authority approving a project proposing to use a shared parking agreement may request and confirm reasonable verification that shared parking agreements have been or will be secured as a condition for such approval.
7. **Limitations on City Authority**
a. The City shall not require the curing of any preexisting deficit in the number of parking spaces as a condition for approval of a shared parking agreement.
b. The City shall not withhold approval of a shared parking agreement between entities solely on the basis that it will temporarily reduce or eliminate the availability of parking spaces for the original proposed uses.
c. This section shall not reduce, eliminate, or preclude the enforcement of any requirement to provide parking spaces that are accessible to persons with disabilities or designated for electric vehicles that would have otherwise applied to the development.

B. **In-Lieu Parking Fee (Downtown Area)**
This subsection provides an alternative means of satisfying off-street parking requirements within the Downtown Core Planning Area through payment of in-lieu fees.

1. **Applicability**
The parking space requirements of this subsection for commercial uses in the Downtown Core Planning Area may be satisfied in whole or in part through the payment of in-lieu parking fees. The payment of the in-lieu parking fees shall not be used to satisfy the parking requirements of transient lodging uses or any non-commercial use including residential uses.
2. **Establishment of In-Lieu Fee**
The Council shall adopt a resolution setting the amounts of the in-lieu parking fees to be paid. The resolution may be amended from time to time as conditions change.
3. **Planning Commission Approval Required**
Any request to pay an in-lieu parking fee to satisfy the requirement for off-street parking shall be subject to review and approval by the Planning Commission.
4. **Timing of Payment**
Any approved in-lieu parking fees shall be paid to the City prior to issuance of a building permit for the project.
5. **Deposit and Use of Funds**
a. The City shall establish a special restricted fund within which all in-lieu parking fees collected by the City shall be deposited.
b. The in-lieu parking fund shall be used only for the purchase of additional land for public parking facilities and the construction of improvements to accommodate public parking, within the Downtown Core Planning Area.

C. **Transit Proximity**
   1. The Planning Commission may reduce the number of parking spaces required by up to twenty percent (20%) for any use within one-half (½) mile of the transit center.
   2. Where a development project is located within one-half (½) mile of a major transit stop, as defined in California Public Resources Code Section 21155, no minimum automobile parking requirement shall be imposed or enforced except as authorized by California Government Code Section 65863.2.

D. **Bicycle Parking**
   For each ten (10) bicycle parking stalls provided, there shall be a reduction of one (1) required automobile parking space up to a maximum of fifteen percent (15%) of the required automobile parking spaces.

E. **Public Parking Proximity**
   Where a use is located within one thousand two hundred (1,200) feet of a City-owned public parking facility, measured along a pedestrian route, the number of required parking spaces may be waived all or in part with approval of a Minor Use Permit, consistent with the provisions of Subsection F (Other Shared Parking Reductions).

F. **Other Shared Parking Reductions**
   Required parking for any use may be reduced through approval of a Minor Use Permit as follows.
   1. **Criteria for Approval**
      The review authority may only approve a Minor Use Permit for reduced parking if it finds that:
      a. Special conditions, including, but not limited to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a transportation demand management program, exist that will reduce parking demand at the site;
      b. The use will adequately be served by the proposed parking;
      c. Parking demand generated by the project will not exceed the capacity of or have a significant impact on the supply of on-street parking in the surrounding area; and
      d. For development in the Coastal Zone, the reduction, considered together with any other reduction applied to the development under this section, will not adversely affect public access to and along the coast, consistent with Subsection 17.12.080.E (Coastal Access).
   2. **Parking Demand Study**
      In order to evaluate a proposed project's compliance with the above criteria, submittal of a parking demand study that substantiates the basis for granting a reduced number of spaces may be required.

17.60.060 Disabled Parking Requirements

Parking areas shall include parking spaces accessible to the disabled in compliance with this section.

A. **Number of Spaces and Design Standards**
Parking spaces for the disabled shall be provided in compliance with the Building Code, which incorporates the requirements of state law. State law may be amended from time to time, so reference should be made directly to state law for standards on the required number, dimensions, and location of handicapped parking spaces, signage, and related facilities.

B. **Reservation of Spaces Required**
All disabled accessible spaces required by this section shall be reserved by the property owner/tenant for use by the disabled throughout the life of the approved land use.

C. **Upgrading of Markings Required**
If amendments to state law change state standards for the marking, striping, and signing of disabled parking spaces, all handicapped spaces within the city shall be upgraded in compliance with the new state standards. This upgrading shall be completed by affected property owners within sixty (60) days of their being notified in writing by the City of the new state standards.

17.60.070 Development Standards for Off-Street Parking

Off-street parking areas shall be provided on the subject site, outside of any public right-of-way, in compliance with this section. See also Section 17.60.080 (Parking Design Guidelines).

A. **Access**

1. **Driveway Location and Design**
Site access driveways shall be located and designed in compliance with Section 17.60.090 (Driveways and Site Access).
2. **Internal Maneuvering Area**
Parking areas shall provide suitable maneuvering room so that all vehicles may enter an abutting street in a forward direction. Single-family homes and duplexes are exempt from this requirement and the Director may approve exceptions for other residential projects.
3. **Tandem Parking**
Tandem parking shall only be used as follows.
    a. **Residential Zones**
    The review authority may authorize the use of tandem parking spaces in residential zones only, where the spaces are:
        i. On single-family lots, when the review authority finds that:
            (a.) Existing conditions or terrain on the property present unusual circumstances justifying the approval of tandem parking,
            (b.) The tandem space(s) is (are) appropriately located on the site,

(c.) The use of tandem spaces will not jeopardize the health, safety, or welfare of persons in the neighborhood,
(d.) The use of tandem spaces will result in a better project than would otherwise be feasible,
(e.) Any two (2) spaces in tandem are under the control of one person or group living together.

b. **Downtown Core Planning Area**
Tandem parking may be permitted to satisfy off-street parking requirements within commercial and mixed-use zones in the Downtown Core Planning Area, for transient lodging uses, only where valet service is provided at all times when the parking spaces are available for public use.

B. **Adjacent Site Access**
Non-residential developments should be designed and constructed to provide cross-access to adjacent non-residential properties for convenience, safety, and efficient circulation of motor vehicles. A mutual access agreement should be executed where cross-access is provided.

C. **Parking Lot and Space Dimensions**

1. **General Requirements**
Parking stalls, aisles, bays, and other parking lot features shall be designed and constructed with the minimum dimensions indicated in Table 17.60.070-A (Required Dimensions by Number of Parking Spaces Provided).
2. **Compact Car Spaces**
A maximum of thirty-three percent (33%) of the total number of required parking spaces may be compact spaces, in compliance with the minimum dimensions shown in Table 17.60.070-B (Minimum Dimensions by Angle of Parking Spaces) for compact cars.
3. **Dimensions for Private Garages or Carports**
The following minimum unobstructed inside dimensions shall be provided for private garages and carports:

Table 17.60.070-A: Required Dimensions by Number of Parking Spaces Provided

Garage/Carport Dimension	One (1) car	Two (2) cars	Three (3) cars
Width	Ten (10) ft.	Twenty (20) ft.	Thirty (30) ft.
Depth	Twenty (20) ft.	Twenty (20) ft.	Twenty (20) ft.
Door/access width	Eight (8) ft.	Sixteen (16) ft.	–

4. **Parallel Parking Spaces**
Parallel parking spaces shall have a minimum width of nine (9) feet and a minimum length of twenty-four (24) feet.

5. **RV Spaces**
   Parking spaces for recreational vehicles shall be a minimum of twelve (12) feet wide by twenty-two (22) feet deep.

Table 17.60.070-B: Minimum Dimensions by Angle of Parking Spaces

Parking Lot Feature	0°	30°	45°	60°	90°
Requirements for Standard Size Cars					
Stall width--Interior space	8 ft.	9 ft.	9 ft.	9 ft.	9 ft.
Stall width--End space	8 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Curb length per car	23 ft.	19 ft.	13'-5"	11 ft.	9'-10"
Stall depth	–	18'-3"	20'-6"	21'-6"	20 ft.
Minimum aisle width	14 ft.	11 ft.	13 ft.	18 ft.	24 ft.
Bay depth--1 row, 1 aisle	20 ft.	29'-3"	33'-6"	39'-6"	44 ft.
Bay depth--2 rows, 1 aisle	28 ft.	47'-6"	54 ft.	61 ft.	64 ft.
Bay depth--3 rows, 2 aisles	48 ft.	68 ft.	80'-4"	95'-6"	108 ft.
Bay depth--4 rows, 2 aisles	56 ft.	86'-2"	100'-10"	116'-6"	128 ft.
Requirements for Compact Cars					
Stall width	8 ft.	9 ft.	9 ft.	9 ft.	9 ft.
Curb length per car	20 ft.	18 ft.	12'-9"	10'-5"	9 ft.
Stall depth	9 ft.	15'-9"	17'-8"	18'-3"	16 ft.
Minimum aisle width	12 ft.	11 ft.	13 ft.	18 ft.	24 ft.
Bay depth--1 row, 1 aisle	21 ft.	26'-9"	30'-8"	36'-3"	40 ft.
Bay depth--2 rows, 1 aisle	30 ft.	42'-6"	48'-4"	54'-6"	56 ft.
Bay depth--3 rows, 2 aisles	51 ft.	61'-6"	72'-8"	86'-3"	96 ft.
Bay depth--4 rows, 2 aisles	60 ft.	77'-3"	90'-4"	95'-8"	112 ft.

D. **Drainage**
   All off-street parking/loading areas shall be designed and constructed:
   1. So that surface water will not drain over any sidewalk or adjacent site (drainage from a site to a street across a driveway may be approved), or adjacent parcels;
   2. In compliance with the City's best management practices, adopted in accordance with the requirements of the National Pollution Discharge Elimination System (NPDES).

3. To include facilities for the sub-surface filtering of oil and grease contaminants, in new or reconstructed non-residential parking lots with five (5) or more parking spaces.

E. **Landscaping**

Required parking area landscaping shall be provided as follows, unless otherwise specified in this chapter, and except where all parking spaces are entirely within a building or in a subterranean parking lot.

1. **Minimum Area for Landscaping**
   A minimum of thirty percent (30%) of the area within the perimeter of all parking lots shall be designed, constructed, and maintained as landscaped areas.
2. **Perimeter Landscaping**
   a. **Adjacent to Streets**
      Parking areas adjacent to a public right-of-way shall be designed to provide a three (3)-foot wide landscaped planting strip between the right-of way and parking.
   b. **Adjacent to Residential Use**
      Parking areas for nonresidential uses adjacent to residential uses shall be designed to provide a landscaped planting strip a minimum of three and one-half (3 ½) feet in width between the parking area and the property line bordering the residential use. A screening wall shall also be provided in compliance with Subsection I.
3. **Interior Landscaping**
   a. **Planting Strips Between Parking Aisles**
      Parking areas with multiple parking aisles shall be designed to provide a continuous planter strip between each aisle. The planter strip shall be six (6) feet wide. Adequate pedestrian paths shall be provided throughout the landscaped areas. The planting strips shall include at least one twenty-four (24)-inch box shade tree for every five (5) parking spaces; appropriate clustering of trees may be approved by the Director.
   b. **Projecting Islands**
      Planting strips between aisles in parking lots with more than fifteen (15) parking spaces shall include projecting islands to accommodate additional trees and other landscape materials. Islands shall be provided between every ten (10) parking spaces and shall be a minimum of six (6) feet wide.
   c. **Bumper Overhang Areas**
      To increase the parking lot landscaped area, a maximum of two (2) feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of asphalt, allowing a bumper overhang while maintaining the required parking dimensions.
   d. **Areas Not Used for Parking**
      Areas in a parking lot not used for driveways, maneuvering areas, parking spaces, or walks, shall be landscaped and permanently maintained, in compliance with a program submitted by the applicant and approved by the Director.

4. **Curbing and Irrigation**
   All areas containing plant materials shall be bordered by a concrete curb at least six (6) inches high and six (6) inches wide and provided with an approved automatic irrigation system.

F. **Lighting**
Parking areas shall have lighting capable of providing adequate illumination for security and safety. All parking area lighting shall comply with Section 17.50.070 (Outdoor Lighting and Glare (IP)), including color temperature, shielding, and glare prevention requirements. Lighting standards shall be energy-efficient and in scale with the height and use of the on-site structure(s). Any lights, including security lighting, shall be directed downward, away from adjoining properties and public rights-of-way, and shall provide no less than 0.3 footcandle and no more than 1.0 footcandle per square foot of illumination.

G. **Location of Required Parking**
All required parking spaces shall be located in compliance with Subsection 17.60.030.A (Location of Parking and Loading Areas).

H. **Paving**
All driveway, parking and maneuvering areas shall be paved in compliance with public works standards and this chapter.

I. **Screening**
Commercial/industrial and public parking areas abutting residentially zoned parcels shall provide a six (6)-foot high wood or decorative masonry wall at the property line adjacent to the residential zone, to properly screen the parking area(s), subject to approval by the Director. The Director may waive or modify this requirement to protect the views of adjacent residences. All decorative wall features shall occur on both sides of the wall.

J. **Striping**
Parking stalls shall be identified with double, four (4)-inch-wide paint stripes, or other durable striping material approved by the Director, on the parking lot surface. Parallel spaces may be marked with single lines.

K. **Wheel Stops/Curbing**
Continuous concrete curbing at least six (6) inches high and six (6) inches wide shall be provided for all parking spaces located adjacent to walls, fences, property lines, and structures. All parking lots shall have curbing around all parking areas and aisle planters in compliance with Subsection E above.

17.60.080 Parking Design Guidelines

A. **Purpose**
The parking design guidelines of this section are intended as a guide to assist property owners and project designers in understanding the City's goals for attaining high quality development consistent with the General Plan/Local Coastal Plan.

B. **Applicability**
These guidelines will be utilized during the project review process as criteria against which to review projects requiring a land use permit.

1. The provisions of this chapter apply whenever access and/or parking are provided for a project regardless of whether or not the access or parking are required by this Zoning Code. Any addition, relocation, or construction requiring Development Permit approval in compliance with Chapter 17.10 (Development Permits) shall comply with these guidelines where applicable.
2. These guidelines may be interpreted with some flexibility in their application to specific projects as not all design criteria may be workable/appropriate for each project. In some circumstances, a guideline may be relaxed in order to accomplish another, more important guideline. The overall objective is to ensure that the intent and spirit of the design guidelines are followed. The ultimate goal of the review process is to attain the best possible design within reason.

C. **General Guidelines**

1. Aside from concerns for traffic safety and efficiency, the visual impacts of parking lots are an important concern. Projects should be laid out so that parking lots are not the dominant feature of the development when viewed from the street. Generally, it is not advisable to place the parking area along the front of the site because it creates a negative visual impact that detracts from the project's architectural image. Parking placed along the side or to the rear of a site allows the architectural significance of the buildings and the beauty of the landscaped open space to take precedence.
2. Providing an excessive amount of paved parking areas (beyond what is required) is strongly discouraged. The City requires significant landscaping adjacent to the perimeter of the parking area and along the street frontage to diminish the appearance of paved areas.

D. **Access and Circulation**

1. Primary project entries should be designed as special statements reflective of the character of the project. The goal should be to establish a distinctive and inviting image for the project. Textured paving, flowering accents, low walls, shrubs, and the use of specimen trees (forty-eight (48)-inch box or larger) should be used to generate visual interest at entry points to commercial centers.
2. Entry drives on larger projects (two hundred (200) or more parking stalls) should include a minimum five (5)-foot-wide landscaped median to separate incoming and out-going traffic.
3. The first (1st) parking stall that is perpendicular to an entry driveway or the first (1st) aisle juncture that is perpendicular, should be a minimum of forty (40) feet back from the curb to provide adequate vehicle queuing distance off the street. With larger centers, a longer setback distance may be required.
4. Nonresidential developments are encouraged to provide cross-access to adjacent nonresidential properties for convenience, safety, and efficient circulation of vehicles. A mutual access agreement shall be executed where cross-access is provided. A parking reduction for shared parking may be allowed in compliance with Section 17.60.050 (Reduction of Off-Street Parking Requirements (IP)).

E. **Parking Lot Design**

1. Parking lots should be designed with a hierarchy of circulation: major access drives with no parking; major circulation drives with little or no parking; and parking aisles for direct access to parking spaces. Small projects may need to combine components of the hierarchy.
2. Parking lots should include landscaping that accents the importance of the driveways from the street, frames the major circulation aisles, and highlights pedestrian pathways.
3. Drop-off points (i.e., wider aisles) located near entrances to major buildings and plaza areas should be provided for projects over two hundred and fifty thousand (250,000) square feet of building area.
4. Parking areas should be separated from buildings by either a raised walkway or landscape strip at least four (4) feet wide. Situations where parking aisles or spaces directly abut the building are strongly discouraged.
5. Intersections should be kept to a minimum, and dead-end aisle should be avoided unless absolutely necessary and when proper backup areas are provided.
6. Parking lots should be designed so that pedestrians walk parallel to moving cars. This will minimize the need for pedestrians to cross parking aisles and landscape areas.
7. Where parking lots accommodate over one hundred (100) cars, they should be broken up into segments or modules of less than fifty (50) spaces each by means of intervening landscaping, access driveways, or structures to avoid large unbroken expanses of paved area.

F. **Pedestrian Connections**

1. Pedestrian and bicycle access should be designed to link the site physically and visually to the public sidewalk and bikeway system as an extension of the project's circulation system and to separate pedestrian and vehicular traffic. Direct pedestrian links between the project and adjoining projects and residential areas should be provided whenever appropriate.
2. Projects should include a system of pedestrian walkways that interconnect business entries with each other and with parking areas. Walkways should connect individual structures within a project directly without forcing pedestrians to mix with vehicular traffic.
3. Walkways should be well marked by means of low-level directional signs, lighting, distinctive paving, and landscaping. Where feasible, trellises, arbors, arcades, or similar features should be used to cover walkways and provide clear identification of facilities. Where textured paving is used, it should not be so rough or irregular as to make walking difficult, or discourage the use of baby strollers, or wheelchairs.

17.60.090 Driveways and Site Access

Driveways providing ingress and egress to off-street parking spaces shall be designed, constructed, and maintained as follows.

A. **Number of Access Points**
One driveway access point per ownership shall be permitted unless the City Engineer determines, based on a development/circulation plan submitted by the applicant, or recommendations from the Fire Department, that more than one (1) access is required to handle traffic volumes or specific designs, such as residential circular driveways. Additional access shall not be permitted if it is determined to be detrimental to the traffic flow and the safety of adjacent public streets. Whenever a property has access to more than one (1) street, access shall generally be limited to the street with the lowest traffic volume, where the impact of a new access will be minimized. All access from private property to a public street shall require an encroachment permit.

B. **Location of Access**

1. **Distance from Street Intersections**
No portion of a driveway access shall be permitted within curb returns. The edge of the access shall not be less than ten (10) feet from the end of curb returns for single-family residential developments. For all other developments, this distance shall not be less than one hundred and fifty (150) feet. Where the lot size does not permit the access to be located one hundred and fifty (150) feet from the end of curb return, the access shall be located the maximum distance possible from the end of the curb return. This distance does not include the three (3)-foot transition or wing sections on each side of the driveway.

2. **Driveway Spacing**
Two (2) or more driveway access points on a public street shall be separated as follows.

a. **Single-Family Residential Development**
Where two (2) or more accesses serve adjacent single-family residential parcels, the minimum distance between the nearest points of the two (2) accesses shall be at least twenty (20) feet, unless a shared, single driveway access is approved by the Director. The twenty (20)-foot separation does not include the three (3)-foot transition or wing sections on each side of the driveway and may be reduced by the Director for a cul-de-sac street.

b. **Multi-Family and Nonresidential Development**
Where two (2) or more accesses serve the same or adjacent non-single-family residential development, the minimum distance between the centerline of accesses should be preferably at least two hundred (200) feet on streets with design speeds below thirty (30) mph and three hundred (300) feet on streets with design speeds above thirty (30) mph.

c. **Corner and Double Frontage Lots**
For corner and double frontage residential lots, one (1) access on each frontage may be permitted if it is determined by the City Engineer that two (2) driveways are needed to provide safe access for traffic entering

and leaving the lot because of site distance and geometric design considerations.

C. **Driveway Width and Length**

1. **Driveway Width Requirements**
   Driveways shall be designed and constructed to the widths specified by Table 17.60.090-A (Minimum and Maximum Driveway Width).

Table 17.60.090-A: Minimum and Maximum Driveway Width

Number of Parking Spaces Accessed by Driveway	Minimum Width	Maximum Width
2-8	12'--0"	16'--0"
9-14	16'--0"	18'--0"
15+	18'--0"	24'--0" [1]

Notes:

[1] The review authority may modify the maximum or minimum width when the proposed width is adequate and where needed for safety or accessibility.

[2] When redevelopment or rehabilitation occurs, existing driveways shall be modified or eliminated to conform to these standards.

2. **Driveway Length**
   a. The minimum length of a single-family driveway shall be twenty (20) feet from the property line or edge of the traveled way (e.g., curb, edge of pavement, or back of sidewalk) whichever is closest to the front of a garage or a required parking space to allow vehicle parking in the driveway without projecting into the traveled way, except as provided in Subsection C.2.b. Where access to a garage, carport, or open parking space is perpendicular (ninety (90) degrees) to the driveway, a minimum twenty-four (24)-foot-deep unobstructed back-out area shall be provided.
   b. The minimum length of a single-family driveway on a nonconforming lot that does not meet the minimum depth requirement for the zone as established in Table 17.40.030-A (Development Standards for Residential Zones) shall be twenty percent (20%) of the lot depth. No parking shall be allowed in the driveway if the parked vehicles project into the right-of-way.
   c. If more than fifty percent (50%) of an existing building is improved/reconstructed, the minimum length of a single-family driveway on a nonconforming lot that does not meet the minimum depth requirement for the zone as established in Table 17.40.030-A (Development Standards for Residential Zones) shall comply with the standards provided Subsection C.2.a.

D. **Driveway Alignments – Commercial Development**
Where commercial parcels are not large enough to allow accesses on opposite sides of the street to be aligned, the center of driveways not in alignment will normally be offset

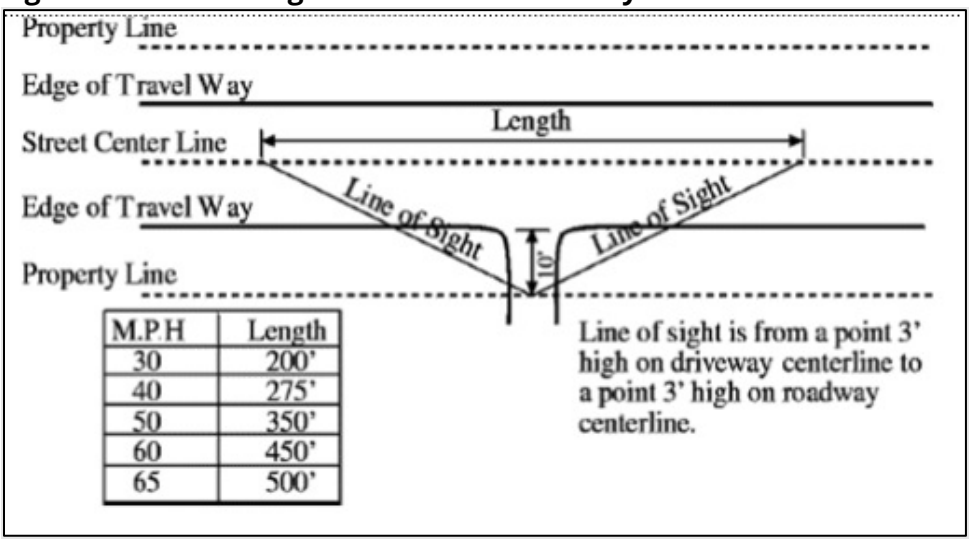
a minimum of one hundred and fifty (150) feet on all collector roads, and three hundred (300) feet on all major and arterial roads. Greater distances may be required if needed for left-turn storage lanes.

E. **Driveway Slope**
Driveway and parking lot slopes shall not exceed twenty percent (20%). For commercial development and multi-family development, entrance and exit areas shall not exceed three percent within the first thirty (30) feet from the street right-of-way, except where the City Engineer may approve an alternate standard that provides an adequate landing area adjacent to the sidewalk.

F. **Clearance from Appurtenances**
The nearest edge of any driveway curb cut shall be at least three (3) feet from the nearest property line (except where the review authority has approved a shared driveway between two (2) parcels), the centerline of a fire hydrant, utility pole, drop inlet, and/or appurtenances, traffic signal installations, or light standards. The nearest edge of any driveway shall also be at least five (5) feet from the nearest projection of the installation. Street trees shall be a minimum of ten (10) feet from the driveway access.

G. **Sight Distance at Driveways**
Each point of access from a parking area to a street right-of-way shall be constructed and maintained so that any vehicle entering or leaving the parking area shall be clearly visible at a distance of not less than ten (10) feet to a person approaching the access point on a sidewalk or other pedestrian path, or from an approaching vehicle, based on the criteria in Figure 17.60.090-1 (Sight Distance at Driveways).

Figure 17.60.090-1: Sight Distance at Driveways



M.P.H	Length
30	200'
40	275'
50	350'
60	450'
65	500'

H. **Temporary Access**
The Director may grant temporary access to underdeveloped property prior to approval of all Development Permits required by this Zoning Code, or completion of development, if access is needed for construction. Temporary accesses are subject to removal, relocation, or redesign after all permits are approved.

17.60.100 Loading Space Requirements

A. **Number of Loading Spaces Required**
Unless modified/adjusted by the Director as allowed by this Title, off-street freight and equipment loading spaces shall be provided for all non-residential uses, except hotels and motels. The minimum number of loading spaces shown in Table 17.60.100-A (Number of Loading Spaces Required) shall be provided for each use.

Table 17.60.100-A: Number of Loading Spaces Required

Gross Floor Area by Land Use	Loading Spaces Required
Commercial, manufacturing/industrial, institutional, and service uses	
Less than 3,000 sf	0
3.001 to 30,000 sf	1
30,001 to 90,000 sf	2
90,001 to 150,000 sf	3
150,001 to 230,000 sf	4
More than 230,000 sf	4, plus 1 space for each additional 80,000 sf
Office uses	
Less than 25,000 sf	1
25,001+ sf	1, plus additional as required by Director

Requirements for uses not specifically listed shall be determined by the Director based upon the requirements for comparable uses and upon the characteristics of the proposed use, in compliance with Section 17.60.040 (Number of Parking Spaces Required (IP)).

B. **Location**
Loading spaces shall be located to:
1. Be at the rear of the structure being served, consistent with the other provisions of this subsection;
2. Ensure that truck parking and loading activities shall not be visible from any major public rights-of-way, or from any residential use;
3. Ensure that all loading and unloading takes place on-site, and in no case within adjacent public rights-of-way, or other traffic areas on-site;
4. Ensure that all vehicular maneuvers occur on-site; and
5. Avoid adverse noise impacts upon any neighboring residential properties.

C. **Development Standards for Off-Street Loading**
Off-street loading areas shall be provided in the following manner:
1. **Dimensions**
Required freight and equipment loading spaces shall be not less than fifteen (15) feet in width, forty-five (45) feet in length, with fourteen (14) feet of vertical

clearance. Loading spaces designed to allow a truck to back up to a loading dock shall also be provided a clear maneuvering aisle (apron) of forty-nine (49) feet between the loading space and the nearest obstruction.

2. **Lighting**
   Loading areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of the structure(s). Any illumination, including security lighting, shall be directed away from adjoining parcels and public rights-of-way.
3. **Screening**
   All loading areas shall be screened from public view by walls and/or landscaping. Where loading areas on a site cannot be feasibly accommodated in a location other than adjacent to residentially zoned parcels, the loading area shall either be entirely enclosed, or shall be screened by a solid, architecturally treated decorative masonry wall, as approved by the review authority. All decorative treatments shall occur on both sides of the wall.
4. **Loading Doors and Gates**
   Loading bays and roll-up doors shall be located on the rear of the structure only. Bays and doors may be located on the side of a building away from a street frontage where it can be demonstrated that the bays, doors, and related trucks will be adequately screened from public view from any street or public right-of-way.
5. **Striping**
   Loading areas shall be striped indicating the loading spaces and identifying the spaces for "loading only." The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times.

Chapter 17.61 Reserved

Chapter 17.62 Signs

Sections:

17.62.010 Purpose

17.62.020 Applicability

17.62.030 Design Objectives (IP)

17.62.040 Sign Permits Required

17.62.050 Exempt Signs

17.62.060 Prohibited Signs

17.62.070 Measurement of Sign Area and Height

17.62.080 Allowed Number and Area of Signs

17.62.090 Sign Standards

17.62.100 Sign Design Guidelines

17.62.110 Nonconforming Signs

17.62.120 Abatement of Illegal Signs

17.62.010 Purpose

This chapter establishes uniform sign regulations that are intended to create a more attractive and economically viable business atmosphere for city residents and visitors. The standards of this chapter regulate and control the size, number, location, and structural characteristics of all signs and sign structures.

17.62.020 Applicability

Signs (including advertising copy changes to an existing sign) shall be erected or maintained in any zone only in compliance with this chapter. The allowed number and area of signs established by this chapter are intended to be maximum standards, which do not necessarily ensure architectural compatibility. Therefore, the review and approval of sign permit in compliance with Section 17.62.040 (Sign Permits Required) shall consider a sign's relationship to the overall appearance of the site and the surrounding community, in addition to the standards of this chapter.

17.62.030 Design Objectives (IP)

The City shall ensure:

A. A single sign theme for individual buildings or complexes utilizing materials including wood, rock, brick, metal, and approved plastic;
B. Utilization of symbols;
C. Signs in which colors, motifs and subject matters are compatible in character and quality of design with the exterior architecture of the structures on the site;
D. Placement of signs such that they shall not be allowed to block coastal views or detract from the natural beauty of the coast;
E. A central design theme for city information and directional signs;
F. The protection of significant public views and the maintenance of visual quality of the city to and along the coast;
G. The protection of historical signs; and
H. In the Coastal Zone, the protection of public coastal views and of public access to and along the coast, implemented through the size, number, and location standards of Sections 17.62.080 (Allowed Number and Area of Signs) and 17.62.090 (Sign Standards).

17.62.040 Sign Permits Required

A. **Application and Processing**
Signs shall only be constructed, displayed, or altered with a Use Permit (or, when located in the Coastal Zone, a Coastal Development Permit approval by the Director or Planning Commission, as applicable.

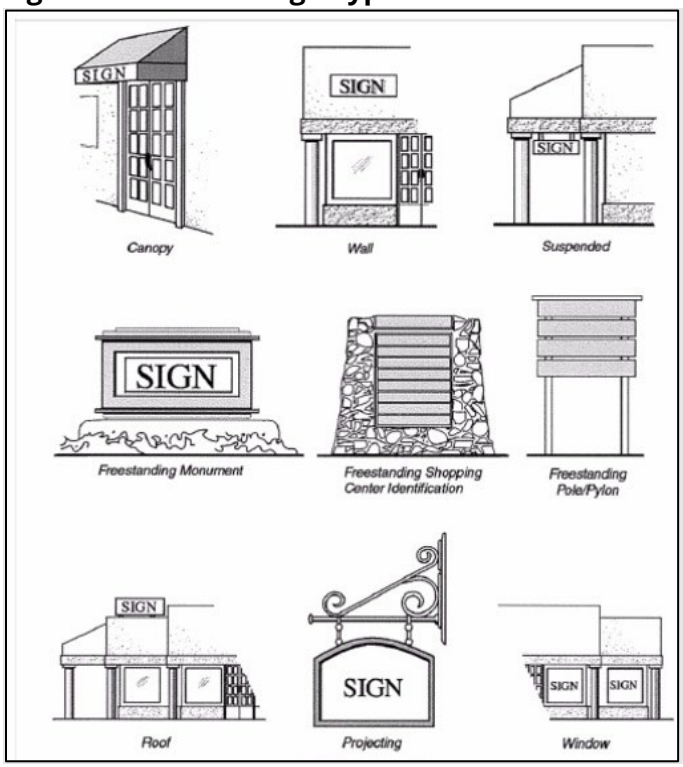
1. **Application Filing**
   Applications shall be filed on the forms provided by the Department and shall include all information described in the City's sign permit application Instructions, and the required filing fee.
2. **Referral to Building Official**
   Sign permit applications shall be reviewed by the Building Official for a determination as to whether a separate building, electrical or plumbing permit is required for the sign.
3. **Review Authority**
   A sign permit shall be approved or disapproved in compliance with Subsection B below. The Director shall review, and approve or disapprove all sign permits, including Minor Modifications (see Chapter 17.18 (Modifications (IP))) to the standards of Sections 17.62.080 (Allowed Number and Area of Signs) and 17.62.090 (Sign Standards), except permits for the following types of signs, which shall instead be decided by the Planning Commission:
   a. **Alternate Materials**
      Any sign utilizing materials other than natural wood, rock or stone, metal, brick, glass tube, or approved plastic.
   b. **Animated or Moving Signs**
      Signs which contain any component which moves, rotates, flashes, is otherwise animated, or gives the appearance of any of these.
   c. **More Than Three Signs**
      Proposed signs on a site with more than three (3) signs.
   d. **Roof Signs**
      Signs that are located on or project above the peak of the roof of a structure.
   e. **Special Purpose Signs**
      The following signs, provided that the Planning Commission finds that the sign will not be detrimental to adjoining properties or the safety and appearance of the immediate neighborhood, and that the sign is consistent with the general purposes and standards of this chapter:
      i. **Alternate Materials**
         Any sign utilizing materials other than natural wood, rock or stone, metal, brick, glass tube, or approved plastic.
      ii. **Animated or Moving Signs**
         Signs which contain any component which moves, rotates, flashes, is otherwise animated, or gives the appearance of any of these.
      iii. **Exceptions**
         Requests for exceptions to the standards of 17.62.080 (Allowed Number and Area of Signs), or 17.62.090 (Sign Standards).
      iv. **More Than Three Signs**
         Proposed signs on a site with more than three (3) signs.

v. **Roof Signs**
Signs that are located on or project above the peak of the roof of a structure.

f. **Other Non-Complying Signs**
Any other visual device which the Director determines does not comply with the standards, purposes, or objectives of this chapter.

4. **Planning Commission Hearing**
The Planning Commission shall conduct a public hearing in compliance with Section 17.08.050 (Public Hearings and Noticing) prior to approving or disapproving a sign permit requiring a Planning Commission decision.

Figure 17.62.040-1: Sign Types



B. **Findings for Approval**
The review authority may approve a sign permit application in whole or in part, with or without conditions, only if the following findings are made:

1. The proposed sign is permitted within the zone and complies with all applicable provisions of this chapter, and any other applicable standards;
2. The sign primarily identifies the business name and does not list multiple products or services;
3. The sign is in proportion to the structure or site on which it is located and as an identification device, does not excessively compete for the public's attention;
4. The sign materials, color, texture, size, shape, height, and placement are harmonious with the design of the structure, property, and neighborhood of which it is a part;

5. The sign's illumination is at the lowest reasonable level as determined by the Director, which ensures adequate identification and readability, and is directed solely at the sign or is internal to it; and
6. The sign is not detrimental to the public interest, health, safety, or welfare.

C. **Conditions of Approval**
In granting the approval of any sign permit, the Planning Commission may impose any conditions or modifications it determines are necessary or appropriate to secure compliance with the provisions of this chapter.

D. **Revisions to an Approved Sign Permit**
Revisions to an approved sign permit may be approved in compliance with Section 17.08.080 (Revisions to an Approved Permit Other Than a CDP).

E. **Message Substitution**
Subject to the property owner's consent, a noncommercial message of any type may be substituted, in whole or in part, for any duly permitted or authorized commercial message or any duly permitted or allowed noncommercial message, provided that the sign structure or mounting device is legal without consideration of message content. Such substitution of message, if in conformance with the originally approved sign design, may be made without any additional approval or permitting. In addition, on non-residential uses, any display area for permanent signs, which is unused, may be used for display of noncommercial messages on temporary signs for a maximum of sixty (60) days in any one (1) calendar year. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision:

1. Does not create a right to increase the total amount of permanent signage on a parcel, lot, or land use;
2. Does not affect the requirement that a sign structure or mounting device be properly permitted;
3. Does not allow a change in the physical structure of a sign or its mounting device;
4. Does not allow the substitution of an off-site commercial message in place of an on-site commercial message or noncommercial message.

However, simple face changes not involving off-site commercial advertising or changes to the physical structure or mounting device of the sign may be made without further permitting when the sign structure has already been permitted and is in full compliance with all applicable laws, rules, and regulations.

17.62.050 Exempt Signs

The following signs shall not require a sign permit, nor shall the area of the signs be included in the maximum sign area permitted for any site or use:

A. **Directional and Information Signs**
Signs containing site or operations information without advertising, and not exceeding three square feet in area or three (3) feet in height, including: name plates; directional signs including "entrance," "exit," "office," "open" or "closed;" signs with the name and

address of the occupant; or directional arrows designed to be viewed by on-site pedestrians or motorists.

B. **Flags**
Official flags of any nation, state, or local government, a United States, California, or City flag. The height of the flag pole shall comply with the requirements of the applicable zone in Chapter 17.40 (Residential Zones (IP)) through Chapter 17.48 (Overlay Zones (IP)) and Section 17.50.060 (Height and Height Exceptions (IP)).

C. **Memorial Signs/Plaques**
Memorial signs, historic markers, and commemorative plaques, and other decorative architectural features constructed as an integral part of a building.

D. **Temporary Noncommercial Signs**
1. Limited to a maximum of one (1) sign per property, no larger than six (6) square feet, four (4) feet in height as measured from the ground underneath the sign, placed on private property with the express consent of the property owner, and directly affixed to the ground or located in the window of a permanent structure, and which comply with all other applicable provisions of this chapter.
2. Signs shall not be illuminated.
3. Up to two (2) times per year, additional temporary noncommercial signs are permitted, with increases in sign size of no larger than sixteen (16) square feet, limited to sixty (60) days in duration. These times are typically, but not required to be, during any "election period," which shall mean the period before any national, state, or local election in which City electors may vote, up through the date of the election.

E. **Public/Governmental Signs**
Any information or safety signs installed by a governmental agency or public utility, including street signs, traffic regulating signs and devices, railroad crossing signs, signs indicating the location of underground utilities, and similar signs.

F. **Real Estate Signs**
Non-illuminated temporary real estate signs are allowed in compliance with California Civil Code Section 713, with a maximum area of six (6) square feet, pertaining only to the site on which the sign is located. Four (4) additional temporary, off-site signs are also allowed for an open house only.

G. **Temporary Signs**
The following temporary signs are exempt from permit requirements; all other temporary signs shall require a sign permit and shall be subject to all standards applicable to permanent signs.
1. **Balloon Displays**
Helium balloon displays, limited to no more than one (1) day, where the balloons are tethered no higher than eight (8) feet above the ground and at least eight (8) feet from the curb of any adjacent street.
2. **Hazard Signs**
Temporary signs warning of construction, excavation, or similar hazards as long as the hazard exists.
3. **Holiday Displays**
Temporary holiday displays and signs for decoration rather than advertising and

customarily associated with national, local, or religious holidays. These signs shall be removed within fourteen (14) days after the holiday.

4. **Special Event Signs**
   One temporary special event sign per business, provided that the sign does not exceed twelve (12) square feet in area and is displayed only during the period of a City-sanctioned special event.
5. **Window Signs**
   Signs attached temporarily to the interior of a building window or door for a maximum of thirty (30) days, provided that the signs comply with the provisions of Section 17.62.080 (Allowed Number and Area of Signs). Window signs may be in place for more than thirty (30) days with sign permit approval.

H. **Time and Temperature Signs**
   Time and temperature signs which contain no advertising, do not exceed thirty (30) square feet in total area, and are no higher than the nearest structure.

17.62.060 Prohibited Signs

The following signs are inconsistent with the purposes and standards of this chapter, and are therefore prohibited:

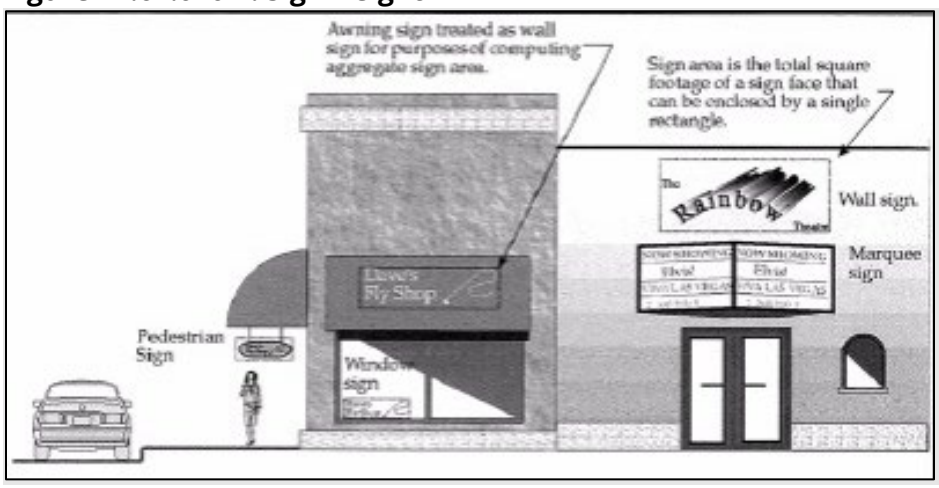
A. Abandoned signs;
B. Bench signs;
C. Billboards and other off-site signs;
D. Signs on public property, or in or over a public right-of-way; except for traffic and street identification signs, and projecting signs with an encroachment permit; that are less than eight (8) feet above the right-of-way (sidewalk), that are less than two (2) feet from the street curb, and that exceed twenty-four (24) square feet in area;
E. Any sign attached or placed adjacent to any utility pole, or any traffic sign, signal, or control device, in compliance with California Vehicle Code Section 21464;
F. Signs painted on fences or roofs;
G. Signs that simulate in color or design a traffic sign or signal, or which make use of words, symbols, or characters in a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic; and
H. Pole/pylon signs, except in compliance with Subsection 17.62.080.C.1.d (Pole/Pylon Signs).

17.62.070 Measurement of Sign Area and Height

For the purposes of determining compliance with this chapter, the area and height of signs shall be measured as provided by this section.

A. **Sign Area**
   Sign area shall be measured as the area in square feet of the smallest simple geometric shape within which a single sign face can be enclosed. The total area of the sign shall include all sign faces.
B. **Sign Height**
   Sign height shall be measured as the vertical distance from grade adjacent to the sign footing, to the top of the sign, including the support structure and any design elements.

Figure 17.62.070-1: Sign Height



17.62.080 Allowed Number and Area of Signs

The signs described in this section may be allowed only on the same site as the use being advertised or identified. Exceptions to these standards may be granted through the approval of a sign permit by the Planning Commission in compliance with Subsection 17.62.040.A.2 (Referral to Building Official).

A. **Signs within All Zones**
The following signs may be allowed with sign permit approval in all zones.

1. **Civic Event Sign**
A temporary civic event sign may be authorized by the Director for announcing a civic event within the city of a general public nature for not more than thirty (30) days before and not more than five (5) days after the period during which the event takes place.
2. **Construction Sign**
One (1) temporary non-illuminated sign, advertising the various construction trades participating in the project. On a site less than one (1) acre, the sign shall not exceed thirty-two (32) square feet in sign area or six (6) feet in height. On a parcel of land of one (1) acre or more, the sign shall not exceed fifty (50) square feet in sign area or six (6) feet in height. The sign shall be allowed to remain until the last unit is sold, rented, or leased.
3. **Temporary Subdivision Signs**
A temporary subdivision sign declaring a group of parcels, dwellings, or occupancies within a subdivision for sale, rent or lease shall be permitted subject to the following conditions:
    a. One (1) on-site sign shall be permitted for each street frontage;
    b. The sign area shall not exceed fifty (50) square feet, or exceed six (6) feet above the level of the street;
    c. The sign shall be unlighted;

d. In the case of a corner lot, the sign shall not obstruct the vision of motorists by being located within the traffic safety visibility area of the parcel, which shall consist of a triangular area formed by measuring thirty-five (35) feet from the intersection of the street property lines, and connecting the lines across the parcel; and
e. The sign may remain on the property until the last unit is sold, rented, or leased for the first time after construction.

B. **Residential Zone Signs**
The following signs may be allowed with sign permit approval within a residential zone, provided that any of the following shall not be illuminated when located within the R-1 zone:

1. **Small Residential Projects**
Residential projects containing four (4) or more dwelling units may be permitted one (1) identification sign with a maximum area of eight (8) square feet and a maximum height of five (5) feet;
2. **Planned Residential Developments**
A planned residential development twenty-five (25) or more units may be permitted one (1) sign larger than that allowed by Subsection B.1 (Small Residential Projects) above, provided that the aggregate sign area does not exceed thirty (30) square feet, and the sign does not exceed five (5) feet in height;
3. **Multi-Family Projects and Mobile Home Parks**
Multi-family dwelling projects and mobile home parks may be permitted one (1) identification sign for each major street entrance to the project, with a maximum area of twelve (12) square feet and a maximum height of four (4) feet.

C. **Commercial Zone Signs**
The following signs may be allowed with sign permit approval within the commercial zones.

1. **General Requirements**
a. **Size and Height**
The maximum area and height of signs allowed within the commercial zones, including any signs painted on exterior building walls, shall comply with Figures 17.62.080-1 (Maximum Sign Area for Attached and Wall Signs on Commercial Structures) and 17.62.080-2 (Maximum Sign Area for Freestanding Monument Signs for Commercial Uses), except that a monument sign shall not exceed one-half (½) the height allowed for other freestanding signs.

Figure 17.62.080-1: Maximum Sign Area for Attached and Wall Signs on Commercial Structures

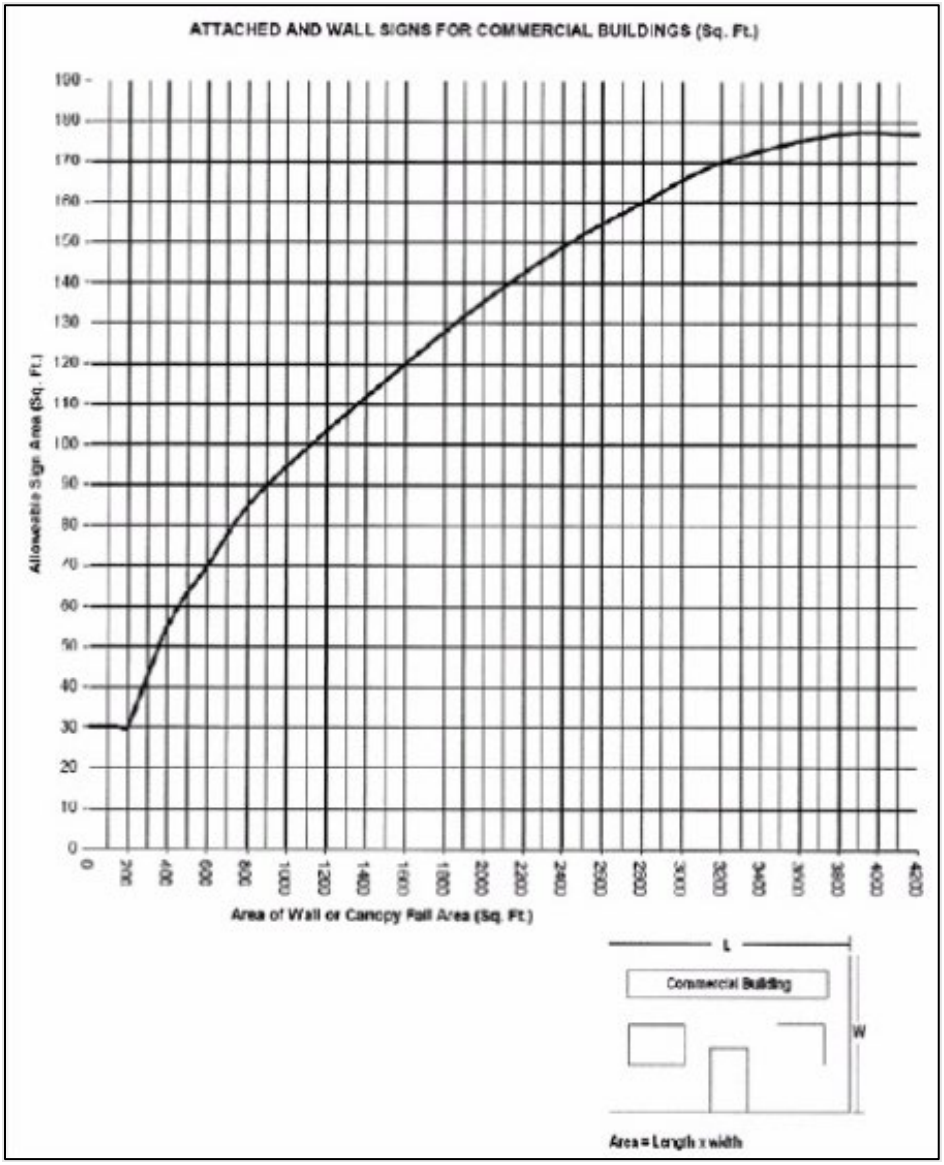
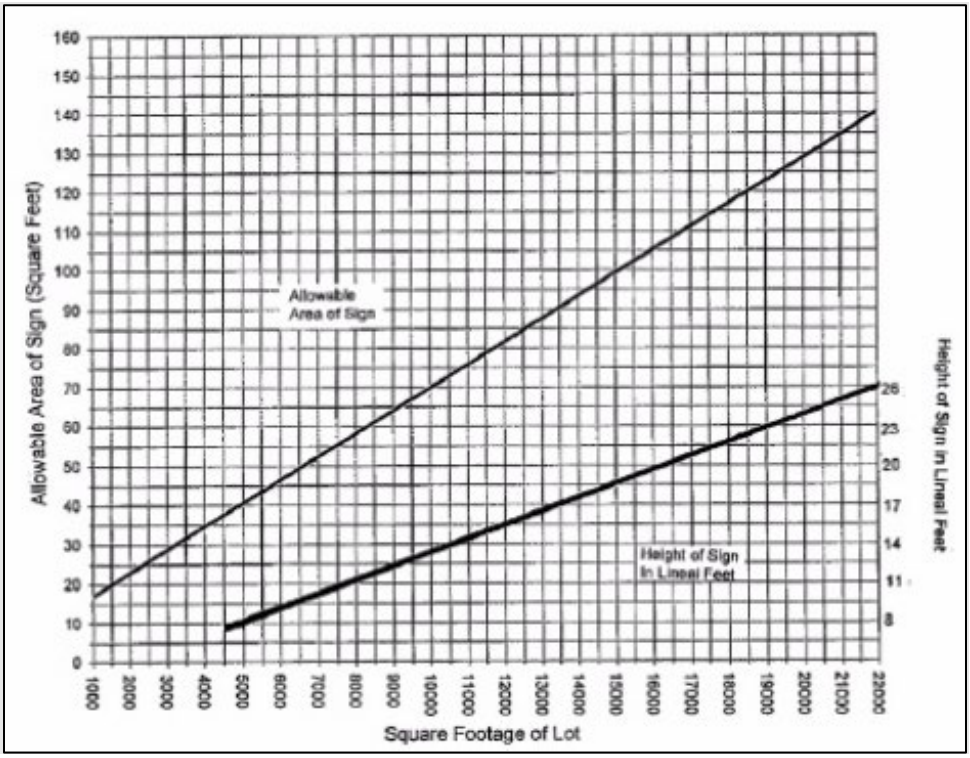


Figure 17.62.080-2: Maximum Sign Area for Freestanding Monument Signs for Commercial Uses



b. **Number of Signs**
No more than three (3) signs shall be allowed for each business. No more than one (1) of the signs may be freestanding without Planning Commission approval of the Sign Permit.

c. **Sign Placement – Freestanding Signs**
Freestanding signs may be placed within required setbacks.

d. **Pole/Pylon Signs**
Pole or pylon signs may be allowed only on parcels which abut the Highway 101 right-of-way or frontage road in compliance with the General Plan/Local Coastal Plan. See Subsection C.3.

e. **Signs on Buildings with Multiple Frontages**
When a business fronts on two (2) or more streets and/or a vacant lot, the total allowed sign area shall comply with Figure 17.62.080-1 (Maximum Sign Area for Attached and Wall Signs on Commercial Structures), and that total sign area shall be assigned to each building wall proposed to have signs at a ratio of one (1) square foot of sign area for each lineal foot of building wall on that frontage.

2. **Awnings and Canopies**
Awnings and canopies with advertising are allowed as follows and shall be included in the total sign area allowed for attached signs by Figure 17.62.080-1 (Maximum Sign Area for Attached and Wall Signs on Commercial Structures).

a. **Measurement of Sign Area**
The area of an awning or canopy sign shall be the area in square feet of the smallest rectangle, or a series of rectangles when the copy is of irregular geometry, which encloses the copy on the awning.

b. **Height Limit**
The height of awnings and canopies shall not exceed the height of the wall on which they are mounted, or the lowest point of the roof structure.

c. **Clearance from Sidewalk**
Awnings and canopies shall be designed and installed to maintain a minimum height clearance of eight (8) feet between the sidewalk and the lowest point of the awning or canopy.

d. **Maximum Projection from Building**
Awnings and canopies shall not extend more than five (5) feet from the building nor closer than two (2) feet to the curb of the adjacent street.

e. **Design**
All awnings and canopies on a single building shall have similar shapes, design styles, and color.

f. **Encroachment Permit**
Awnings and canopies projecting over a public right-of-way shall require the approval of an encroachment permit by the Public Works Division.

3. **Freeway-Oriented and Planning Area H Business Signs**
Freeway oriented businesses (e.g., service stations, motels, restaurants, and similar uses) adjacent to freeway intersections and within two hundred (200) feet of a freeway on- or off-ramp and the planning area H area may be granted additional sign area and height by the Planning Commission, where the Planning Commission determines that freeway visibility is essential for the viability of the business. If approved by the Planning Commission, signs with additional area and/or height shall be no higher than necessary to be visible to passing motorists from a reasonable distance. A visual impact analysis of any proposed pole sign within two hundred (200) feet of a freeway on or off ramp shall be required to determine the appropriate minimum height for freeway visibility no more than one (1) mile from the closest off ramp to the affected business. A visual impact analysis of any proposed pole sign in planning area H shall be required to determine the appropriate maximum height for freeway visibility above the Highway 101 southbound elevation closest to the subject application site.

4. **Marquee Signs**
Marquee signs shall not exceed twenty-four (24) square feet on each face.

5. **Murals**
Exterior wall murals are allowed without being included in the maximum area of attached signs established by Figure 17.62.080-1 (Maximum Sign Area for Attached and Wall Signs on Commercial Structures), provided that the mural is a painting which includes images or pictorial elements, but does not include trademarks, logos, or advertising copy, except logos which are determined by

the Planning Commission to have historical significance. A mural shall not be permitted on the same wall in connection with commercial signs.

6. **Projecting or Cantilevered Signs**
   Projecting or cantilevered signs extending over sidewalks shall have a minimum clearance above the sidewalk of eight (8) feet and shall not extend outward over the sidewalk more than five (5) feet from the building, nor closer than two (2) feet from the street curb. These signs shall not extend above the height of the building wall or above the roof line and shall not exceed twenty-four (24) square feet in area. Projecting signs require encroachment permit approval by the Public Works Director.
7. **Window Signs**
   Signs mounted in, painted on, or otherwise affixed to windows so that they will be visible from the exterior of the structure are allowed as follows. Window signs which conform with the provisions of this subsection are allowed without a sign permit.
   a. **Maximum Area**
      Window signs shall not exceed sixty percent (60%) of the area of any window. Temporary window signs shall not be included in the total area of attached signs allowed by Figure 17.62.080-1 (Maximum Sign Area for Attached and Wall Signs on Commercial Structures).
   b. **Location**
      Temporary window signs shall not be located above the ground floor.
   c. **Content**
      The subject matter of window signs shall be related specifically to: the name of the business and/or proprietor; address, phone number, and hours of operation; temporary advertising and sales announcements; special community event announcements; and prices.

D. **Temporary Signs**
   Temporary signs are allowed as follows, in addition to the total area of signs permitted by Subsection C.1.a (Size and Height) above.
   1. **Pennants and Inflatables**
      Temporary pennants and inflatable decorations may be authorized with sign permit approval for a maximum of eight (8) weeks following the issuance of a business license for a new business.
   2. **Banners**
      Banners shall comply with the following standards:
      a. **Maximum Area**
         Banner signs shall not exceed a maximum area of sixty (60) square feet;
      b. **Number of Banners**
         No more than one (1) banner shall be permitted per business;
      c. **Materials**
         Permissible materials for banners shall be limited to fabric or vinyl; and
      d. **Anchoring**
         Banners shall be designed and installed in a secure manner so as to not be blown free from their moorings by wind.

e. **Permitted Time**
A maximum of eight (8) weeks per year banner use unrelated to a business opening is permitted. A sign permit is required for each period of use within the eight (8)-week limitation.

3. **Opening Business Signs**
   a. A temporary banner or other sign announcing the opening of a new business may be permitted by the Director without a sign permit for a maximum of one (1) month before and one (1) month after the opening of the business.
   b. A temporary fabric or vinyl sign face that covers an existing sign may be permitted by the Director without a sign permit for a maximum of eight (8) weeks.
   c. In order to qualify for the exemptions from sign permit requirements provided by this subsection, the owner or operator of the business shall notify the Director in writing at the time of, or prior to, the issuance of the business license of the dates during which the temporary signs will be in place.

17.62.090 Sign Standards

All signs shall comply with the following standards. Exceptions to these standards may be granted through the approval of a sign permit by the Planning Commission in compliance with Section 17.62.040.A.2 (Referral to Building Official).

A. **Hazard Avoidance**
No sign shall be installed in a manner that it:
   1. Obstructs any fire escape, required exit, window, or door;
   2. Interferes with any opening required for ventilation; or
   3. Obstructs the visibility necessary for ingress or egress onto a public right-of-way.

B. **Required Clearances**
Signs shall maintain required clearances from electrical lines, communications lines and equipment, and surface and underground facilities for water, sewerage, and gas.

C. **Supports for Projecting Signs**
Visible angle iron, chain supports, or other frames supporting projecting signs are prohibited, except structures integral to the aesthetic design of the sign.

D. **Illumination**
No part of any sign shall exceed a brightness of four hundred (400)-foot lamberts measured from the face of the sign at the brightest point, color and cosine corrected. Open, unshielded light bulbs and light sources, except for neon tubing, are prohibited. Lighting shall be installed to avoid glare or reflection onto adjacent property or onto a street so as to create a traffic hazard. Light sources shall be steady, stationary, shielded, and directed so as to avoid undue glare for pedestrians, motorists, and neighboring property.

E. **Quality and Maintenance**
Signs shall be maintained in good condition, free from chipped or peeling paint, rust, structural disrepair, or any other visible indication of deterioration. At least eighty

percent (80%) of the lighted portion of any sign shall be functional at all times. The Director may require any improperly maintained sign to be repaired or removed upon the failure of the owner to remedy the condition. Repairs shall be made within thirty (30) days of the receipt of a written notice from the Director.

17.62.100 Sign Design Guidelines

A. **Purpose**
The sign design guidelines in this section are intended to provide direction to property owners and project designers in understanding the General Plan/Local Coastal Plan's goals for maintaining high quality development that is sensitive to the city's unique character.

B. **Applicability**
The guidelines in this section complement the mandatory sign standards in the other sections of this chapter and will be used during the sign review process as criteria to review projects requiring Development Permit approval.

1. The provisions of this chapter apply to all sign development projects within the city that require the approval of a Sign Permit in compliance with Section 17.62.040 (Sign Permits Required) unless otherwise exempted.
2. These design guidelines may be interpreted with some flexibility in their application to specific sign projects as not all design criteria may be workable or appropriate for each project. In some circumstances, a guideline may be relaxed in order to accomplish another, more important guideline. The overall objective is to ensure that the intent and spirit of the design guidelines are followed. The ultimate goal of the review process is to attain the best possible design within reason.

C. **General Guidelines**
The following general design guidelines should be considered prior to developing signs for any project.

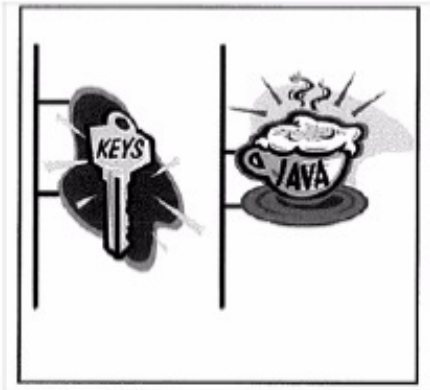
1. **Sign Placement**
    a. A sign should enhance a building's architecture and not dominate the elevation on which it is placed. Signs should be consistent with the proportions and scale of the elements within the building's facade. A particular sign may fit well on a larger, plain wall area, but might overpower the finer scale and proportion of a small shop. Likewise, a sign that is appropriate near an entry may look tiny and out of place above the ground level.
    b. Study the facade of the structure to determine if there are any architectural features or details that suggest a location, size, or shape for the sign(s). These could be bands or frames of brickwork, cornice lines, indentations or projections in the face material, gaps between columns, or other permanent features. If these details exist, use them to locate the sign(s).
    c. Do not locate signs so that they cover architectural features (e.g., windows, decorative columns, cornice bands, etc.) that may be important to the structure's overall design.

d. Look at the facade of the building in relation to where adjacent businesses have placed their signs. There may be an established pattern of sign locations. Consistent placement of signs establishes visual continuity among the storefronts, and at the same time provides uniform sight lines for viewers.
e. The use of neon for downtown and Shell Beach commercial signs shall be encouraged. Internally illuminated, "can-type" signs shall be discouraged. When can-type signs are used the lettering should be illuminated instead of the background to the lettering.

2. **Color**
   a. Color is one of the most important aspects of visual communication. It can be used to catch the eye or to communicate ideas or feelings. Too many colors used simultaneously can confuse and negate the message of a sign. The number of colors should be limited to two (2) or three (3) on any one (1) sign. Small accents of several colors can make a sign unique and attractive, but the competition of large areas of different colors decreases readability.
   b. Contrast is an important influence on the legibility of signs. Light letters on a dark background or dark letters on a light background are most legible.
   c. Colors or color combinations that interfere with legibility of the sign copy or that interfere with viewer identification of other signs should be avoided. Bright fluorescent colors or brilliant luminescent colors should be avoided as they are distracting and do not usually blend well with colors on structures or other background colors.
   d. Sign colors should complement the colors used on the structures and the project as a whole.
3. **Materials**
   a. Sign materials should be compatible with the design theme and use of materials on the building where the sign is to be placed. The use of a chrome and glass contemporary sign on a rustic or historic building would be as inappropriate as a rustic carved wood sign on a modern building design of steel and glass.
   b. The selected materials should contribute to the legibility of the sign. For example, glossy finishes are often difficult to read because of glare and reflections.
   c. Except for individually mounted channel letters, internally-illuminated plastic-faced cabinet signs are strongly discouraged.
   d. Neon tubes are a popular sign material and can contribute to the nighttime ambiance of an area. However, care must be taken when using neon, because of its brightness and attention-attracting properties. Not more than one (1) wall-mounted or window neon sign should be used on the same facade of a building.

4. **Sign Legibility**
    a. Signs should use a brief message whenever possible. The fewer the words, the more effective the sign. A sign with a brief, succinct message is easier to read and looks more attractive.
    b. Use symbols and logos in the place of words whenever appropriate. Pictographic images will usually register more quickly in the viewer's mind than a written message. See Figure 17.62.100-1 (Sign Legibility).

Figure 17.62.100-1: Sign Legibility



    c. Avoid spacing letters and words too close together. Crowding of letters, words, or lines will make any sign more difficult to read. As a general rule, letters (sign copy) should not occupy more than seventy-five percent (75%) of sign panel area. See Figure 17.62.100-2 (Spacing of Sign Lettering).

Figure 17.62.100-2: Spacing of Sign Lettering



    d. Limit the number of lettering styles used on a sign in order to increase legibility. A general rule to follow is to limit the number of different letter types to no more than two (2) for small signs and up to three (3) for larger signs. See Figure 17.62.100-1 (Sign Legibility).

e. Avoid hard-to-read, overly intricate typefaces and symbols. Typefaces and symbols that are difficult to read reduce the sign's ability to communicate.
f. Avoid faddish or bizarre typefaces if they are difficult to read. The image conveyed by the sign may quickly become that of a dated and unfashionable business.

5. **Sign Illumination**
   a. If the sign can be illuminated by an indirect source of light, the sign will be more compatible and integrated with the building's architecture. Light fixtures supported in front of the structure cast light on the sign and generally a portion of the face of the structure as well. Indirect lighting emphasizes the continuity of the building's surface and signs become an integral part of the facade.
   b. Internally illuminated cabinet signs may have some advantage over signs with indirect/external illumination in that the fixtures are protected from weather and vandals, and the sign cabinet has a cleaner profile, uncluttered by the struts of most indirect lighting systems. Conversely, there is the disadvantage that when lighted, the cabinet sign alone becomes bright, separating it from the building's surface. The sign then becomes an element that is obviously attached to the facade of the structure rather than a part of it. As a result, this type of sign can disrupt the continuity of the facade and is, therefore, discouraged.
   c. Whenever indirect lighting fixtures are used (fluorescent or incandescent), the light source shall be shaded, shielded, subdued, or directed so that the intensity of the light does not impact surrounding properties. Signs should be lighted only to the minimum level required for nighttime readability.
   d. Individually illuminated letters, either internally illuminated or back-lighted solid letters, are a preferred alternative to internally illuminated cabinet signs. Signs comprised of individual letters mounted directly on a structure can often use a distinctive element of the building's facade as a backdrop, thereby providing a better integration of the sign with the structure.
   e. The use of neon for downtown and Shell Beach commercial signs shall be encouraged. Internally illuminated, "can-type" signs shall be discouraged. When can-type signs are used the lettering should be illuminated instead of the background to the lettering.

17.62.110 Nonconforming Signs

This section recognizes that the eventual elimination of existing signs that are not in conformity with the provisions of this chapter is as important as the prohibition of new signs that would violate these regulations.

A. **Continuation of Nonconforming Sign**
A legally established sign that does not conform to the provisions of this chapter may continue to be used, and be maintained and repaired, provided that:

1. The aggregate cost of repairs does not exceed fifty percent (50%) of its value, as determined by the Building Official; the methodology to determine fifty percent (50%) of the sign value requires a procedure where two (2) separate sign companies are contracted, with funds supplied by applicant, to prepare two (2) sets of estimates one (1) for repair the other for replacement of subject sign. The average of one (1) set of estimates will determine the cost to repair or reconstruct the sign. The average of the other set of estimates will determine what it would cost to altogether replace the damaged sign (including installation costs). The cost to repair/reconstruct will be divided by the replacement cost. If this ratio is equal to or greater than one-half (½), the non-conforming sign will be said to have been substantially damaged and must be brought into compliance with the code. The following equation illustrates this formula:

   (repair or reconstruction cost of sign)/(replacement cost of sign) = Extent of Damage

   If Extent of Damage > 0.5 then the sign is significantly damaged and must be brought into compliance

   The cost to repair, reconstruct, or replace a sign shall be as determined by the average of two (2) estimated from two (2) sign companies.

   Example: Two (2) separate sign companies provide estimates to both repair and replace a damaged sign. Company A says that the sign can be repaired for four hundred (400) dollars and replaced for six hundred (600) dollars. Company B says that the sign can be repaired for four hundred and fifty (450) dollars and replaced for five hundred (500) dollars. Therefore, the average cost to repair the sign is four hundred and twenty-five (425) dollars and the average cost to replace the sign is five hundred and seventy-five (575) dollars. To determine the extent of damage we divide the cost to repair the sign by the replacement cost and get a ratio of 0.74. The sign would be determined to be substantially damaged and required to be brought into compliance; and
2. No structural modifications to the sign or support structure shall be permitted.

B. **Sign Copy Changes**
The sign copy and sign faces of a nonconforming sign may be changed when there is no change in the use of the site or when only a portion of a multiple-tenant sign is being changed.

C. **Correction of Nonconformities Required**
Nonconforming signs shall be removed or brought into conformity with the provisions of this chapter within sixty (60) days after written notice from the Director when:

1. The sign is damaged or otherwise needs reconstruction or repair equal to or greater than fifty percent (50%) of its replacement value;

2. Changes are approved to the structure, use, occupancy, or tenant; or
3. The business is discontinued or abandoned for a period of three (3) years. These abandoned signs shall be deemed in violation of this Zoning Code and a public nuisance. Thereafter, no business shall be permitted or licensed on the site until the signs conform to the requirements of this chapter.

D. **Nonconformities Under Prior Ordinance**
Signs which were nonconforming under the provisions of Ordinance No. 320, effective December 14, 1983, and which do not comply with the provisions of this chapter shall be abated according to the schedule for these signs established in Ordinance No. 320, and the enactment of this chapter shall in no way extend the original time limit for abatement.

17.62.120 Abatement of Illegal Signs

Whenever a sign is found to be in violation of any provision of this Zoning Code or an approved sign permit, the Director may order that the sign be altered, repaired, reconstructed, or removed, as the Director may determine is appropriate to abate the condition.

A. **Time Limit**
Any work required by the Director shall be completed within thirty (30) days of the order, or other longer period authorized by the Director in writing.

B. **Revocation of Sign Permit**
Failure, neglect, or refusal to comply with an abatement order shall be sufficient basis for the Director to revoke any sign permit granted in compliance with this chapter.

C. **Removal of Sign**
The Building Official is hereby empowered and authorized to remove or cause to be removed, at the owner's expense, any sign erected or maintained in violation of the provisions of this chapter.

D. **Penalty for Violations**
Continuing violations of this chapter are declared to be infractions and may be subject to the issuance of a citation.

Chapter 17.63 Reserved

Chapter 17.64 Short-Term Rentals and Vacation Rentals (IP)

Sections:

17.64.010 Purpose

17.64.020 Applicability

17.64.030 Application and Permit Requirements

17.64.040 Homestay

17.64.050 Primary Residence Requirement

17.64.060 Short-Term Rental and Homestay Standards

17.64.070 Tax and Assessment Compliance

17.64.080 Administrative Standards and Rules

17.64.090 Violations

17.64.100 Fees

17.64.010 Purpose

A. The use of single-family homes as short-term rentals (STRs) for a period of less than 30 consecutive days has become increasingly more common in the decade preceding the adoption of this regulation. Negative impacts associated with this unregulated proliferation of short-term rentals include, but are not limited to increased traffic, noise, and trash; parking impacts; loss of residential character, including vacancies in neighborhoods; reduction in long-term housing stock and opportunities for low- and moderate-income housing; a competitive disadvantage for legal short-term rental operators and hoteliers; and loss of transient occupancy taxes (TOT).

B. The purpose of this chapter is to establish a permitting process and appropriate standards to regulate the short-term rental of single-family homes in the city in order to minimize the potential negative impacts of such rentals on neighborhoods; preserve the character of residential neighborhoods; minimize impacts to coastal resources; provide for the reasonable use of property; and ensure that short-term rentals are consistent with the General Plan/Local Coastal Program, Zoning Code, and other applicable sections of the Municipal Code.

C. This chapter addresses applicability, residency requirements, frequency, penalties, registration, maximum occupancy, good neighbor policy, on-site parking requirements, inspection requirements, and compliance with occupancy tax and assessment requirements.

17.64.020 Applicability

This chapter shall be applicable only in the following zones: R-1, R-1-C, R-2, R-2-C, R-3-C, OS-P, and OS-R. Short-term rentals and homestays are prohibited in all other residential zones. To the extent that vacation rentals, short-term rentals, or equivalent uses are permitted in non-residential zones consistent with Chapter 17.42 (Commercial and Mixed-Use Zones (IP)), such rentals shall not be subject to this chapter.

17.64.030 Application and Permit Requirements

Each STR or homestay shall procure a short-term rental license from the City. The STR or homestay shall be registered by the property owner, not a property management company. The licensing process and other administrative provisions shall be established in Chapter 5.22 (Vacation Rental Regulation). As part of the licensing process, property owners within 300 feet of the subject licensed property shall be notified about the intent to operate said property as an STR or homestay and shall be provided contact information for the property owner and responsible party.

17.64.040 Homestay

Homestays shall be regulated in the same manner as short-term rentals with the exception of allowed frequency. For homestays, there is no limit to the number of rental days allowed per year, subject to the property owner being concurrently on-site during the homestay.

17.64.050 Primary Residence Requirement

A. STRs and homestays shall be permitted only at single-family properties that are the primary residence of the property owner. For purposes of short-term rental or homestay licensing, a property owner shall only have one primary residence at any time. Legally permitted accessory dwelling units occupied by the property owner may be deemed to be the property owner's primary residence.
B. The property owner shall be required to provide proof of primary residence on a yearly basis. The property owner(s) shall be required to be individual owner(s) or trustee(s), and not a corporation, limited liability company, partnership, or other business or commercial entity.

17.64.060 Short-Term Rental and Homestay Standards

A. **Initial inspection**
Prior to issuance of an STR or homestay license, the City shall conduct an inspection of subject property to confirm bedroom count, on-site parking, and applicable safety standards. If complaints are received about STR or homestay operations, the City shall have the right to re-inspect the property. In the event such re-inspection requires access to the interior of a dwelling unit, the property owner shall provide the City access to the premises upon 48 hours' advance notice.
B. **Transmittal of Rules and Good Neighbor Policy**
Prior to rental of an STR or homestay, the property owner and responsible party shall be provided with a good neighbor policy, consisting of a list of rules and responsibilities, in a form approved by the City Manager. The property owner and responsible party shall initial each rule indicating that they have read the policy and sign an acknowledgement that in the event applicable Municipal Code sections and/or administrative rules are violated, renters and/or visitors and/or the property owner may be fined by the City. A good neighbor brochure, summarizing the good neighbor policy shall be placed or posted in a clearly visible location within the STR or homestay.
C. **Responsible Party**
The responsible party shall be the designated point of contact for the short-term rental or homestay. The responsible party shall assure the maintenance of the licensed property in compliance with this and other applicable regulations and shall be responsible for the conduct and acts of said renters and visitors to the extent provided herein. The responsible party's contact information shall be provided to all short-term renters and neighbors within 300 feet of the STR or homestay in the manner prescribed in Chapter 5.22.
D. **Maximum Occupancy**
Maximum overnight occupancy of an STR or homestay shall be limited to two (2) people per bedroom, plus two (2) additional people. For example, a two (2)-bedroom STR may

have up to and including six (6) occupants overnight. This calculation shall be inclusive of children. Bedroom count shall be confirmed via inspection by the City prior to the issuance of an STR or homestay license.

E. **Visitors**
The number of visitors to an STR or homestay shall not exceed a number equal to the allowable occupancy of the STR or homestay at any time. For example, if the maximum overnight occupancy is six (6), then no more than six (6) additional visitors are allowed. Visitors are not allowed in the STR or homestay between 11:00 p.m. and 7:00 a.m. and shall not stay overnight on the premises.

F. **Frequency**
Consistent with the definition of primary residence, a qualifying STR property shall be limited to a maximum of one hundred and eighty-two (182) rental days per year (less than half the year) without the property owner concurrently on site. There shall be no limit to the number of rental days per year for homestays, during which the property owner is concurrently on site.

G. **On-Site Parking**
On-site parking shall be required for the operation of an STR or homestay.
    a. Required parking is based on the number of bedrooms provided for rent, as follows:
        i. One (1) bedroom: Minimum of one (1) on-site parking space
        ii. Two (2) bedrooms: Minimum of two (2) on-site parking spaces
        iii. Three–four (3-4) bedrooms: Minimum of three (3) on-site parking spaces
        iv. Five (5) or more bedrooms: Minimum of four (4) on-site parking spaces
    b. Required parking shall be provided in a garage or on a driveway. Tandem parking configurations shall be acceptable. Street parking shall not be counted toward required parking.

H. **Noise**
Renters and visitors of STR and homestay properties shall not generate noise to an extent that unreasonably interferes with the quiet use and enjoyment of any other residence or business in the area. Any noise occurring after 10:00 p.m. and before 7:00 a.m. shall be contained within the STR or homestay. What is reasonable in terms of noise generated shall be determined under existing legal standards applicable to evaluating alleged nuisances, including Chapter 9.24 (Noise Control) and any other City noise standards.

I. **Trash**
Trash and refuse shall not be left stored within public view, except in proper containers for the purposes of collection. There shall be no accumulation or storage of trash and/or debris on the site or within the STR or homestay.

J. **Traffic**
Vehicles used and traffic generated by the STR or homestay shall not exceed normal residential levels or unreasonably interfere with the quiet use and enjoyment of any other residences or businesses in the area. What is reasonable in terms of traffic generated shall be determined under existing legal standards applicable to evaluating alleged nuisances.

17.64.070 Tax and Assessment Compliance

The property owner shall be required to submit a business license application to the City identifying the property as a short-term rental/homestay. Once it is determined that the property is eligible to be licensed, the property owner shall apply for a Transient Occupancy Tax/Lodging Business Improvement District/Tourism Marketing District (TOT/LBID/TMD) certificate. This certificate shall require the property owner to collect and remit TOT/LBID/TMD payments to the City on a monthly basis, in full compliance with the City's TOT and LBID ordinances, including but not limited to Chapter 3.20 (Transient Occupancy Tax) and Chapter 3.26 (Lodging Business Improvement District), as well as the County's Tourism Marketing District assessment.

17.64.080 Administrative Standards and Rules

The City Manager shall have the authority to establish administrative rules and regulations consistent with the provisions of this chapter for the purpose of interpreting, clarifying, conducting, furthering, and enforcing the requirements and the provisions of this chapter. In particular, the City Manager will establish administrative procedures for complaints. A copy of such administrative rules and regulations shall be on file in the office of the City Clerk and posted on the City's website.

17.64.090 Violations

A. **Penalty**
It is unlawful to violate the provisions of this chapter. Violations of this chapter are punishable as misdemeanors, except as otherwise provided in Section 1.20.010 (Violations – Penalty). Violations of this chapter may alternatively be punished as administrative violations as provided in Chapter 1.24 (Administrative Code Enforcement Procedure). Notwithstanding anything to the contrary in Section 1.24.080 (Amount of Fines), the initial fine shall be, at a minimum, $750 for an administrative violation of this chapter and shall be, at a minimum, $1,000 for each subsequent violation. Each separate day or rental night in which a violation exists may be considered a separate violation. Any attempt to rent an unlicensed residence as an STR or homestay by advertising said property for short-term rental purposes shall be deemed a violation of this chapter.

B. **Revocation**
If the property owner or responsible party is deemed by the City Manager to be non-responsive to a complaint more than three times in a 24-month period, or if more than three significant violations, as defined below, occur in any 24-month period, or if the property owner or responsible party is cited three or more times in a 24-month period, the STR license may be revoked. Appeals shall be conducted pursuant to Section 1.24.110 (Hearing Procedures).

C. Significant Violations

1. "Complaint" as used in this subsection means the need or requirement to contact the property owner or responsible party to rectify a situation that is disturbing to a neighbor or resident.

2. As used in this subsection, a "significant violation" means a situation where the property owner or responsible party is either unable or unwilling to rectify the situation within 30 minutes, and/or when public safety personnel must be called to assist in resolving the situation, and/or a situation that causes substantial disturbance to the neighbors or neighborhood. Examples of significant violations include, but are not limited to:
    a. Failure of the property owner or responsible party to take action to respond to a complaint within 30 minutes after the City contacts the property owner or responsible party.
    b. The inability of City staff or the Pismo Beach Police Dispatch to reach the property owner or responsible party.
    c. Violation of the STR or homestay maximum overnight occupancy, number of visitors, parking, noise, trash, or other requirements as set forth in this chapter.
    d. Failure to notify City staff when responsible party or property owner contact information changes.
    e. Failure to pay fees or make TOT/LBID/TMD payments in accordance with this chapter or Chapters 3.20 (Transient Occupancy Tax) or Chapter 3.26 (Lodging Business Improvement District).
    f. Providing false or misleading information on an STR/homestay license application or other documentation as required by this chapter.
    g. Violations of state, county, or City health regulations.

    The City Manager shall have the authority to determine what other violations of this chapter constitute a significant violation, as necessary, to achieve the objectives of this chapter.

17.64.100 Fees

Application and licensing fees associated with STRs and homestays shall be established from time to time by resolution of the Council.

Chapter 17.65 Reserved

Chapter 17.66 Standards for Specific Land Uses

Sections:

17.66.010 Purpose and Applicability

17.66.020 Accessory Dwelling Units

17.66.030 Accessory Residential Uses and Structures (IP)

17.66.040 Accessory Retail Uses

17.66.050 Adult Entertainment Establishments

17.66.060 Automobile/Vehicle Sales and Services
17.66.070 Child Day Care Facilities
17.66.080 Drive-Through and Drive-In Sales and Service Facilities
17.66.090 Emergency Shelters
17.66.100 Farmer's Market
17.66.110 Home Occupations
17.66.120 Hotels and Motels (IP)
17.66.130 Mixed-Use Residential (IP)
17.66.140 Mobile Home Parks and Subdivisions
17.66.150 Mobile Homes
17.66.160 Nonpermanent Vendors
17.66.170 Outdoor Dining
17.66.180 Outdoor Retail Sales and Storage
17.66.190 Recycling Facilities
17.66.200 Service Stations
17.66.210 Storage Yards and Storage Containers
17.66.220 Telecommunications Facilities
17.66.230 Two-Unit Residential Development and Urban Lot Splits (IP)
17.66.240 Urban Agriculture
17.66.250 Veterinary Clinics, Animal Hospitals, and Animal Boarding
17.66.260 Warehouse Retail Stores

17.66.010 Purpose and Applicability

A. **Purpose**
This chapter provides site planning and development standards for land uses that are allowed by Chapter 17.40 (Residential Zones (IP)) through Chapter 17.48 (Overlay Zones (IP)).

B. **Applicability**
Land uses covered by this chapter shall conform with the provisions of the section(s) applicable to the specific use, in addition to other applicable provisions of this Zoning Code.

17.66.020 Accessory Dwelling Units

A. **Purpose and Intent**
This section is intended to:
1. Provide for and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) on lots developed or proposed to be developed with single-family or multi-family dwellings;
2. Contribute market-rate and affordable housing to the community's housing stock;
3. Provide for greater occupational, household type, and income-level diversity within neighborhoods;
4. Make more efficient use of existing infrastructure;
5. Provide for the creation of ADUs and JADUs consistent with California Government Code Section 66310-66342, as amended from time to time.

B. **Applicability**
1. **Locations Permitted**
a. ADUs and JADUs are permitted on all lots zoned for single-family or multi-family residential use, including mixed-use zones, that contain an existing or proposed dwelling. JADUs are permitted only on lots zoned to allow single-family residential use with an existing or proposed single-family dwelling.
b. **Exceptions**
i. ADUs and JADUs are prohibited in the following locations:
(a.) In any mobile home subdivision, mobilehome park, or recreational vehicle park.
(b.) On properties developed consistent with Section 17.66.230 (Two-Unit Residential Development and Urban Lot Splits (IP)) where a lot split has occurred and two (2) primary dwelling units have been constructed on each resulting lot.
(c.) On properties located above the intersection of Longview Avenue and Stratford Street in the Pismo Height planning area (see General Plan/Local Coastal Plan, Figure LU-4), where additional dwelling units would impact traffic flow and public safety in emergency situations due a lack of secondary access in this area.
2. **ADUs in the Coastal Zone**
a. Attached ADUs and JADUs are exempt from requiring a Coastal Development Permit, consistent with Section 17.12.030.A (Existing Structures).
b. For ADUs in the Coastal Zone that require approval of a Coastal Development Permit, see Subsection F.9.
3. **Ministerial Review Required**
All ADU and JADU applications shall be reviewed ministerially without discretionary review or public hearing consistent with California Government Code Section 66317(a).

4. **Accessory Use**
   ADUs and JADUs are deemed accessory uses and do not count toward the allowable density for the lot on which they are located.
5. **Relationship to Other Regulations**
   Where this section does not address a particular standard or procedure, other provisions of this Code apply to the extent they do not conflict with this section or state law.

C. **State-Exempt ADUs and JADUs**
The following ADUs and JADUs must be permitted subject only to the requirements in this subsection, the Building Code, and health and safety requirements consistent with California Government Code Section 66323.

1. **Single-Family Detached ADUs**
   One detached ADU subject to the following standards:
   a. Maximum size of eight hundred (800) square feet of interior livable space;
   b. Maximum height complies with Subsection G.3.a; and
   c. Minimum four (4)-foot side and rear setbacks.
2. **Single-Family Converted ADUs and JADUs**
   One ADU and one JADU converted from existing or proposed space subject to the following standards:
   a. Must have exterior access and setbacks sufficient for fire and safety; and
   b. An expansion of up to one hundred and fifty (150) square feet beyond the physical dimensions of the structure may be added to accommodate ingress and egress for a converted ADU; or
   c. The converted JADU must comply with the standards in Subsection H.
3. **Multi-Family Detached ADUs**
   Up to two (2) detached ADUs on a lot that has a proposed multi-family dwelling or up to eight (8) detached ADUs on a lot with an existing multi-family dwelling, provided the total number of ADUs does not exceed the number of existing units on the lot subject to the following standards:
   a. Maximum height complies with Subsection G.3.a; and
   b. Minimum four (4)-foot side and rear setbacks. If the existing multi-family dwelling has side or rear setbacks of less than four (4) feet, no change to the existing multi-family dwelling may be required to alter the existing dwelling to provide a four (4)-foot setback.

D. **Multi-Family Converted ADUs**
One (1) ADU converted from portions of the existing multi-family dwelling structure that are not used as livable space. The number of ADUs allowed under this subsection is 25 percent (25%) of the number of existing multifamily dwelling units, or one ADU, whichever is greater. "Livable space" is as defined by California Government Code Section 66313(e).**Number of Unit Types Allowed**

1. **Single-Family Dwellings**
   On lots with an existing or proposed single-family dwelling, the following shall be allowed in any combination on the same lot:

a. One (1) ADU created from existing or proposed space within the primary dwelling or accessory structure;
b. One (1) JADU created from existing or proposed space within the primary dwelling; and
c. One (1) detached new construction ADU.

2. **Multi-Family Dwellings**
On lots with existing or proposed attached multi-family dwellings, the following shall be allowed:
    a. **Existing Multi-Family Dwelling**
        i. Up to eight (8) detached ADUs, provided the total number of ADUs does not exceed the number of existing units on the lot.
        ii. Conversion of areas not used as livable space, as defined by California Government Code Section 66313(e), within the existing main structure to one (1) or more ADUs, provided that the maximum number of such ADUs shall not exceed twenty-five percent (25%) of the number of multi-family units, and each ADU complies with Building Code standards.
    b. **Proposed Multi-Family Dwelling**
    Up to two (2) detached ADUs.
3. **Additional ADU on All Lots**
In addition to the units described in Subsections D.1 through D.2, one ADU (attached, converted, or detached) shall be allowed on each lot zoned to allow single-family or multi-family residential use with an existing or proposed dwelling, consistent with California Government Code Section 66314. An ADU allowed under this subsection is subject to the standards in Subsections F and G.

E. **Permit Process, Timing, and Fees**
1. **Permits Required**
An ADU or JADU that complies with all applicable development standards of this section requires only a ministerial building permit. In the Coastal Zone, an Administrative Coastal Development Permit is required prior to issuance of a building permit, consistent with Section 17.12.020 (Coastal Development Permit (CDP) Processing).
2. **Permit Process and Timing**
    a. **Completeness Determination**
    The City shall determine whether an application to create or serve an ADU or JADU is complete and provide written notice of this determination to the applicant not later than fifteen (15) business days after receiving the application.
        i. If the application is incomplete, the City shall provide the applicant with a list of incomplete items and a description of how the application can be made complete with the written notice.
        ii. After receiving notice of incompleteness, the applicant may cure and address the incomplete items.
        iii. Upon review of a resubmitted application, the City shall not require items not included in the original incompleteness list.

iv. If the City does not make a completeness determination within 15 business days after receiving the application, the application is deemed complete.

b. **Approval Timeline**
The City must approve or deny an application to create an ADU or JADU within sixty (60) days of receipt of a complete application, unless:
   i. The applicant requests a delay, in which case the sixty (60)-day time period is tolled for the period of the requested delay; or
   ii. If the application to create an ADU or JADU is submitted with an application to create a new single-family or multi-family dwelling on the lot, the City may delay approving or denying the permit application for the ADU or JADU until the City approves or denies the permit application to create the new single-family or multi-family dwelling, but the application to create the ADU or JADU shall be considered ministerially without discretionary review or a hearing.

c. **Denial Requirements**
If the City denies an application to create an ADU or JADU, the City must describe, in writing, a full set of comments listing the items that are defective or deficient and a description of how the application can be remedied by the applicant. Notice of denial and corresponding comments must be provided to the applicant within the time period established by Subsection E.2.b.

d. **Appeals**
Appeals of incompleteness determinations made pursuant to Subsection E.2.a or denials made pursuant to Subsection E.2.b shall follow the procedures established in Section 17.08.100 (Appeals). Notwithstanding any other provision of this Code, the City shall provide a final written determination on the appeal not later than sixty (60) business days after receipt of the applicant's written appeal, consistent with California Government Code Section 66317(d).

e. **Preapproved Plans**
The City shall approve or deny an application to create a detached ADU within thirty (30) days if the ADU uses building plans that have been preapproved by the City.

3. **Impact and Utility Fees**
Prior to issuance of a Building Permit for an ADU or JADU, the applicant shall pay all applicable fees in accordance with the following provisions:

   a. **Impact Fees**
      i. The City shall not impose impact fees on any JADU, or an ADU with seven hundred and fifty (750) square feet of interior livable space or less, consistent with California Government Code Section 66311.5(c)(1).
      ii. For ADUs with more than seven hundred and fifty (750) square feet of interior livable space, impact fees shall be charged

proportionately in relation to the square footage of the primary unit. The fee shall be calculated as follows: the square footage of the ADU, divided by the square footage of the primary dwelling, multiplied by the typical fee amount charged for a new dwelling.

iii. "Impact fee" means a fee as defined in California Government Code Section 66000(b) and fees specified in Section 66477 but does not include any connection fee or capacity charge for water or sewer service consistent with California Government Code Section 66311.5(c)(2).

b. **Utility Fees and Connections**

i. **Within Existing Structures**

The City shall not require installation of a new or separate utility connection between an ADU or JADU contained within an existing structure and the utility, or impose a related connection fee or capacity charge.

ii. **All Other ADUs**

For an ADU not described in Subsection E.3.b.i, the City shall require installation of a new or separate utility connection directly between the ADU and the utility and shall charge a related connection fee or capacity charge. Any connection fee or capacity charge shall be proportionate to the burden imposed by the ADU on the water or sewer system based upon either its square footage or number of its drainage fixture units, and shall not exceed the reasonable cost of providing the service, consistent with California Government Code Section 66311.5(e)..

iii. **JADUs**

For purposes of providing water, sewer, or power service, including a connection fee, a JADU shall not be considered a separate or new dwelling unit, consistent with California Government Code Section 66338.

4. **Nonconforming Conditions, Building Code Violations, and Unpermitted Structures**

The City shall not deny an ADU or JADU application due to a nonconforming zoning condition, Building Code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU consistent with California Government Code Section 66322(b).

F. **General ADU and JADU Requirements**

1. **Standard Conveyance**

An ADU or JADU may be rented, but neither may be sold or otherwise conveyed separately from the primary dwelling unit, nor shall the lot containing the ADU or JADU be subdivided, unless the property was built or developed by a qualified nonprofit corporation and all provisions of California Government Code Section 66340 et seq. are met.

2. **Short-Term or Vacation Rental Use Prohibited**
   No ADU or JADU may be rented for a term that is shorter than thirty (30) days.
3. **No Minimum Parcel Size**
   There is no minimum parcel size required to establish an ADU or JADU.
4. **Fire Sprinkler Requirements**
   ADUs and JADUs shall not be required to include fire sprinklers if they are not required for the primary residence. The construction of an ADU or JADU shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
5. **Existing Nonconforming Conditions**
   An ADU or JADU shall not be required to correct a nonconforming zoning condition. This does not prevent the City from enforcing compliance with applicable building standards consistent with California Health and Safety Code Section 17980.12.
6. **Rental Data**
   The owner of the lot on which an ADU or JADU is located will be requested to participate in the City's monitoring program through periodic surveys to determine rent levels of ADUs and JADUs for the City's Regional Housing Needs Allocation reporting.
7. **Removal**
   If an ADU or JADU is removed or converted to another use after a Certificate of Occupancy has been issued for the ADU or JADU, any deviations from development standards (e.g., setbacks, parking) or exemptions granted specific to the ADU or JADU use (e.g., reduced or exempt fees) must be brought into compliance with the standards and regulations in effect at the time. Upon approval of the reversion request by the City, any applicable deed restriction to the ADU shall be rescinded from title.
8. **Septic Systems**
   For ADUs connected to an onsite wastewater treatment system, the City may require a percolation test completed within the last five (5) years, or, if the percolation test has been recertified, within the last ten (10) years, consistent with California Government Code Section 66323(f).
9. **ADUs in the Coastal Zone (IP)**
   a. Where permissible in the Coastal Zone, ADUs that require approval of a Coastal Development Permit shall be consistent with this section and shall be sited and designed to avoid adverse impacts to coastal resources, including by conforming with all other applicable LCP policies and standards, including those that govern wetlands, streams, environmentally sensitive habitat areas, public views, and coastal bluffs.
   b. For units in the Coastal Zone, the parking standards set forth in Subsection G.4 below shall apply except that, due to the number of individuals that visit the Pismo Beach coast, and to comply with Public Resources Code Section 30001.5(c) and the California Coastal Act, the exceptions identified in Subsection G.4.b do not apply to properties meeting all of the following:

i. Property located within the Coastal Zone;
ii. Property located west of Highway 101; and
iii. Located within one thousand (1,000) feet walking distance of one (1) of the following:
(a.) A vertical access point to the beach;
(b.) A segment of the California Coastal Trail;
(c.) A coastal park; or
(d.) A coastal view area.

G. **ADU Development Standards**

1. **Maximum Size**

a. **Detached ADUs**

i. **Single-Family Detached ADUs**
The maximum unit size of a detached ADU is eight hundred and fifty (850) square feet of interior livable space for a studio or one-bedroom unit and one thousand and two hundred (1,200) square feet of interior livable space for an ADU with two (2) or more bedrooms.

ii. **Multi-Family Detached ADUs**
No maximum unit size.

b. **Single-Family Attached ADUs**
The total floor area of an attached ADU shall not exceed fifty percent (50%) of the existing primary dwelling; however, this standard shall not prevent an attached ADU from being less than eight hundred (800) square feet of interior livable space.

c. **Converted ADUs**
There is no maximum unit size for ADUs created from the conversion of existing space; however, the following standards shall apply.

i. **Single-Family Converted ADUs**
Must be created within the proposed or existing space of a single-family dwelling. ADUs created from the conversion of an existing accessory structure may add up to one hundred and fifty (150) square feet beyond the physical dimensions of the structure to accommodate ingress and egress.

ii. **Multi-Family Converted ADUs**
Must be created from portions of an existing multi-family dwelling structure that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages. “Livable space” is as defined by California Government Code Section 66313(e)..

2. **Setbacks**

a. Front setbacks shall be those established by the applicable zone, provided that the setback requirement does not preclude an ADU with at least eight hundred (800) square feet of interior livable space. If the applicable zone's minimum front setback standard would preclude an

ADU of up to eight hundred (800) square feet of interior livable space, the ADU may be located partially or wholly within the front setback.

b. Minimum side and rear setbacks shall be four feet or the setback for the applicable zone, whichever is less.
c. If a detached ADU would be constructed in the same location and to the same dimensions as an existing structure, the ADU may maintain the same setbacks as the existing structure.

3. **Maximum Allowed Height**
   a. **Detached ADUs**
      Detached ADUs are allowed to be sixteen (16) feet in height except as follows:
      i. Up to eighteen (18) feet if the ADU(s) are accessory to an existing or proposed multi-story multiple-family dwelling.
      ii. Up to eighteen (18) feet if the ADU(s) are within one-half (½) mile walking distance of a major transit stop or high-quality transit corridor as defined in California Public Resources Code Section 21155. An additional two (2) feet in height are allowed to accommodate a roof pitch that is aligned with that of the primary dwelling unit.
   b. **Attached ADUs**
      Up to twenty-five (25) feet or the height limitation of the zone, whichever is lower, but no higher than two (2) stories if attached to the primary dwelling.
4. **Parking**
   a. Off-street parking for ADUs shall not exceed one (1) space per ADU or one (1) space per bedroom, whichever is less, except as provided below. The parking space may be provided as tandem parking and may be located in setbacks, but not in the front setback unless on the driveway. Uncovered parking spaces are permitted.
   b. When a garage, carport, covered, or uncovered parking space is demolished in conjunction with construction of an ADU or is converted to an ADU, those off-street parking spaces shall not be required to be replaced.
   c. Parking for an ADU shall not be required in the following situations:
      i. The ADU is located within one-half (½) mile walking distance of public transit.
      ii. The ADU is located within an architecturally and historically significant historic zone.
      iii. The ADU is part of the proposed or existing primary residence or an existing accessory structure.
      iv. When on-street parking permits are required but not offered to the occupant of the ADU.
      v. When there is an established car share vehicle stop located within one (1) block of the ADU.

vi. When a permit application for an ADU is submitted with a permit application to create a new single-family dwelling or a new multi-family dwelling on the same lot, provided that the ADU or the parcel satisfies any other criteria of this subsection.

5. **Owner Occupancy for ADUs**
   Owner-occupancy shall not be required for an ADU, except as provided in Subsection F.1 for an ADU sold or conveyed separately from the primary dwelling.

H. **JADU Development Standards**

1. **Maximum Size**
   The maximum JADU size is five hundred (500) square feet of interior livable space. JADUs must be created within the walls of a single-family residence, including attached garages. JADUs may not be constructed within an accessory structure or expanded beyond the dimension of the existing or proposed single-family dwelling.
2. **Owner Occupancy for JADUs**
   a. If the JADU has shared sanitation facilities with the existing structure, owner-occupancy is required. The owner may reside in either the primary dwelling or the JADU.
   b. If the JADU has separate sanitation facilities, owner-occupancy is not required.
   c. The owner-occupancy requirement does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.
3. **Interior and Exterior Access**
   JADUs must have an entrance that is separate from the main entrance to the single-family dwelling unit. If the JADU does not have a separate bathroom, the JADU shall have an interior entry to the main living area of the single-family dwelling unit.
4. **Efficiency Kitchen Required**
   JADUs must include an efficiency kitchen with all of the following:
   a. A cooking facility with appliances.
   b. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
5. **Parking Not Required**
   Parking shall not be required for a JADU.
6. **Rental Term**
   A JADU may only be rented for a term longer than thirty (30) days.
7. **Deed Restriction**
   A deed restriction must be recorded against the lot containing the JADU with the San Luis Obispo County Clerk-Recorder's Office prior to issuance of any Certificate of Occupancy for the JADU. The deed restriction shall run with the land and may be enforced against future property owners. The deed restriction must state that the JADU may not be transferred or sold separately from the primary dwelling and must include a restriction on the size and attributes of the

JADU that conforms with this section in effect at the time. The form of the deed restriction shall be provided by the City.

17.66.030 Accessory Residential Uses and Structures (IP)

When permitted in the zone applicable to a site (see Section 17.40.020 (Residential Land Use Regulations)), specific residential accessory uses are subject to the provisions of this section. Residential accessory uses include any use that is customarily related to a residence, including but not limited to swimming pools, workshops, studios, storage sheds, greenhouses, and garages.

A. **General Requirements**
All accessory uses and structures are subject to the following standards, except where more restrictive requirements are established by other provisions of this section for specific uses. A permit is required unless exempted by this Zoning Code or waived by the Director.
    1. **Relationship of Accessory Use to Primary Use**
    Accessory uses and structures shall be incidental to and not alter the character of the site from that created by the primary use.
    2. **Accessory Structure Setback Requirements**
    Accessory structures shall be located a minimum of:
        a. Twenty (20) feet from the front property line; five (5) feet from side property lines
        b. Ten (10) feet from the rear property line; and
        c. Six (6) feet from any other structure on the site.

    Accessory structures shall also comply with the blufftop setback requirements of Chapter 17.40 (Residential Zones (IP)) through Chapter 17.48 (Overlay Zones (IP)).

    3. **Accessory Structure Height Limits**
    Accessory structures shall not exceed a height of fifteen (15) feet.

B. **Antennas**
Antennas are subject to the provisions of Section 17.66.220 (Telecommunications Facilities).

C. **Decks**
Decks are subject to the setback requirements of Section 17.50.030 (Exceptions to Required Setbacks (IP)).

D. **Garage/Yard Sales**
The sale of miscellaneous items by residents from a yard or open garage is allowed without Temporary Use Permit approval up to four (4) times per year per property, for a maximum of three (3) days per sale.

E. **Garages and Carports**
Garages and carports shall comply with the following requirements.
    1. **Permit Requirement – Carports**
    Carports are allowed in multi-family dwelling projects only, with Conditional Use Permit approval.
    2. **Setbacks**
    A garage or carport shall be set back a minimum of twenty (20) feet from the

front property line on parcels of four thousand (4,000) square feet or more, and fifteen (15) feet on parcels less than four thousand (4,000) square feet.

3. **Floor Area**
   A detached accessory garage shall not occupy more than one thousand (1,000) square feet per dwelling unit (including any workshop or storage space within the garage) unless a larger area is authorized by the Director as allowed by this Title. The floor area of an accessory garage that is attached to a primary structure is not limited, except as may be required by the Building Code or any other applicable construction or fire code.

F. **Greenhouses**
An accessory greenhouse may occupy up to 500 square feet per dwelling unit or 10 percent of the lot, whichever is smaller.

G. **Home Occupations**
Home occupations are subject to the requirements of Section 17.66.110 (Home Occupations).

H. **Swimming Pools/Spas/Hot Tubs**
Private swimming pools, spas and hot tubs are permitted accessory to approved residential uses on the same site, subject to the following provisions:

1. **Limitation on Use**
   The pool is to be used solely by occupants of the dwelling(s) on the same site and their guests;
2. **Setbacks**
   In addition to the requirements in Subsection 17.50.030.C (Setback Requirements for Specific Structures), a pool/spa/hot tub shall be located at least five feet from any property line, and related equipment shall be located at least three feet from the property line.
3. **Fencing**
   The swimming pool shall be secured by fencing and/or building walls to prevent uncontrolled access by children, in compliance with the California Building Code.

I. **Tennis and Other Recreational Courts**
Non-commercial outdoor tennis courts and courts for other sports (e.g., racquetball) accessory to a residential use are subject to the following requirements:

1. **Fencing**
   Shall be subject to the height limits of Section 17.50.040 (Fences, Walls, and Hedges), but shall not exceed a maximum height of 12 feet; and
2. **Lighting**
   Court lighting shall not exceed a maximum height of 14 feet, measured from the court surface. The lighting shall be directed downward, shall only illuminate the court, and shall not illuminate adjacent property.

J. **Vehicle Storage**
The storage of vehicles, including incidental restoration and repair, is subject to Section 17.66.210 (Storage Yards and Storage Containers).

K. **Workshops or Studios**
Any accessory structure intended solely or primarily for engaging in artwork, crafts, light

hand manufacturing, mechanical work, and similar activities is subject to the following standards when located in a residential zone.

1. **Limitation on Use**
   An accessory structure may be constructed or used as a workshop or studio in any residential zone solely for non-commercial hobbies or amusements; for maintenance of the primary structure or yards; for artistic endeavors (i.e., painting, photography or sculpture; maintenance or mechanical work on vehicles owned or operated by the occupants; or for other similar purposes). Any use of accessory workshops for any commercial activity shall comply with the standards in Section 17.66.110 (Home Occupations).
2. **Floor Area**
   A workshop shall not occupy an area larger than 25 percent of the floor area of the primary structure, except that where a workshop is combined with a garage, Subsection E applies.

17.66.040 Accessory Retail Uses

Retail sales and services, including but not limited to restaurants, pharmacies, and the sale of retail merchandise, are allowed accessory to a primary use where authorized by Chapter 17.40 (Residential Zones (IP)) through Chapter 17.48 (Overlay Zones (IP)), and as follows:

A. **General Standard**
   Accessory retail uses are permitted, provided there will be no external evidence of any commercial activity other than the primary use of the site (e.g., no signs, or windows with merchandise visible from adjoining streets), nor access to any space used for the accessory retail use other than from within the structure.
B. **Commercial Zones**
   Restaurants and retail sales are permitted in the commercial zones incidental and accessory to offices, hospitals, and other medical facilities; pharmacies are permitted accessory to hospitals and other medical facilities.
C. **Residential and Special Purpose Zones**
   Membership organizations, social or recreational establishments may engage in retail sales for guests only.

17.66.050 Adult Entertainment Establishments

Where allowed by Section 17.42.020 (Commercial and Mixed-Use Land Use Regulations) in the C-1 zone, any adult business as defined in Chapter 17.72 (Definitions and Rules of Measurement) by shall be subject to the provisions of this section.

A. **Purposes**
   This section is intended to prevent the adverse effects, including adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods, that can result from the concentration or clustering of adult businesses. It has been demonstrated in various communities, and such demonstrations are relevant to the City, that when several adult businesses are located in close proximity to each other or are close to other incompatible uses such as schools for minors, churches, and residential zones or uses, the concentration of adult-oriented businesses causes an

increase in the number of transients in the area, an increase in crime and, in addition to the above impacts, can cause other businesses and residents to move elsewhere. Therefore, the purpose of this section is to establish reasonable and uniform regulations to prevent the concentration of adult-oriented businesses and their close proximity to incompatible uses, while permitting the location of adult-oriented businesses in certain areas.

B. **Findings**

1. Performance standards are a legitimate and reasonable means of ensuring that adult businesses are conducted in a manner so as to minimize their adverse secondary effects and to help assure that such operators and businesses comply with reasonable regulations related to such requirements, to minimize control problems associated with such businesses and thereby protect the health, safety and welfare of city residents, protect citizens from increased crime, preserve the quality of life, preserve property values and the character of surrounding neighborhoods and businesses, and deter the spread of urban blight. The performance standards contained in this chapter do not unreasonably restrict the establishment or operation of constitutionally protected adult businesses in the city.
2. The Council, in adopting performance standards, recognizes that these standards do not preclude reasonable alternative avenues of communication. The Council takes note of the proliferation of adult material on the Internet and its availability as an alternative avenue of communication. The Council also considers and relies on published decisions examining the proliferation of communications on the Internet (*Reno v. American Civil Liberties Union*, 521 U.S. 844; *Anheuser-Busch v. Schmoke*, 101 F. 3d 325; *U.S. v. Hockings*, 129 F. 3d 1069; U.S. Thomas, 74 F. 3d 701). The emergence of the internet brings with it a virtually unlimited additional source of adult-oriented sexual materials available to interested persons in every community. An adult business no longer has to be physically located in a city to be available in the community.

C. **Applicability**

The provisions of this section apply to uses operated as adult businesses, as defined in Chapter 17.72 (Definitions and Rules of Measurement), in addition to all other applicable requirements of this Zoning Code. The establishment of an adult use shall include the opening of such business as a new business, the relocation of such business, the conversion of an existing business location to any adult use, or the granting of permits required of masseurs and masseuses which would have the effect of the establishment of an adult use or the intensification of an existing adult use.

D. **Location Requirements**

Adult businesses shall be located no closer than:

1. Five hundred (500) feet to any:
    a. Property in a residential zone,
    b. Child day care facility,
    c. School attended by minor children,
    d. Park, playground,
    e. Religious place of worship,

f. Public building or other public facility likely to be used by minors; existing as of the date of adoption of ordinance; or

2. One thousand (1,000) feet to any other adult business.
    a. Exemption: Adult businesses may be located within a shopping center, even when the business site does not meet the distance requirement in Subsection D.1.

E. **Measurement**
For the purpose of this section, all distances shall be measured in a straight line, without regard for intervening structures, using the closest property lines of the parcels of the land involved.

F. **Design and Performance Standards**
The establishment or operation of an adult business shall comply with the applicable fees and site development standards, including, but not limited to, parking and the standards in this subsection, and the requirements of the Uniform Codes and building regulations and standards adopted by the City. An adult business shall comply with the following design and performance standards:

1. **Signs and Advertising**
Signs, advertisements, displays, or other promotional materials depicting or describing "specified anatomical areas" or "specified sexual activities", as defined in Chapter 17.72 (Definitions and Rules of Measurement), or displaying instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" shall not be shown or exhibited so as to be discernible by the public beyond the walls of the building or portion in which the adult entertainment business is conducted.
2. **Entrances**
Each adult business shall have a business entrance separate from any other nonadult business located in the same building.
3. **Screening**
    a. All building openings, entries, and windows for an adult entertainment business shall be located, covered, or screened in such a manner as to prevent a view into the interior of an adult entertainment business from any area open to the general public.
    b. No adult entertainment business shall be operated in any manner that permits the observation by the public of any material or activity depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" from any public way or from any location beyond the walls of the building or portion in which the adult entertainment business is conducted.
4. **Prohibition of Minors – Posting**
The building entrance to the adult entertainment business shall be clearly and legibly posted with a notice indicating that minors are precluded from entering the premises. No persons under the age of 18 years shall be permitted within the premises at any time.
5. **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 wails of the building or portion in which the adult entertainment business is conducted.

6. **Parking**
   Off-street parking shall be provided for the adult entertainment business in compliance with Chapter 17.60 (Parking and Loading).
7. **Operating Standards**
   See Title 5 (Business Taxes, Licenses, and Regulations) for additional requirements for businesses providing live entertainment depicting specified anatomical areas or involving specified sexual activities.
8. **Security Program**
   An off-site security program shall be prepared and implemented including the following:
   a. All off-street parking areas and building entries serving the adult entertainment business shall be illuminated during all hours of operation with a lighting system which provides a minimum maintained horizontal illumination of one foot-candle (10 luxes, one candlepower) of light on the parking surface and/or walkway. The required lighting level is established to provide sufficient illumination of the parking areas and walkways serving the adult business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct.

G. **Application Requirements**

1. In addition to the submittal of a business license application to the Finance Division, the following must be submitted to the Police Department for a determination of compliance with Title 9 (Public Peace, Morals, and Welfare) of the Municipal Code:
   a. The name and permanent address of applicant;
   b. The name and proposed business address of the applicant. If the applicant is a corporation, the name be exactly as set forth in its articles of incorporation and the applicant shall show the name and residence address of each of the officers, directors, and each stockholder owning not less than 25 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;
   c. A detailed description of the proposed entertainment, including type of entertainment and number of persons engaged in the entertainment;
   d. A diagram of the premises showing a floor plan specifying where the specific entertainment uses are proposed to be conducted within the building, the location of one or more manager's stations, the location of all overhead lighting, fixtures, and designating any portion of the premises in which patrons will not be permitted;
   e. Hours of operation and the admission fee, if any, to be charged;
   f. The name or names of the person or persons who have the management of supervision responsibilities of the applicant's business and of any entertainment;

g. A statement of the nature and character of the applicant's business if any, to be conducted in conjunction with such entertainment;
h. A site area map showing the proposed business location and plotting of all uses listed.
i. A mailing list of all property owners within 1,000 feet of the proposed business location.

2. Prior to the issuance of a police clearance, the Police Department shall complete a background investigation of all parties identified in Subsections G.1.a and G.1.b.

H. **Inspections**

An applicant or permittee shall permit representatives of the Police, Health, Fire, and Community Development Departments, in addition to the Building Division or other City departments or agencies, to inspect the premises of an adult business for the purpose of ensuring compliance with the law and the development standards applicable to adult business, at any time it is occupied or opened for business. A person who operates an adult business or their agent or employee is in violation of the provisions of this section if they refuse to permit such lawful inspection of the premises at any time it is occupied or opened for business.

I. **Amortization of Nonconforming Adult Oriented Uses**

Any use of real property existing on or before the date when this amendment becomes effective that did not conform to the provisions of this section, but which was constructed, operated and maintained in compliance with all previous regulations, shall be regarded as a nonconforming use which may be continued until two years from date of adoption. On or before such date, all such nonconforming uses shall be terminated unless an extension of time has been approved by the hearing officer in accordance with the provisions of Subsection J.

1. **Abandonment**

Notwithstanding the above, any discontinuance or abandonment of the use of any lot or structure as an adult oriented business shall result in a loss of legal nonconforming status of such use.

2. **Amortization: Annexed Property**

Any adult oriented business which was in legal use at the time of annexation of the property and which is located in the city, but which does not conform to the provisions of this section shall be terminated within one year of the date of annexation unless an extension of time has been approved in accordance with the by provisions of Subsection J.

J. **Extension of Time for Termination of Nonconforming Use**

The owner or operator of a nonconforming adult business use as described in Subsection I, may apply under the provisions of this section for an extension of time within which to terminate the nonconforming use.

1. **Time and Manner of Application**

An application for an extension of time within which to terminate a use made nonconforming by the provisions of this section may be filed by the owner of the real property upon which such use is operated, or by the operator of the use. Such an application must be filed with the City Clerk at least 30 days but no more

than 180 days prior to the time established in Subsection I for termination of such use or within 60 days of the effective date of the ordinance codified in this section, whichever date is the last to occur.

2. **Content of Application: Fees**
   The application shall state the grounds for requesting an extension of time. The filing fee for such application shall be the same as that for a Variance as is set forth in the schedule of fees established by resolution from time to time by the Council.
3. **Hearing Procedure**
   The City Manager shall set the matter for hearing by the Planning Commission within a reasonable time. Pending a final determination on the application, the applicant may continue to operate, but such right does not excuse compliance with regulatory provisions of the Municipal Code. All parties involved shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues and may be represented by counsel. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness. The decision of the Planning Commission may be appealed to the Council. Any decision of the Council shall be final and subject to judicial review pursuant to Code of Civil Procedure Section 1094.8.
4. **Approval of Extension: Findings**
   An extension under the provisions of this section shall be for a reasonable period of time commensurate with the investment involved, not to exceed two years, and shall be approved only if the Planning Commission makes all of the following findings or such other findings as are required by law:
   a. The applicant has made a substantial investment (including but not limited to lease obligations) in the property or structure on or in which the nonconforming use is conducted. Such property or structure cannot be readily converted to another use, and such investment was made prior to the effective date of the ordinance codified in this chapter;
   b. The applicant will be unable to recoup said investment as of the date established for termination of the use; and
   c. The applicant has made good faith efforts to recoup the investment and to relocate the use to a location in conformance with this section.

K. **Violations**
   It shall be unlawful to establish or operate an adult entertainment business in violation of this chapter. Any person who violates any provision of this chapter shall be guilty of a misdemeanor. Nothing in this chapter shall be deemed or constituted to prevent the City from commencing any civil proceeding otherwise authorized by law for the declaration or abatement of a public nuisance.

17.66.060 Automobile/Vehicle Sales and Services

Automobile/Vehicle sales and service establishments shall be located, developed, and operated in compliance with following standards.

A. **Landscaping and Screening**
   1. A masonry wall at least six feet in height shall be provided along all lot lines adjacent to a Residential District.
   2. At least 10 percent of the site shall be landscaped. All landscaped areas shall be permanently maintained in compliance with Chapter 17.58 (Landscaping).
   3. A landscaped planter with a minimum inside width of six feet and enclosed within a six-inch-high curb shall be provided along the front and street side property lines, except for vehicular circulation openings. A landscaping buffer with a minimum inside width of at least three feet shall be provided along all other property lines.
   4. A 600-square-foot planter with a minimum dimension of 20 feet shall be provided at the corner of intersecting streets unless a building is located at the corner.
   5. Additional screening and landscaping may be required

B. **Standards for Specific Automobile/Vehicle Sales and Leasing Activities**
   In addition to the other standards of this section, the following provisions apply to identified automobile/vehicle sales and leasing activities.
   1. **Auto, Vehicle, and Recreational Vehicle Sales/Rental**
      Automotive servicing or repair is permitted as an accessory use for automobile/vehicle sales and leasing establishments that offer maintenance and servicing of the type of vehicles sold on site.
   2. **Vehicle Services, Major and Minor**
      Major and minor automobile/vehicle service and repair uses, as well as any other uses, such as auto dealerships or service stations, that perform auto servicing as an accessory activity, are subject to the following standards.
      a. **Noise**
         All body and fender work or similar noise-generating activity shall be conducted within an enclosed masonry or similar building with sound-attenuating construction to absorb noise. Air compressors and other service equipment shall be located inside a building.
      b. **Work Areas**
         All work shall be conducted within an enclosed building except for the following: pumping motor vehicle fluids, checking and supplementing various fluids, and mechanical inspection and adjustments not involving any disassembly.
      c. **Vehicle Storage**
         Vehicles being worked on or awaiting service or pick-up shall be stored within an enclosed building or in a parking lot on the property that is screened in compliance with Section 17.66.210 (Storage Yards and Storage Containers).
      d. **Screening**
         Unattended vehicles may not be parked or stored on the sidewalk adjoining the property, in the street, or in any portion of the public right-of-way within the city.

e. **Litter**
The premises shall be kept in an orderly condition at all times. No used or discarded automotive parts or equipment or permanently disabled, junked, or wrecked vehicles may be stored outside a building.

3. **Car Washes**
Automobile/vehicle washing facilities are subject to the following standards.
   a. **Washing Facilities**
   No building or structure shall be located within 30 feet of any public street or within 20 feet of any interior property line of a Residential District. Vehicle lanes for car wash openings shall be screened from public streets to a height of 40 inches. Screening devices shall consist of walls and/or berms with supplemental plant materials.
   b. **Hours of Operation**
   Automobile/vehicle washing facilities are limited to 7:00 a.m. to 10:00 p.m., seven days a week. When abutting a Residential District, the hours of operation shall be between 8:00 a.m. to 8:00 p.m., seven days a week.
4. **Service Stations**
Service stations and any other commercial use that includes fuel pumps for retail sales of gasoline are subject to the following standards.
   a. **Pump Islands**
   Pump islands shall be located a minimum of 20 feet from any property line to the nearest edge of the pump island. A canopy or roof structure over a pump island may encroach up to 10 feet within this distance.
   b. **Work Areas**
   All work shall be conducted within an enclosed building except: pumping motor vehicle fluids, checking and supplementing various fluids, and mechanical inspection and adjustments not involving any disassembly.
   c. **Abandonment**
   Any service station shall in the case of abandonment or non-operation of the primary use be dismantled and the site cleared within 12 months subsequent to the close of the last business day.

C. **Required Findings**
The decision-making authority shall only approve a Use Permit for an automobile/vehicle sales and service facility if it finds that:
1. The project is designed so that form and scale are harmonious and consistent with the character of the specific site, the adjacent uses and structures, and the surrounding neighborhood.
2. The site design, including the location and number of driveways, will promote safe and efficient on-site and off-site traffic circulation.
3. Service bay openings are designed to minimize the visual intrusion on surrounding streets and properties.
4. Lighting is designed to be low-profile, indirect, or diffused and to avoid adverse impacts on surrounding uses.
5. The washing facility will not have an adverse impact on water supply and quality.

D. **Conditions of Approval**
Conditions of approval may include limitations on operational characteristics of the use; restrictions on outdoor storage and display, location of pump islands, canopies and service bay openings; and/or requirements for buffering, screening, lighting, planting areas, or other site elements, in order to avoid adverse impacts on adjacent lots or the surrounding area.

17.66.070 Child Day Care Facilities

This section establishes standards for the City review of child day care facilities, in conformance with state law, including the limitations on the City's authority to regulate these facilities. These standards apply in addition to all other applicable provisions of this Zoning Code and any requirements imposed by the California Department of Social Services through its facility licensing procedures. Licensing by the Department of Social Services is required for all child day care facilities.

A. **Application Requirements**
Land use permit applications for child day care facilities centers shall include a copy of the license issued by the California Department of Social Services, in addition to all other information and materials required by the Department.

B. **Child Day Care Centers**
Child day care centers are allowed consistent with Chapter 17.40 (Residential Zones (IP)) through Chapter 17.48 (Overlay Zones (IP)), this section, and the following standards:

1. **Spacing/Concentration**
No residential property shall be bordered on more than one (1) side by a child day care center.
2. **Traffic Control**
A drop-off and pick-up area shall be established to ensure that children are not placed at risk and street traffic is not unduly interrupted. The driveway of a child day care center may serve as its drop-off area.

17.66.080 Drive-Through and Drive-In Sales and Service Facilities

A. **Purpose**
The provisions of this section provide for standards and procedures for the development of non-residential drive-through and drive-in sales and services facilities. These standards are established so that proposed drive-through and drive-in sales and services facilities may be designed in such a manner as to assure their compatibility and enhancement to the site and surrounding land uses, and to provide a safe and desirable living environment.

B. **Applicability**
A Conditional Use Permit, consistent with Chapter 17.14 (Use Permits), shall be obtained prior to establishment of a drive-through or drive-in facility.

C. **Development Standards**
In addition other applicable criteria in this Zoning Code, the following requirements shall be complied with for drive-through and drive-in facilities.

1. **Design Requirements**
    a. The architecture of any drive-through and drive-in facility shall be compatible with surrounding uses in terms of color, form, materials, and scale.
    b. Drive-through and drive-in facilities shall be located at least one hundred (100) feet away from any residentially zoned property.
    c. The proposal of drive-through and drive-in facilities shall not be considered as justification for reducing the number of parking spaces, which would otherwise be required by Chapter 17.60 (Parking and Loading).
    d. Lighting for drive-through and drive-in facilities shall be shielded or directed away from adjoining properties and public rights-of-way and shall be in compliance with Section 17.50.070 (Outdoor Lighting and Glare (IP)).
    e. Drive-through and drive-in aisles shall be properly screened with landscaping to help minimize visual impacts.
    f. Hours of operation for drive-through and drive-in facilities shall be limited to the hours between 7:00 a.m. to 10:00 p.m. when abutting residentially zoned property.
    g. Design and square footage for menu board signs shall be consistent with the requirements of Chapter 17.62 (Signs). Any speakers associated with a drive-through and drive-in facility shall be directed away from residentially zoned property.
2. **Circulation**
    Prior to approval, a drive-through queuing analysis and transportation management plan shall be required to confirm the following requirements:
    a. Drive-through and drive-in aisles shall have a minimum width of twelve (12) feet and minimum interior radius at all curves of fifteen (15) feet. Each drive-through and drive-in aisle entrance/exist shall be located at least twenty-five (25) feet from any curb cut. No drive-through and drive-in aisle shall be permitted to empty directly onto a public street.
    b. Direction signage shall be provided for each entrance and exit from a drive-through and drive-in aisle.
    c. Drive-through and drive-in aisles shall not interfere with ingress and egress from the property or access to on-site parking.
    d. Drive-through and drive-in aisles shall provide at least one hundred and twenty (120) feet of reservoir space for vehicle stacking, as measured from the service window or unit to the entry point of the aisle.
    e. Drive-through and drive-in facilities shall be designed in such a manner so as to minimize conflicts with on-site circulation and to preclude adverse impacts to public streets.
3. **Findings for Approval**
    Drive-in or drive-through and drive-in shall not be approved unless the City makes the following findings:

a. The design and location of the facility will not contribute to increased congestion on public or private streets adjacent to the subject property.
b. The design and location of the facility will not impede access to or exit from the parking lot serving the facility, nor impair normal circulation within the parking lot.

17.66.090 Emergency Shelters

A. **Purpose and Applicability**
This section establishes development and operating standards for emergency shelters consistent with California Government Code Section 65583(a)(4)(B). Emergency shelters include other interim interventions, including but not limited to navigation centers, bridge housing, and respite or recuperative care, as defined in California Government Code Section 65583(a)(4)(C).

B. **Development Standards**

1. **Maximum Occupancy**
The maximum number of beds or persons permitted to be served nightly by the facility shall not exceed one (1) person per three hundred (300) square feet of interior floor area.
2. **Parking**
Parking shall accommodate all staff working in the emergency shelter. Required parking shall not exceed parking requirements for residential or commercial uses in the zone in which the facility is located.
3. Waiting and Intake Areas.
    a. Exterior waiting and intake areas shall be clearly delineated on site plans and located to minimize impacts on adjacent properties.
    b. Interior waiting and intake areas shall have a minimum fifty (50) square feet per person based on anticipated peak occupancy.
4. **On-Site Management**
The facility shall provide on-site management during all hours of operation.
5. **Proximity to Other Emergency Shelters**
No emergency shelter shall be located within three hundred (300) feet of another emergency shelter, measured from property line to property line
6. **Length of Stay**
Residents may stay at the emergency shelter for a maximum of six (6) months.
7. **Lighting**
Exterior lighting shall be provided for security purposes. Lighting shall be stationary, directed downward, and shielded so as to prevent off-site glare.
8. **Security**
The facility shall provide security measures during all hours of operation. Security measures may include, but are not limited to, security personnel, cameras, or other monitoring systems.

17.66.100 Farmer's Market

Farmer's markets shall be located, developed, and operated in compliance with the following standards:

A. **Management Plan**
A management plan shall be prepared and provided to the Director. The management plan shall include the following:
1. Identification of a market manager or managers, who shall be present during all hours of operation.
2. A set of operating rules addressing the governance structure of the market; types of products; the method of assigning booths and registering vendors; hours of operation; maintenance; security; refuse collection; and parking.

B. **Hours of Operation**
Market activities may be conducted between the hours of 7:00 a.m. and 10:00 p.m. with specific hours and duration to be approved by the City. Setup of market operations cannot begin more than two (2) hours prior to the operational hours of the market and take-down shall be completed within two (2) hours of the close of the market.

C. **Waste Disposal**
Adequate composting, recycling, and trash containers shall be provided during hours of operation and shall be removed from site for appropriate disposal. The site shall be cleaned at the end of each day of operations, including the removal of all stalls and debris.

17.66.110 Home Occupations

A. **Applicability**
The provisions of this section allow for business activities within a housing unit that are subordinate to the primary residential use of the site, and compatible with surrounding residential uses. This section does not apply to, and no home occupation approval is required, for large family day care homes or small family day care homes.

B. **Limitations on Use**
1. **Allowed Home Occupations**
The following are examples of business activities that may be approved by the Director as a home occupation as well as prohibited home occupation uses .
    a. Art work (ceramics, painting, photography, sculpture, and similar works);
    b. Clothing production, millinery, sewing, and similar activities;
    c. Small handcraft; and
    d. An office for an architect, attorney, consultant, insurance agent, tutor, writer, counselor/therapist, licensed massage therapist, and persons providing similar services.
2. The Director may also approve other business activities as home occupations, where the Director determines that the business activity is substantially similar to the above uses in its operational characteristics and will result in no greater impacts on the site or surrounding properties than the above uses.
3. **Prohibited Home Occupation Uses**
The following are examples of business activities that are not incidental to or

compatible with residential activities, and are, therefore, prohibited as home occupations:

a. Adult businesses;
b. Barber and beauty shops;
c. Child care of more than fourteen (14) children or instruction of more than three (3) school-age children or adults at one time (not counting residents of the home), provided however that large family day care homes and small family day care homes shall not be prohibited
d. Commercial photo/film processing labs;
e. Dance or night clubs;
f. Gun and/or ammunition sales;
g. Medical and dental offices, clinics, and laboratories (not including counselors/psychotherapists, and licensed massage therapists);
h. Mini storage;
i. Storage of equipment, materials, and other accessories for the construction and service trades;
j. Vehicle repair (body or mechanical), upholstery, automobile detailing and painting;
k. Welding and machining; and
l. Any other use determined by the Director not to be incidental to or compatible with residential activities, including any use which may produce noise, odors, or traffic that is not customary within a residential area.

C. **Operating Standards**

Home occupations shall comply with all of the following operating standards:

1. **Accessory Use Only**
   The home occupation shall be clearly secondary to the full-time use of the structure as a residence.
2. **Activities, Equipment, Materials**
   Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not involve the storage of flammable, explosive, or hazardous materials. No use shall create noise, dust, light, vibration, odor, gas, fumes, toxic/hazardous materials, smoke, glare, electrical interference, or other hazards or nuisances.
3. **Exterior Evidence of Use**
   The use shall not require any modification not customarily found in a dwelling, nor shall the use be visible from the street or from neighboring properties. There shall be no window display, advertising sign, or other identification of the home occupation on the premises.
4. **Limitation on Employees**
   The home occupation shall have no employees on the site other than the residents of the housing unit. This limitation applies only to employees of the home business and does not regulate the use of housekeeping, gardening, child care, and/or cooking personnel which are unrelated to the home business.

5. **Limitation on Clients**
   No more than one (1) client shall be allowed on the premises at any time for counseling, music lessons, tutoring, or other purposes.
6. **Location of Home Occupation**
   The home occupation shall be located entirely within an enclosed structure and shall not be allowed in a trailer or other temporary structure.
7. **Vehicles and Traffic**
   Vehicles used and traffic generated by the home occupation shall not exceed the type of vehicles and traffic volume normally generated by a home in a residential neighborhood. All parking needs of the home occupation shall be met off the street and on the same site as the permitted home occupation.

17.66.120 Hotels and Motels (IP)

A. Maximum Density

1. **R-3-C Zone**
   The maximum allowable number of hotel and motel units on a site within the R-3-C zone shall be one unit for each five hundred (500) square feet of site area.
2. **Commercial and Mixed-Use Zones**
   The maximum allowable number of hotel and motel units on a site within the CD-Cand MU-C zones shall be determined as follows:
   a. Single-room units: One (1) per each five hundred (500) square feet of site area; and
   b. Multi-room suites: One (1) per each eight hundred (800) square feet of site area.

The review authority may authorize a greater density when the circumstances of the site or a project design warrant. For purposes of this section, "room" shall mean a bedroom or sleeping room.

B. **Bus and RV Parking Spaces**
Proposed parking lots for hotels and motels should be designed to include adequate spaces for the parking of tour busses and recreational vehicles (RVs).

C. **Additional Requirements for Hotels and Motels in the Downtown Area**
Hotels and motels proposed in the Downtown Core Planning Area shall also comply with the following standards.

1. **Design Requirements**
   The buildings and structures for hotels, motels and other transient lodging uses shall be designed in a manner that is characteristic of short-term occupancy and does not include features that are associated with long-term occupancy and use as dwelling units. Where multi-room suites are proposed, they shall be limited to a size and range of facilities that is characteristic of hotel suites. Full-sized kitchens, dining rooms, and other living areas characteristic of dwelling units shall be discouraged.
2. **Length of Stay**. All overnight rooms shall be open and available for rental to the general public. Rooms shall not be rented to any individual, family, or group for more than thirty (30) consecutive days, and not for more than fourteen (14) days

between the Friday of Memorial Day weekend and Labor Day inclusive. No individual ownership or long-term occupancy of hotel rooms shall be allowed.

3. **Conversion Prohibited**
   The conversion of any overnight rooms to limited use overnight visitor accommodation units (e.g., timeshare, fractional ownership, etc.) or to full-time occupancy condominium units or to any other units with use arrangements that differ from the approved development shall be prohibited.
4. **Subdivision**
   The subdivision of hotels into airspace condominium units may be permitted with the approval of a Conditional Use Permit by the Planning Commission, subject to conditions that will assure the development functions primarily as visitor accommodations. The conditions shall require the recordation of enforceable deed restrictions limiting occupancy by all owners for a given unit to no more than twenty-five percent (25%) of the year (i.e. no more than ninety-one (91) days in any calendar year), and shall require participation in a rental program open to the general public on the same basis as non-condominium hotels.

D. **Coastal Zone**

1. New development for higher-cost overnight accommodations, defined as accommodations provided at a rate equivalent to one hundred and twenty-five percent (125%) of the prior year's statewide average daily rate, in the Coastal Zone shall provide a portion of the units as a lower-cost rate, defined as accommodations provided at a rate not to exceed seventy-five percent (75%) of the prior year's statewide average daily rate, consistent with the General Plan/Local Coastal Plan, but this requirement may be satisfied through off-site provision of units or payment of an in-lieu fee subject to review authority approval.
2. When new hotels or motels without lower-cost accommodation options are located more than a one-half (½) mile walk of retail, restaurants, and recreational uses, the hotel or motel project shall incorporate facilities and amenities that will be generally available for passive public use. Such amenities may include public plazas and spaces, restaurants, retail units, gardens, viewing areas, free Wi-Fi, bike parking facilities, or other day-use features that may be used by the general public at no or relatively low cost.
3. Consistent with the General Plan/Local Coastal Plan, a feasibility analysis regarding the provision of low-cost visitor accommodations shall be required for any application involving the expansion, reduction, redevelopment, demolition, conversion, closure, cessation, or new development of any project involving visitor overnight accommodations, excluding short-term rentals. Also see Section 17.50.140 (Visitor Serving Commercial Conversions (IP)).

17.66.130 Mixed-Use Residential (IP)

A. **Intent and Applicability**
This section applies to projects that include both commercial and residential uses. The intent is to provide a continuous frontage of retail shops and commercial business

establishments at the street level, while providing opportunities for residential living in a mixed-use setting.

B. **Ground Floor Limitations**
   1. In the VC-C zone, residential uses shall not occupy the ground floor space of mixed-use developments.
   2. In all other zones, residential uses in mixed-use developments shall not occupy ground floor space within the first fifty (50) feet of floor area measured from each building face adjacent to the street toward the rear of the building unless the review authority finds that the project enhances the pedestrian environment in the surrounding area or will perform a function or provide a service that is essential or beneficial to the community or City.

17.66.140 Mobile Home Parks and Subdivisions

The following standards are intended to ensure that new, expanded or redeveloped mobile home parks, and new mobile home subdivisions are located and established so as to be compatible with adjacent residential neighborhoods and commercial areas. The planning and design of the interior of mobile home parks, including lots and other areas within parks, and the permitting of individual mobile homes within mobile home parks is regulated by the California Department of Housing and Community Development (HCD), and is not subject to the provisions of this section.

A. **Site Planning and Design Standards**
   Mobile home parks and subdivisions shall conform to the following minimum standards.
   1. Minimum site area: Five (5) acres.
   2. Density: A maximum of eight (8) mobile home spaces per acre.
   3. **Setbacks**
      All structures, including mobile homes, shall be set back from property lines as follows:
      a. Street frontage lot lines: thirty (30) feet.
      b. Exterior park lot lines not abutting streets: ten (10) feet
   4. **Landscaping**
      The perimeter of mobile home parks shall be landscaped as follows:
      a. Required setbacks along street frontages shall be provided with a landscaped buffer at least fifteen (15) feet wide, except where cut by access driveways. Landscaping shall occupy a minimum of sixty percent (60%) of the required street frontage setback area required by Subsection A.3.
      b. Other setback areas shall be landscaped with planting strips at a minimum.
      c. Each mobile home lot shall be provided at least one (1) street tree of fifteen (15)-gallon size or larger along interior streets.
      d. All open areas of a mobile home park not occupied by paving or common facilities shall be landscaped, including a minimum of twenty percent

(20%) of the total site area for each mobile home, and a minimum of forty-five percent (45%) of the total common area(s) of the park.

5. **Fencing**
   The perimeter of a mobile home park or subdivision shall be enclosed by a six (6)-foot-high solid masonry wall (or alternate approved by the Director), located at the setback line along street frontages, and adjacent to property lines not abutting streets.

B. **Accessory Commercial Uses Permitted**
A mobile home park may contain commercial uses for the convenience of park residents (i.e., coin operated laundry, vending machines, etc.) provided that these uses shall be located in the interior of the park and shall not occupy more than five hundred (500) square feet for each fifty (50) mobile homes or fraction.

C. **Use of Mobile Home Lots**
No more than one (1) occupied mobile home shall be allowed on any one (1) lot. No travel trailer, camper, or other recreational vehicle shall be placed on any mobile home lot, either for occupancy or storage.

D. **Recreational Vehicle Areas**
Mobile home parks may include spaces for occupied recreational vehicles, and/or recreational vehicle storage areas, provided that the location, number and size of spaces shall be approved by the review authority.

E. **Conversion of Mobile Home Park to Another Use**
Any subdivision of an existing mobile home park or conversion of an existing mobile home park to another land use is subject to the following requirements:

1. **Permit Requirement**
   Subject to Conditional Use Permit approval consistent with Chapter 17.14 (Use Permits).
2. **Application Content**
   The application shall include the report required by California Government Code Section 66427.4 or 65863.7, as applicable, in addition to all information required by Section 17.08.020 (Permit Filing and Processing).
3. **Special Notice Requirement**
   As required by California Government Code Section 65863.8, at least thirty (30) days before the public hearing, the Department shall notify the applicant in writing of the provisions of Section 798.56 of the Civil Code regarding the responsibility of the applicant to notify residents and mobile home owners of the mobile home park of the proposed change in use. No hearing on a proposed mobile home park conversion shall be scheduled until the applicant has verified this notification to the satisfaction of the Director.

17.66.150 Mobile Homes

Mobile homes on lots zoned for conventional single-family dwellings and the storage of mobile homes are subject to the requirements of this section. Mobile homes placed in mobile home parks (Section 17.66.140 (Mobile Home Parks and Subdivisions)) that are regulated by the California Department of Housing and Community Development are not subject to the provisions of this section. Modular (also known as factory-built) housing units are considered

the same as single-family dwellings for the purposes of this Zoning Code and are not subject to the provisions of this section.

A. **Mobile Homes as Permanent Dwellings**
    1. **Certified Mobile Homes**
    A mobile or manufactured home consistent with California Government Code 65852.3 shall be allowed as a dwelling where single-family dwellings are allowed provided the home shall be designed and constructed with roof eave and gable overhangs of not less than one (1) foot measured from the vertical side of the structure.
    2. **Non-Certified Mobile Homes**
    Mobile homes that do not meet the requirements of Subsection A.1 shall only be placed in mobile home parks.
B. **Storage of Unoccupied Mobile Homes**
Unoccupied mobile homes or portions that are not fixed to a foundation shall only be stored in a mobile home sales lot or an approved storage yard.

17.66.160 Nonpermanent Vendors

Nonpermanent vendors are allowed in compliance with the following standards. This section does not apply to sidewalk vendors as defined in California Government Code Section 51036 et seq. and regulated under Chapter 12.22 (Sidewalk Vendors).

A. **Location**
Nonpermanent vendors are limited to non-residential districts.
B. **Number**
Maximum one (1) nonpermanent vendor per day per lot unless authorized through a Modification pursuant to Chapter 17.18 (Modifications (IP)).
C. **Duration**
Maximum six (6) hours per day per lot. No lot may have a nonpermanent vendor onsite for more than ninety (90) days total in any twelve (12)-month period.
D. **Parking Surface**
The vehicle shall only be stopped or parked on surface paved with concrete, asphalt, or other surface approved by the Director.
E. **Required Parking**
No parking spaces are required for a nonpermanent vendor that meets all of the standards under this section.
F. **Displaced Parking**
Nonpermanent vendors may displace up to three required non-residential parking spaces for a maximum of six (6) hours per day per parking lot, provided that no more than twenty-five percent (25%) of the total number of parking spaces on site are displaced. Required parking spaces for an existing non-residential use may be displaced if the existing non-residential use is not open during the event.
G. **Location**
Vehicles shall not be left unattended at any time, or be left onsite when inactive, or stored overnight.

H. **Obstructions**
Location and operation including customers, seating, and equipment, shall not obstruct the right-of-way, sight distances, or otherwise create hazards for vehicle or pedestrian traffic. The location shall comply with applicable accessibility requirements and the Americans with Disabilities Act.

I. **Nuisances**
Nonpermanent vendors shall be responsible for keeping the area clean of any litter or debris and shall provide trash receptacles for customer use on site. No vendor shall ring bells, play chimes, play an amplified musical system, or make any other notice to attract attention to its business while operating within city limits. The use of prohibited or unpermitted signs for nonpermanent vendors is not allowed.

J. **Modifications**
Modifications to the standards of this section may be approved pursuant to Chapter 17.18 (Modifications (IP)).

17.66.170 Outdoor Dining

Outdoor dining areas shall be located, developed, and operated in compliance with the provisions of this section.

A. **Applicability**
The standards of this section apply to outdoor dining located on private property. Outdoor dining located in the public right-of-way is subject to an encroachment permit issued by the Public Works Department.

B. **Accessory Use**
Outdoor dining shall be conducted as an accessory use to a legally established eating and drinking establishment that is located on the same lot or an adjacent lot.

C. **Use Permit Required**
An outdoor dining area occupying three hundred and fifty (350) square feet or less is allowed as an accessory use to a legally established eating and drinking establishment that is located on the same lot or an adjacent lot. An outdoor dining area occupying more than three hundred and fifty (350) square feet requires use permit approval subject to Chapter 17.14 (Use Permits) and as follows:

1. **More than three hundred and fifty (350) square feet and up to one thousand (1,000) square feet.**
Minor Use Permit required.
2. **More than one thousand (1,000) square feet.**
Conditional Use Permit required.

D. **Hours of Operation**
Hours of operation shall be limited to the hours of operation of the associated eating and drinking establishment.

E. **Parking**
Where an outdoor dining area occupies less than three hundred and fifty (350) square feet, additional parking spaces for the associated eating and drinking establishment are not required. Parking shall be provided according to the required ratio in Table

17.60.040-A (Required Number of Parking Spaces) for any outdoor dining and seating area exceeding three hundred and fifty (350) square feet.

F. **Location**
Outdoor dining areas may be located in required setback areas but shall not encroach into pedestrian pathways or required parking areas. Outdoor dining areas may be allowed to encroach into a public right-of-way with an approved encroachment permit issued by the Public Works Director.

G. **Noise**
Amplified sound (e.g., music, television, etc.) shall not be audible beyond the lot line.

H. **Litter Removal**
Outdoor dining and seating areas shall remain clear of litter at all times.

17.66.180 Outdoor Retail Sales and Storage

Outdoor display and sales shall be located, developed, and operated in compliance with the following standards:

A. **Temporary Outdoor Display and Sales**
The temporary outdoor display and sale of merchandise shall comply with Chapter 17.16 (Temporary Use Permits).

B. **Produce and Nursery Displays**
The outdoor display of fresh produce or of live plants associated with an existing retail store on the same site is allowed, and no additional parking is required, subject to the following standards.

1. The display area shall not exceed one hundred and twenty-five (125) square feet in size for produce displays or six hundred (600) square feet for live plant displays unless a larger area is authorized pursuant to Conditional Use Permit approval.
2. The display shall not disrupt the normal function of the site or its circulation and shall not encroach upon parking spaces, driveways, pedestrian walkways, or required landscaped areas.
3. All produce shall be removed or enclosed at the close of each business day.

C. **Permanent or Ongoing Outdoor Display and Sales**
The permanent or ongoing outdoor display of merchandise, except for vehicle sales and leasing requires Conditional Use Permit approval, is allowed and shall comply with the following standards:

1. **Relationship to Main Use**
The outdoor display and sales area shall be directly related to a business occupying a primary structure on the subject parcel.
2. **Allowable Merchandise**
Only merchandise sold at the business is permitted to be displayed outdoors.
3. **Display Locations**
The displayed merchandise shall occupy a fixed, specifically approved, and defined location and shall not disrupt the normal function of the site or its circulation and shall not encroach upon parking spaces, driveways, pedestrian walkways, or required landscaped areas.

17.66.190 Recycling Facilities

A. **Purpose**
The following provisions establish standards and procedures for the siting and operation of various types and sizes of commercial recycling facilities.

B. **Applicability**
Any recycling facility intending to operate in the city shall comply with all provisions of this section.

C. **Development and Operating Standards**

1. All recycling facilities shall maintain adequate on-site refuse containers for the disposal of non-recyclable, non-hazardous waste.
2. **Reverse Vending Machines**
Reverse vending machine(s) shall not require additional parking spaces for recycling customers and shall comply with the following standards.
    a. **Accessory Use Only**
    The machines shall be installed as an accessory use.
    b. **Location Requirements**
        i. If located inside a structure, the machines shall be within thirty (30) feet of the entrance and shall not obstruct pedestrian circulation; and
        ii. If located outside a structure, the machines shall not occupy parking spaces required by the main use.
    c. **Maximum Size**
    The machines shall occupy no more than fifty (50) square feet for each installation, including any protective enclosure, and shall be no more than eight (8) feet in height.
    d. **Signs**
    The machines shall have a maximum sign area of four (4)-square feet per machine, exclusive of operating instructions.
    e. **Lighting**
    Reverse vending machines shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.
    f. **Materials**
    If located outside a structure, the machines shall be constructed of durable waterproof and rustproof material.
    g. **Hours of Operation**
    The machines shall have operating hours consistent with the operating hours of the main use.
3. **Small Collection Facilities**
Small collection facilities may be allowed in compliance with the following standards.
    a. **Location Requirements**
    Small collection facilities shall:
        i. Be set back at least forty-five (45) feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation;

ii. Not be located in any required parking, access, or sight distance area of any required setback;
iii. Not be located within fifty (50) feet of any parcel zoned or planned for residential use; and
iv. Permanently locate any containers provided for "after hours" donation of recyclable materials at least thirty (30) feet from any property zoned or occupied for residential use.

b. **Maximum Size**
Shall be no larger than three hundred and fifty (350) square feet and occupy no more than three (3) parking spaces not including space that will be periodically needed for removal of materials or exchange of containers.

c. **Appearance of Facility**
Collection containers, site fencing, and signs shall be of a color and design so as to be both compatible and harmonious with the surrounding uses and neighborhood.

d. **Landscaping and Screening**
The facility shall:
i. Not impair the landscaping required by Chapter 17.58 (Landscaping) for any concurrent use allowed by these Regulations;
ii. Be screened from view from adjacent public rights-of-way through the use of fencing, landscaping, or other approved materials, in compliance with Section 17.50.040 (Fences, Walls and Hedges); and
iii. Be subject to landscaping and/or screening as determined through Director review.

e. **Parking**
i. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.
ii. Use of parking spaces by the facility and by the attendant shall not reduce available parking spaces below the minimum number required for the main use unless a parking study shows that existing capacity is not fully utilized during the time the recycling facility will be on the site.

f. **Operating Standards**
Facilities shall:
i. Accept only glass, metal or plastic containers, paper, and reusable items;
ii. Use no power-driven processing equipment except for reverse vending machines;
iii. Use containers that are constructed with durable waterproof and rustproof material, covered when the site is not attended, secured from unauthorized removal of material, and shall be of

a capacity sufficient to accommodate materials collected and the collection schedule;

iv. Store all recyclable materials in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present; and

v. Be maintained free of litter and any other undesirable materials, and the site for mobile facilities, at which truck(s) or containers are removed at the end of each collection day, shall be swept at the end of each collection day.

g. **Hours of Operation**
Attended facilities located within one hundred (100) feet of a property zoned or occupied for residential use shall operate only between the hours of 9:00 a.m. and 7:00 p.m.

4. **Large Collection Facilities**
Large collection facilities may be allowed in compliance with the following standards.

a. **Location Requirements**
The facility shall not abut a parcel zoned or planned for residential use.

b. **Container Location**
Any containers provided for "after hours" donation of recyclable materials shall be permanently located at least one hundred (100) feet from any residential zone, constructed of sturdy, rustproof materials, with sufficient capacity to accommodate materials collected, and secured from unauthorized entry or removal of materials.

c. **Screening**
The facility shall be screened from the public rights-of-way, within an enclosed structure, or behind fences, walls, or screen planting.

d. **Outdoor Storage**
All exterior storage of material shall be in sturdy containers which are secured and maintained in good condition at all times. No storage, excluding truck trailers, shall be visible above the height of the wall.

e. **Operating Standards**
The facility shall be operated and maintained in compliance with the following:

i. The site shall be maintained clean, sanitary, and free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis. Temporarily stored materials shall be moved to an approved processing site as soon as practical; and

ii. The operation shall comply with applicable performance standards in Section 17.50.080 (Performance Standards).

17.66.200 Service Stations

Service stations shall comply with the provisions of this section.

A. **Convenience Retail Sales**
The retail sales of food and beverage products and other general merchandise in conjunction with fuel sales is allowed subject to the following standards.
1. **Restrooms**
Restrooms shall be provided and shall be available to customers.
2. **Facility Upgrading**
Applications involving existing stations shall include proposed measures to upgrade the facility to comply all applicable provisions of this Zoning Code.
3. **Noise**
Air compressors and other noise producing equipment shall be located entirely within a building or otherwise constructed or shielded to comply with the requirements of Subsection 17.50.080.J (Noise).

17.66.210 Storage Yards and Storage Containers

A. **Screening Require**
Outdoor storage areas shall be effectively screened from the view of public rights-of-way, by fences, walls, and/or screening, landscaping, as determined by the review authority.
B. **Building Materials**
Building materials for use on the same premises may be stored on the site only during the time that a valid building permit is in effect for construction.
C. **Storage Containers**
Enclosed "temporary" storage (i.e., cargo containers, sea-trains, and similar containers) shall only be permitted after obtaining a Temporary Use Permit in compliance with Chapter 17.16 (Temporary Use Permits).

17.66.220 Telecommunications Facilities

A. **Purpose**
The purpose of this section is to provide uniform and comprehensive standards for the approval, placement, and design of telecommunication facilities. These regulations are intended to protect and promote public health, safety, and community welfare while at the same time not unduly restricting needed telecommunication facilities. They have also been developed to further the policies of the General Plan and Local Coastal Program. It is intended that these regulations specifically accomplish the following:
1. Ensure that new telecommunication facilities are installed in a manner that minimizes their visual impact on the community;
2. Protect the environmental resources of Pismo Beach;
3. Create telecommunication facilities that will serve as an important and effective part of the City's emergency response network; and
4. Simplify and shorten the process for obtaining necessary permits for telecommunication facilities while protecting the legitimate interests of Pismo Beach residents.

B. **Telecommunication Facilities in the Coastal Zone (IP)**
   1. Telecommunications facilities require a CDP, and shall be sited and designed to avoid significant adverse impacts to public coastal views, and alternatives shall be considered and required where such impacts can be avoided. Unless inconsistent with federal telecommunications law, such facilities shall not be allowed in ESHA/wetlands, beaches and bluffs, and other sensitive habitats. Undergrounding of such facilities shall be required whenever feasible. If undergrounding of such facilities is not feasible, co-location of such facilities shall be encouraged and screening shall be required when feasible.

C. **Definitions**
   Terms used in this section are defined in Chapter 17.72 (Definitions and Rules of Measurement), Section 17.72.220 ("T").

D. **Applicability and Exemptions**
   The requirements of this section apply to all telecommunication facilities on private property and public property not including the public right-of-way that transmit and/or receive electromagnetic signals, including, but not limited to, personal communications services (cellular and paging) and radio and television broadcast facilities. The requirements apply to telecommunication facilities that are the primary use of a property and those that are accessory facilities, except that the following accessory facilities are exempt from this ordinance, but may still require other permits (e.g., coastal development permits):
   1. Licensed amateur (ham) radio and citizen band operations;
   2. Handheld, mobile, marine, and portable radio transmitters and/or receivers;
   3. Public safety communications radio;
   4. Radio and television mobile broadcast facilities;
   5. Antennas and equipment cabinets or rooms completely located inside of permitted structures;
   6. A temporary telecommunication facility mounted on a trailer or a portable foundation, with approval of the City Manager for an emergency for a period of up to one year;
   7. A single ground- or building-mounted dish antenna not exceeding the maximum height permitted by this section, including any mast, subject to the following restrictions:
      a. **Satellite Dish One Meter or Less**
         A satellite dish antenna one meter or less in diameter and:
         i. Intended for the sole use of a person occupying the same parcel to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite; or
         ii. A hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, is permitted anywhere on a lot provided it does not exceed the height of the ridgeline of the primary structure on the same parcel.

b. **Non-Satellite Dish One Meter or Less**
A dish antenna one meter or less in diameter or diagonal measurement and:
    i. Intended for the sole use of a person occupying the same parcel to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite; or
    ii. A hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, is permitted anywhere on a lot;

8. An antenna that is less than twenty-five (25) feet in height and that is mounted on any existing building or other structure. The antenna shall be for the sole use of a person occupying the same parcel on which the antenna is located to receive television broadcast signals;
9. Any antenna or wireless telecommunications 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; and
10. Minor Revisions to existing wireless facilities as determined by the Director that replace existing equipment in-kind or with smaller or less visible equipment, that meet the standards set forth in this section, and will have little or no change in the visual appearance of the facility.

E. **Permits Required**

1. **Colocation Facilities**
Colocation facilities (California Government Code Section 65850.6) are allowed by right when proposed on a wireless telecommunications colocation facility that was subject to a discretionary permit issued and an Environmental Impact Report was certified, or a Negative Declaration or Mitigated Negative Declaration was adopted for the wireless telecommunication colocation facility in compliance with CEQA and the colocation facility incorporates required mitigation measures specified in that Environmental Impact Report, Negative Declaration, or Mitigated Negative Declaration.
2. **Eligible Facilities Request (EFR)**
For Eligible Facilities Requests, colocation of new transmission equipment, removal of transmission equipment, or the replacement of transmission equipment is allowed by right provided the modification of an existing tower or base station does not substantially change the physical dimensions of the tower or base station.
3. **Telecommunication Facility, Major**
Non-exempt major telecommunication facilities are permitted subject to Conditional Use Permit.

4. **Telecommunication Facility, Minor**
   Non-exempt minor telecommunication are permitted subject to a Minor Use Permit.

F. **Application Requirements and Review Process**
The following are the minimum criteria applicable to all telecommunication facilities. In the event that a project is subject to discretionary and/or environmental review, mitigation measures, more restrictive criteria than presented in this section, other conditions of approval may also be necessary. All telecommunication facilities shall comply with:

1. **Application Requirements**
   a. **Filing**
      An application for approval of a telecommunication facility shall be prepared, filed, and processed in compliance with Section 17.08.020 (Permit Filing and Processing) and this section. FCC regulations provide safe harbor time periods and completeness requirements that apply to all approvals relating to wireless facility deployments. Applicants are encouraged to provide all related applications in one submittal.
   b. **Responsibility**
      It is the responsibility of the applicant to provide the necessary information in support of findings required for the approval of the telecommunication facility, including the findings required by this section and Section 17.08.020 (Permit Filing and Processing).
2. **Expert Review**
   The Director is explicitly authorized to hire on behalf of the City an independent technical expert to review any technical materials submitted including, but not limited to, those required under this section and in those cases where a technical demonstration of feasibility or unavailability of alternatives is required. The applicant shall pay all the costs of the review, including any administrative costs incurred by the City. Any proprietary information disclosed to the City or the expert hired shall remain confidential and shall not be disclosed to any third party.
3. **Public Notice**
   In addition to the public notice required in Section 17.08.050 (Public Hearings and Noticing) the following special noticing requirements apply:
   a. Notice of a public hearing on a Conditional Use Permit application as required in this section shall be provided to the operators of all telecommunication facilities within one (1) mile of the subject parcel by mailing the standard legal notice by first class mail.
   b. Notice of any application for a major telecommunication facility shall be mailed to all adjacent property owners within five hundred (500) feet. The notice shall include the date by which public comments regarding the application shall be submitted for consideration and the date of the scheduled public hearing or date that the Director shall make a determination on the application.

4. **Required Findings**
    a. **General Findings**
    In approving any telecommunication facility except for a colocation facility request or an eligible facilities request, the review authority shall make the following findings:
        i. The proposed use conforms with the specific purposes of this section and any special standards applicable to the proposed facility;
        ii. The applicant has made good faith and reasonable efforts to locate the proposed facility on a support structure other than a new ground-mounted antenna or to accomplish colocation;
        iii. The proposed site results in fewer or less severe environmental impacts than any feasible alternative site; and
        iv. The proposed facility uses a stealth design.
    b. **Additional Findings for a Major Facility**
    To approve a major telecommunication facility, the review authority shall find that a minor telecommunication facility is not feasible because of technical, aesthetic, or legal considerations including that the siting:
        i. Would have more significant adverse effects on views or other environmental considerations;
        ii. Is not permitted by the property owner;
        iii. Would impair the quality of service to the existing facility; or
        iv. Would require existing facilities at the same location to go off-line for a significant period of time.
    c. **Findings for Colocation Facilities Requests**
    The proposed colocation facility meets the requirements of Subsection D.1.
    d. **Findings for Eligible Facilities Requests**
        i. The proposed colocation or modification meets all of the applicable criteria for an eligible facilities request stated in 47 C.F.R. section 1.6100(b)(3)-(9), or any successor provisions, after application of the definitions in 47 C.F.R. section 1.6100(b). The review authority shall make an express finding for each criterion;
        ii. The proposed facility complies with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, except to the extent preempted by 47 C.F.R. section 1.6100(b)(7)(i) through (iv), or any successor provisions; and
        iii. That the proposed facility will comply with all generally applicable laws.
    e. **Additional Findings for Setback Reductions**
    Except for a colocation facility request or an eligible facilities request, to approve a reduction in setback, the review authority shall make one or more of the following findings:

i. The facility will be colocated onto or clustered with an existing, legally established telecommunication facility; and/or
ii. The reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.

f. **Additional Findings for any Other Exception to Standards**
The Planning Commission may waive or modify requirements of this section upon finding that strict compliance would result in noncompliance with applicable federal or state law. Requirements may be waived or modified only to the minimum extent required to avoid the noncompliance. An applicant seeking an exception must provide all supporting evidence for the exception request at the time of application submittal.

5. **Conditional Use Permit Conditions of Approval**
In addition to compliance with the requirements of this section, all facilities shall be subject to all of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the review authority:
   a. Facilities shall not deny access to, or otherwise interfere with, any public utility, easement, or right-of-way located on the site. The City shall be allowed reasonable access to, and maintenance of, all utilities and existing public improvements within or adjacent to the site, including, but not limited to, pavement, trees, public utilities, lighting, and public signage.
   b. At all times, all required notices and signs shall be posted on the site as required by the FCC and CPUC, and as approved by the City. The location and dimensions of a sign bearing the emergency contact name and telephone number shall be posted pursuant to the approved plans.
   c. At all times, the permittee shall ensure that the facility complies with the most current regulatory and operational standards, including, but not limited to, radio frequency emissions standards adopted by the FCC.
   d. The permittee and owner of any site on which a telecommunication facility is located shall cooperate and exercise good faith in colocating telecommunication facilities on the same support structures or site. Good faith shall include sharing technical information to evaluate the feasibility of colocation and may include negotiations for erection of a replacement support structure to accommodate colocation. A competitive conflict to colocation or financial burden caused by sharing information normally will not be considered as an excuse to the duty of good faith.
      i. No colocation may be required where it can be shown that the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing telecommunication facilities or failure of the existing facilities to meet federal standards for emissions.

ii. Failure to comply with colocation requirements when feasible or cooperate in good faith as provided for in this section is grounds for denial of a permit request or revocation of an existing permit.

e. Within one (1) month after construction of the wireless telecommunications facility, the permittee shall verify compliance with FCC radio frequency emissions standards. The verification shall be submitted to the Director. If at any time while the permit is in effect the Director determines there is good cause to believe that the facility may emit RF emissions that are likely to exceed FCC standards, the Director may require the permittee to submit a report described by this section. Failure to comply with this section shall be grounds for revocation of the Conditional Use Permit.

f. Within sixty (60) days after the applicant commences full, unattended operations of the permitted facility, the applicant shall provide the Director with documentation that the permitted facility has been installed and/or constructed in compliance with the approved construction drawings and photo simulations and a technically sufficient written report by a qualified radio frequency emissions engineer certifying that the facility is in compliance with the radio frequency emissions guidelines or standards of the FCC.

6. **Conditions of Approval for Colocation Facilities Requests**
In addition to compliance with the requirements of this section, all facilities shall be subject to each of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the review authority:

   a. **Permit Subject to Conditions of Underlying Permit**
   Any permit granted in response to an application qualifying as a colocation facility request shall be subject to the terms and conditions of the underlying permit.

   b. **No Permit Term Extension**
   The City's grant or grant by operation of law of a permit for a colocation facility will not extend the permit term for the permit for the underlying wireless telecommunication colocation facility or any other underlying regulatory approval, and its term shall be coterminous with the underlying permit or other regulatory approval for the subject wireless telecommunication colocation facility.

7. **Eligible Facilities Requests Conditions of Approval**
In addition to compliance with the requirements of this section, all facilities shall be subject to each of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the review authority:

   a. **Permit Subject to Conditions of Underlying Permit**
   Any permit granted in response to an application qualifying as an eligible facilities request shall be subject to the terms and conditions of the underlying permit.

b. **No Permit Term Extension**
The City's grant or grant by operation of law of an eligible facilities request permit constitutes a federally mandated modification to the underlying permit or approval for the subject tower or base station. Notwithstanding any permit duration established in another permit condition, the City's grant or grant by operation of law of an eligible facilities request permit will not extend the permit term for the underlying permit or any other underlying regulatory approval, and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station.

8. Life of Approvals

a. A Conditional Use Permit issued in accordance with this section authorizing establishment of a telecommunication facility must be renewed every ten (10) years through the approval process specified in Section 17.08.070 (Permit Implementation, Time Limits, and Extensions). The grounds for non-renewal shall be limited to a showing that one or more of the situations listed below exist:
    i. The use involved is no longer allowed in the applicable zone;
    ii. The facility fails to comply with the relevant requirements of this section as they exist at the time of renewal and the permittee has failed to supply assurances acceptable to the Director that the facility will be brought into compliance within one hundred and twenty (120) days; and
    iii. The permittee has failed to comply with the conditions of approval imposed.

b. The grounds for appeal of issuance of a renewal shall be limited to a showing that one or more of the situations listed above does in fact exist or that the notice required under Subsection E.3 was not provided.

9. Standard Agreement Required

a. The property owner(s) and the permittee shall enter into a performance and maintenance agreement with the City. The terms of the agreement shall:
    i. Ensure compliance with this section and all applicable conditions of approval;
    ii. Require the facility to be appropriately maintained;
    iii. Ensure new landscaping is installed and existing landscaping is maintained, preserved, and protected, as indicated on the approved plans; and
    iv. Require the property owners to defend, indemnify, and hold harmless the City.
    v. The agreement shall be signed and notarized and submitted to the Department when located on private property. The agreement shall run with the property to ensure that future property owner(s) are aware of the requirement for ongoing maintenance of the existing and approved landscaping.

G. **Design and Location Standards**

Telecommunication facilities shall be located, developed, and operated in compliance with all of the following standards and with applicable standards of the zone in which they are located.

1. Location and Siting

a. No new freestanding facility, including a tower, shall be located within one thousand (1,000) feet of another freestanding facility, unless mounting on an existing building or existing pole or tower is not feasible.

b. All wireless telecommunication facilities shall meet the building setback standards of the zone in which they are to be located unless findings for a setback reduction are made in accordance with Subsection F.4.e, above.

2. **Support Structures**

Support structures for telecommunication facilities may be any of the following subject to owner approval:

a. An existing nonresidential building.

b. An existing structure other than a building, including, but not limited to, light poles, electric utility poles, water towers, smokestacks, billboards, lattice towers, and flag poles. This term includes an electric utility pole erected to replace an existing electric utility pole, if the replacement pole will serve both electric and wireless telecommunications functions, and if the replacement pole is substantially equivalent to the predecessor pole in placement, height, diameter, and profile.

c. An alternative tower structure such as a clock tower, steeple, functioning security light pole, functioning recreational light pole, or any similar alternative-design support structure that conceals or camouflages the telecommunication facility to achieve a stealth design. The term "functioning" as used in this subsection means the light pole serves a useful and appropriate lighting function as well as a wireless telecommunications function.

d. An existing publicly owned and operated tower exceeding the maximum height limit.

e. A single pole (monopole) sunk into the ground and/or attached to a foundation. Any new monopole shall be constructed to allow for colocation of at least one (1) other similar communications provider.

3. Height Limitations

a. **Freestanding Wireless Telecommunications Facility**

A freestanding wireless telecommunications facility shall not exceed a height of fifteen (15) feet above the height limit of the zone in which it is located.

b. **Building-Mounted Facilities**

Building-mounted telecommunication facilities shall not exceed a height of fifteen (15) feet above the height limit of the district or fifteen (15) feet above the existing height of a legally established building, whichever is lower, measured from the top of the facility to the highest point of attachment to the building.

c. **Facilities Mounted on Structures**
Telecommunication facilities mounted on an existing structure shall not exceed the height of the existing structure unless camouflaged as part of the structure design, except that antennas may extend up to fifteen (15) feet above the height of an electric utility pole.

d. **Facilities Mounted on Light Poles**
A functioning security light pole or functioning recreational light pole shall have a height consistent with existing poles in the surrounding area or height usually allowed for the light poles.

e. **Height Determination**
    i. The height of a telecommunication tower shall be measured from the existing grade below the center of the base of the tower to the top of the tower itself or, if higher, to the tip of the highest antenna or piece of equipment attached to the tower.
    ii. In the case of building-mounted towers, the height of the tower includes the height of the portion of the building on which it is mounted and to the tip of the highest antenna or piece of equipment attached to the tower. In the case of "crank-up" or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it can be raised including any antenna or other equipment attached to the tower.

4. **Design and Screening**
All telecommunication facility structures and equipment shall be located, designed, and screened to blend with the existing natural or built surroundings, as well as any existing support structures, to reduce visual impacts.

a. **Minimum Functional Height**
All free-standing wireless telecommunications facilities 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 facility will facilitate colocation.

b. **Guy Wires**
Guy wires shall only be used as a means of support for telecommunication facilities twenty (20) feet or less in height.

c. **Stealth Design**
State of the art stealth design technology shall be utilized as appropriate to the site and type of facility. Telecommunication facilities that are mounted on buildings or structures shall be designed to match existing architectural features, incorporated in building design elements, camouflaged, or otherwise screened to achieve a stealth design in a manner that is compatible with the architectural design of the building or structure. All finishes shall be non-reflective.

d. **Equipment Cabinets**
Equipment cabinets shall be located within the building upon which antennas 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.

e. **Vegetation Protection and Facility Screening**
All telecommunication facilities shall be installed in such a manner so as to maintain and enhance existing native vegetation and to install suitable landscaping to screen the facility where necessary. To this end the following measures shall be implemented:
    i. Existing trees and other vegetation in the vicinity of the facility and along the access roads and power/telecommunication line routes involved shall be protected from damage, both during the construction period and thereafter.
    ii. Where mature trees exist near the construction site, a tree protection plan shall be submitted with the Building Permit or improvement plan submittal. This plan shall be prepared by a certified arborist and include specific measures to protect trees during project construction.
    iii. No actions shall be taken subsequent to project completion to disturb, damage, or remove the existing vegetation present that would increase the visibility of the facility itself or the access road and power/telecommunication lines serving it.

f. **Lighting**
Artificial lighting of a telecommunication facility, including its components, is prohibited, unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes if the beam is directed downwards, shielded from adjacent properties, and kept off except when personnel are present at night.

g. **Advertising**
No advertising shall be placed on telecommunication facilities, equipment cabinets, or associated structures.

h. **Colocation of Additional Wireless Facilities on an Approved Major Telecommunications Facility**
    i. All facilities shall make available unused space for colocation of other telecommunication facilities, including space for these entities providing similar, competing services. Colocation 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 Director may require the applicant to obtain a third-party technical study at applicant's expense. The Director may review any information submitted by applicant and permittee(s) in determining whether good faith has been exercised.

ii. All colocated 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.

5. **Security Features**
   All facilities shall be designed to minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances.
   a. **Fencing**
      Security fencing, if any, shall not exceed the fence height limit of the base zone. Fencing shall be effectively screened from view through the use of landscaping. No chain link fences shall be visible from public view.
   b. **Maintenance**
      The permittee shall be responsible for maintaining the site and facilities free from graffiti.
6. **Roads and Parking**
   All telecommunication facilities shall be served by the minimum roads and parking areas necessary. To this end, existing roads shall be used for access whenever possible, and be upgraded the minimum amount necessary to meet standards specified by the Fire Chief and City Engineer.
7. **Radio Frequency Emissions Standards, Interference, and Noise**
   a. **Radio Frequency**
      Telecommunication facilities shall comply with federal standards for radio frequency emissions and interference. Failure to meet federal standards may result in termination or modification of the permit.
   b. **Interference**
      Telecommunications facilities shall not interfere with public safety radio communications.
   c. **Noise**
      Telecommunication facilities and any related equipment, including backup generators and air conditioning units, shall not generate continuous noise in excess of 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 nonresidential adjacent property. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:00 a.m. and 5:00 p.m.
8. **Fire Prevention**
   All telecommunication facilities shall be designed and operated in a manner that will minimize the risk of igniting a fire or intensifying one that otherwise occurs.

a. At least one (1)-hour fire resistant interior surfaces shall be used in the construction of all buildings.
b. The exterior walls and roof covering of all above-ground equipment shelters and cabinets shall be constructed of materials rated as non-flammable in the Building Code.
c. Monitored automatic fire extinguishing systems shall be installed in all equipment buildings and enclosures.
d. Openings in all above-ground equipment shelters and cabinets shall be protected against penetration by fire and wind-blown embers to the extent feasible.

H. **Vacation and Removal of Facilities**
The service provider shall notify the Director of the intent to vacate a site at least thirty (30) days prior to the vacation. The operator of a telecommunications facility shall remove all unused or abandoned equipment, antennas, poles, or towers within sixty (60) days of discontinuation of the use and the site shall be restored to its original, pre-construction condition.

17.66.230 Two-Unit Residential Development and Urban Lot Splits (IP)

A. **Purpose and Intent**
This section is intended to:
1. Preserve, protect, and enhance the character of the city's different residential neighborhoods;
2. Provide for and regulate urban lot splits and two (2)-unit residential development in a manner consistent with the requirements of Senate Bill 9;
3. Continue to protect coastal resources and allow and protect coastal access;
4. Promote and ensure safe development in high fire zones.

B. **Applicability; Ministerial Compliance Review**
1. This section shall apply to all two (2)-residential unit developments and urban lot splits proposed for lots in R-1 (One-Family Residential) and R-1-C (One-Family Residential, Coastal) zones pursuant to the regulations set forth in SB 9. Except as expressly provided in this section or SB 9, all other regulations of the underlying zone of a property developed pursuant to SB 9, including all applicable regulations from the Pismo Beach Municipal Code, shall apply, including compliance with the General Plan/Land Use Plan for developments in the R-1-C zone.
2. **Required Approvals**
a. All two (2)-residential unit developments and urban lot splits outside the Coastal Zone shall be required to obtain zoning clearance and a building permit and shall be subject to ministerial review by the Community Development Director or designee to determine whether the criteria for approval have been met. An urban lot split shall be processed as a parcel map, but no discretionary review or public hearing shall be conducted if all required criteria have been met.
b. Projects in the Coastal Appeal Zone shall be required to obtain a Coastal Development Permit and a building permit. The requirement for public

hearing is hereby waived. An urban lot split shall be processed as a parcel map, but no discretionary review or public hearing shall be conducted if all required criteria have been met. Action on a project is final, unless appealed to the California Coastal Commission within ten (10) days of the Coastal Commission's receipt of the notice of final action.

c. Projects in the Coastal Zone, Non-Appealable, shall be required to obtain a Coastal Development Permit and a building permit. The requirement for public hearing is hereby waived. An urban lot split shall be processed as a parcel map, but no discretionary review or public hearing shall be conducted if all required criteria have been met.
d. For two (2)-residential unit developments and urban lot splits in the Coastal Zone, Appealable or Non-Appealable, for which a public hearing requirement has been waived pursuant to this subsection, at least ten (10) calendar days prior to the issuance of a Coastal Development Permit, the City shall provide notice by first class mail of the pending application for development. This notice shall be provided to the persons, and contain the information, identified in Section 17.12.070 (Coastal Development Permit Public Notice and Hearing) for appealable and non-appealable developments as applicable.
e. **Timeline for Review**
    i. Applications shall be approved or denied within sixty (60) calendar days from the date the City receives a completed application.
    ii. If the City has not approved or denied a completed application within sixty (60) days, the application shall be deemed approved.
    iii. If an application is denied, the City shall return in writing a full set of comments with a list of items that are defective or deficient and a description of how the application can be remedied.

3. All applicants for a two (2)-residential unit development or an urban lot split shall submit an application including:
    a. A sworn statement affirming eligibility under SB 9 regulations;
    b. All materials required by the Community Development Director;
    c. Applicants for an urban lot split shall, in addition, sign an affidavit stating that the owner intends to occupy one (1) of the housing units as their principal residence for at least three (3) years from the date of the approval of the urban lot split. Provided, however, this provision shall not apply to an owner that is a community land trust or qualified nonprofit corporation as those terms are defined and described in California Revenue and Taxation Code Sections 402.1 and 214.15, respectively;
4. The City may, at the applicant's expense, conduct independent inquiries and investigation to ascertain the veracity of any or all portions of the sworn statement.

C. **General Requirements**

An applicant seeking approval of a two (2)-residential unit development or urban lot split shall:

1. Comply with SB 9; all objective requirements of other applicable state law including the Subdivision Map Act; the Pismo Beach Municipal Code, including Title 17 and Title 16, except as expressly provided in SB 9 or in this section; and all objective standards of this section.
2. Execute and record a covenant, supplied by the City and subject to the approval of the City Attorney or designee, that contains the following provisions:
    a. Non-residential uses are prohibited on the property subject to development under SB 9 and this section;
    b. Rental or leasing of any unit or units on the property for a period of thirty (30) days or less is prohibited;
    c. Ongoing compliance with SB 9 requirements and restrictions is required;
    d. Access to the public right-of-way shall be maintained in perpetuity;
    e. If the applicant is seeking approval of an urban lot split, any subsequent urban lot split of the property is prohibited.

D. **Parking**

All two (2)-residential unit developments and urban lot splits shall comply with the following objective standards for parking:

1. One parking space is required for each unit created pursuant to the regulations in SB 9 and this section and such parking space shall be located on the same parcel as the unit.
2. Parking required for a unit created pursuant to SB 9 and this section is in addition to any parking required for the existing structure, should it remain on the property. If an existing garage, carport, or other parking is converted or demolished in order to construct the new unit, the required parking space(s) that are displaced shall be replaced on the same property to satisfy the parking requirements of the existing structure.
3. **Exceptions**

    Additional parking spaces required under Subsection D.1 above shall not be required for units developed pursuant to SB 9 and this section if the property upon which the unit is created meets one or more of the following criteria:
    a. Is within one-half (½) mile walking distance of a high-quality transit corridor, as defined in California Public Resources Code Section 21155, or a major transit stop, as defined in California Public Resources Code Section 21064.3, or
    b. There is a car share vehicle located within one block of the project.
4. **Parking in the Coastal Zone**
    a. For units in the Coastal Zone, the parking standards set forth in Subsections D.1 through D.3 above shall apply except that due to the number of individuals that visit the Pismo Beach coast, and to comply with Public Resources Code Section 30001.5(c) and the California Coastal Act, the requirements of Subsections D.4.b and D.4.c below shall apply to properties meeting all of the following:

i. Property located within the Coastal Zone;
ii. Property located west of U.S. Route 101; and
iii. Located within one-quarter (¼) mile (one thousand (1,000) feet) walking distance of one of the following:
(a.) A vertical access point to the beach;
(b.) A segment of the Coastal Trail;
(c.) A coastal park; or
(d.) A coastal view area.

b. One (1) off-street parking space is required for each studio and one (1)-bedroom unit created pursuant to the regulations in SB 9 and this section and such parking space shall be located on the same parcel as the unit.
c. Two (2) off-street parking spaces are required for each two (2)-bedroom or larger unit created pursuant to the regulations in SB 9 and this section and such parking space shall be located on the same parcel as the unit.

5. Required off-street parking may be provided as tandem parking on an existing driveway provided all requirements in Subsection 17.60.070.A.3 (Tandem Parking) are met.
6. Each required parking space shall meet the following standards:
a. Each parking space shall have minimum dimensions of nine (9) feet by twenty (20) feet.
b. All parking spaces shall be located behind existing or future sidewalk, or other public right-of-way.
c. All parking spaces shall be located on an all-weather surface as approved by the City Engineer or designee (e.g., hardscape, gravel) and be accessed by a driveway apron or curb cut.

E. **Development Standards**
All two (2)-residential developments units and urban lot splits shall comply with the following objective development standards:

1. **Driveways**
a. A driveway may be shared by not more than two (2) units and no more than two (2) lots.
b. More than one (1) driveway per lot is prohibited on lots with less than sixty (60) feet of public street frontage.

2. **Setback Requirements**
All units in a two (2)-residential unit development and/or on an urban lot split shall comply with the setback standards for R-1 (One-Family Residential) and R-1-C (One-Family Residential, Coastal) zones, except that side and rear setbacks shall not exceed four feet. No setback shall be required for an existing structure or structure constructed in the same location and to the same dimensions as the existing structure, unless otherwise identified in the City's Local Coastal Plan in order to protect coastal resources (e.g., bluff, wetland, stream, Environmentally Sensitive Habitat Areas setbacks).

3. **Occupancy**
a. Non-residential uses on the property subject to a two-residential unit development or an urban lot split are prohibited.

b. **Short-Term Rental Prohibited**
A short-term rental use of thirty (30) days or less shall not be permitted in units developed pursuant to SB 9 and this section. Units developed pursuant to SB 9 and this section shall be occupied for terms longer than thirty (30) days.

4. **Height**
Height of a unit developed pursuant to SB 9 and the section shall be no greater than permitted in R-1 (One-Family Residential) and R-1-C (One-Family Residential, Coastal) zones and shall be consistent with the City's Local Coastal Plan in order to protect coastal resources.
5. **Lot Coverage and Maximum Building Areas**
Lot coverage and maximum building areas shall comply with the applicable standard for R-1 (One-Family Residential) and R-1-C (One-Family Residential, Coastal) zones, except as provided in Subsection F below.
6. No accessory dwelling unit or junior accessory dwelling unit shall be permitted on a parcel subject to an urban lot split under this section and also improved with a two (2)-residential unit development under this section.
7. Two (2)-residential unit developments and urban lot splits are not permitted on parcels located in the R-1 (One-Family Residential) and R-1-C (One-Family Residential, Coastal) zones above the intersection of Longview Avenue and Stratford Street in the Pismo Heights planning area due to being in very high fire hazard severity zones, as determined by the California Department of Forestry and Fire Protection consistent with California Government Code Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the California Department of Forestry and Fire Protection pursuant to California Public Resources Code Section 4202 and is coextensive with traffic flow and public safety concerns as this area has only one ingress and egress.
8. An urban lot split shall comply with SB 9 and the following standards:
    a. No lot resulting from an urban lot split shall be smaller than one thousand two hundred (1,200) square feet.
    b. No lot resulting from an urban lot split shall have more than two (2) residential units inclusive of any accessory dwelling unit or junior accessory dwelling unit.
    c. The two (2) lots resulting from an urban lot split shall be approximately equal, and no smaller than forty percent (40%) or larger than sixty percent (60%) of the lot area of the original parcel.
    d. No flag lots shall be created as a result of an urban lot split if the subject property is adjacent to an alley, located on a corner, or on a through lot.
    e. The width of any lot resulting from an urban lot split shall not be less than twenty (20) feet wide.
    f. The proposed parcel map shall demonstrate ability to access the public right-of-way in perpetuity.
9. Two (2)-residential unit developments and urban lot splits permitted on parcels located in the R-1 (One-Family Residential) and R-1-C (One-Family Residential, Coastal) zones shall be consistent with all applicable provisions of the City's Local

Coastal Program, including necessary setbacks from coastal bluffs and other coastal hazards to be safe from the threat of bluff erosion for a minimum of one hundred (100) years pursuant to Section 17.48.040 (Hazards and Protection Overlay (H)), and shall be consistent with the following criteria:

a. The two (2)-residential unit development or urban lot split is designed to minimize risks to life and property in areas of geologic and flood hazard;
b. The two (2)-residential unit development or urban lot split is designed to assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area;
c. The two (2)-residential unit development or urban lot split does not require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs;
d. The two (2)-residential unit development or urban lot split is sited and designed to prevent significant degradation of adjacent sensitive habitats and recreation areas;
e. The two (2)-residential unit development or urban lot split is sited and designed to maintain coastal resources and public access to coastal resources.

10. The creation of new building sites, lots, or parcels pursuant to this section is prohibited in areas subject to coastal hazards, or in the area necessary to ensure a stable building site for the minimum one hundred (100)-year lifetime.
11. **Adjacent or Connected Structures**
    An application shall not be denied solely because the proposed development includes adjacent or connected structures, provided the structures meet building code safety standards and are sufficient to allow separate conveyance.

F. **Exceptions**
The Community Development Director shall approve an exception to any of the standards specified in this section, other than those required for compliance with the Coastal Act and Local Coastal Program, upon determining that complying with the standards would physically preclude the construction of up to two (2) residential units per lot or would physically preclude either of the two (2) residential units from being eight hundred (800) square feet in floor area.

G. **Denial**
The Building Official or Community Development Director may deny an application for a two (2)-residential unit development or an urban lot split upon making both the following findings in writing based on a preponderance of the evidence:

1. The proposal would have a specific, adverse impact upon the public health and safety as defined and determined in California Government Code Section 65589.5(d)(2).
2. There is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

17.66.240 Urban Agriculture

Urban agriculture uses shall be located, developed, and operated in compliance with the following standards.

A. **Management**
A manager shall be designated who shall serve as a liaison between users, property owner(s), and the City.

B. **Hours of Operation**
Urban agriculture uses shall only be tended between dawn and dusk unless additional hours are approved pursuant to a Minor Use Permit.

C. **Buildings and Structures**
Accessory buildings, such as sheds, greenhouses, and hoophouses are allowed and shall comply with the property development standards of the district.

D. **Equipment**
Use of mechanized farm equipment is prohibited except as provided below or approved pursuant to a Minor Use Permit.
    1. Heavy equipment may be used initially to prepare the land for gardening.
    2. Landscaping equipment designed for household use is permitted.

E. **Operational Plan**
The applicant shall submit an operational plan that identifies roles and responsibilities, contact information, and operations.

F. **Maintenance**
    1. The operator shall be responsible for the overall maintenance of the site and shall remove weeds, debris, etc. in a timely manner.
    2. Soil amendments, composting, and waste material shall be managed and shall not attract nuisance flies or support growth of flies.

G. **Composting**
    1. Compost and compost receptacles shall be located so as not to be visible from a public right-of-way.
    2. Compost and compost receptacles shall be set back a minimum of twenty (20) feet from residential buildings.
    3. In residential zones, composting is limited to the materials generated on-site and shall be used on-site.

H. **Utilities**
The land shall be served by a water supply sufficient to support the cultivation practices used on the site.

I. **Restrooms**
If proposed, restrooms shall be connected to public utilities. Portable restrooms are not permitted.

17.66.250 Veterinary Clinics, Animal Hospitals, and Animal Boarding

Veterinary clinics, animal hospitals, and animal boarding shall be located at least five hundred (500) feet from any residential zone, and all facilities for keeping animals during diagnosis or treatment shall be located entirely within a structure.

17.66.260 Warehouse Retail Stores

Warehouse-type retail stores shall be designed and located in compliance with the following standards:

A. **Building and Site Design**
Building and site design shall complement surrounding commercial and/or industrial development. Structures shall be comparable to the architectural and design quality expected of new structures in the area, including quality of materials, structure design and orientation, site design, landscaping, and buffering. The structure shall reflect the retail aspect of the use by incorporating storefront features (e.g., facade ornamentation and special detailing which identify the entryway and provide pedestrian-level interest to the façade).

B. **Buffering and Screening**
These facilities shall be screened or buffered, as appropriate, to ensure compatibility with adjacent land uses. Particular attention shall be given to screening or providing buffers for parking, loading and storage areas, solid waste containers, auto service areas, areas with high noise levels, and other features that are visible or can be heard from off-site.

C. **Development Near Residential Zones**
When evaluating applications for warehouse retail stores near residential zones, the review authority shall give particular attention to the potential traffic, noise, visual and other effects of warehouse retail uses on residential uses.

D. **Traffic and Parking**
    1. **Parking Lot Layout**
    The review authority shall specifically consider the impacts of the use and parking of shopping carts on the parking lot design.
    2. **Pedestrian Requirements**
    Because of high on-site pedestrian and auto activity, the design shall include clearly defined structure entrances, specially designated areas to accommodate customer pickup, and pedestrian walks from parking areas to the structure.
    3. **Site Location**
    The use shall be located only on streets determined by the Director to have adequate traffic capacity.

Chapter 17.67 Reserved

Chapter 17.68 Multi-Family and Mixed-Use Objective Design Standards (IP)

Sections:

17.68.010 Purpose

17.68.020 Applicability

17.68.030 Multi-Family Residential Projects

17.68.040 Mixed-Use Projects

17.68.010 Purpose

This chapter provides objective design standards for multi-family residential and mixed-use development.

17.68.020 Applicability

A. **Applicability**
   1. The objective design standards in this chapter apply to multi-family residential and mixed-use projects, including those qualifying for ministerial approval pursuant to Chapter 17.32 (Zoning Clearance for Streamlined Housing Review).
   2. Projects subject to discretionary land use permits shall also comply with applicable design standards and guidelines in Chapter 17.40 (Residential Zones (IP)) or Chapter 17.42 (Commercial and Mixed-Use Zones (IP)).

B. **Compliance with Other Standards**
   In addition to meeting objective standards in this chapter, projects shall comply with other applicable objective standards established in this Title, other adopted City plans, and the California Building Code.

C. **Conflicting Standards**
   If there is any conflict between the objective design standards of this chapter and other City requirements, the less restrictive objective design standard applicable to the project shall apply. If there is any conflict between City requirements stated in this chapter and state law, including the Coastal Act as implemented by the Local Coastal Program, the state law requirement shall apply.

17.68.030 Multi-Family Residential Projects

A. **Building Relationship to the Street**
   Pedestrian connections shall be provided from building entrances to the street and any adjacent transit stop.
   1. Walkways shall be a minimum of six (6) feet wide, shall be hard-surfaced, and paved with permeable materials.
   2. Where a required walkway crosses a driveway or parking area, it must be clearly identified using a raised crosswalk, a different paving material, or a similar method.

B. **Parking and Circulation**
   1. **Parking Courts and Drives**
      a. A parking court shall not consist of more than two (2) double-loaded parking aisles (bays) adjacent to each other.
      b. The length of a parking court shall not exceed ten (10) stalls.
      c. Parking courts shall be separated from each other by dwelling units or by a landscaped buffer not less than thirty (30) feet wide.
   2. **Parking Space Location**

a. No parking space shall be located so that a vehicle will maneuver within twenty (20) feet of a vehicular entrance to the site, measured from the property line.

3. **Garages and Carports**
   a. Parking areas tucked under residential structures shall be enclosed behind garage doors.
   b. Garages with parking aprons less than twenty (20) feet in length shall be equipped with automatic garage door openers and roll-up doors.
   c. Garage doors shall be recessed a minimum of four (4) inches from the adjacent exterior wall plane.
   d. Carports and detached garages shall use the same materials and colors as the principal structure.
   e. Where carports are utilized, they shall follow the same spacing criteria as parking courts (see Subsection B.1.c).
   f. Garage entrances shall be set back a minimum of twenty (20) feet from any public or private street right-of-way.

C. **Building Design**

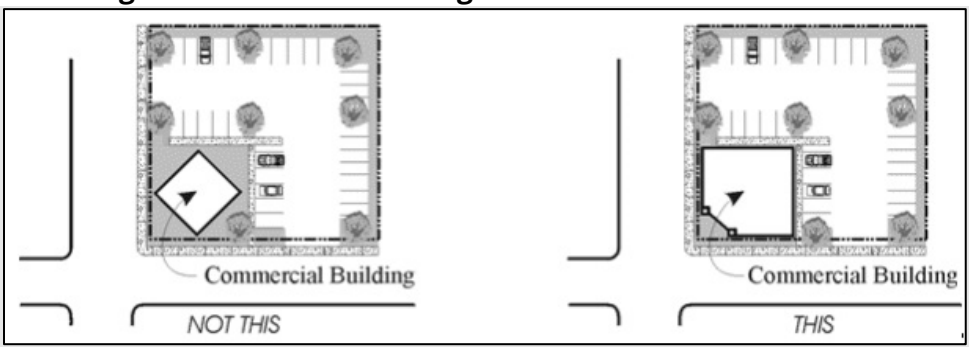
1. **Façade and Roof Articulation**
   Structures containing three (3) or more attached dwellings in a row shall incorporate at least one (1) of the following:
   a. For each dwelling unit, at least one (1) architectural projection not less than two (2) feet from the wall plane and not less than four (4) feet wide. Projections shall extend the full height of single-story structures, and at least one (½) half the height of a two (2)-story structure; or
   b. A change in wall plane of at least three (3) feet for at least twelve (12) feet, for each two (2) units.
2. **Dwelling Access**
   Access points shall be clustered in groups of four (4) or less.

17.68.040 Mixed-Use Projects

A. **General Site Planning Standards**
Project site planning shall comply with the following standards:

1. **Site Planning and Neighborhood Character**
   Parking areas shall be located behind, on the side, or underground from the main building.
2. **Building and Parking Location**
   a. The main building shall be designed to locate a minimum of thirty percent (30%) of the total building frontage (including pad buildings) close to the front setback line.
   b. Corner buildings shall not be placed at an angle to the corner. This does not preclude angled building corners or an open plaza at the corner. See Figure 17.42.040-1.

Figure 17.68.040-1: Building Placement at Street Corners



c. Projects shall connect the on-site pedestrian circulation system to the off-site public sidewalk at intervals of one connection for each one hundred (100) lineal feet (or fraction).

3. **Roof Forms**
   Roof elements shall be painted to match the roof color.
4. **Required Openings**
   Exterior walls facing any front- or street-facing lot line must include windows, doors, or other openings for at least thirty percent (30%) of the building wall area located between three (3) and seven (7) feet above the elevation of the sidewalk. Openings fulfilling this requirement have transparent glazing and provide views into work areas, sales areas, lobbies, or similar active spaces or into window displays that are at least three (3) feet deep.

B. **Downtown Site Planning Standards**
The following requirements apply to development in the Downtown Core Planning Area.

1. **Requirements for Pedestrian Plazas**
   a. **Applicability**
      The following proposed projects shall be required to incorporate a pedestrian plaza:
      i. Any visitor-serving commercial development fronting Cypress Street or the ocean, except that those that project on ocean-fronting parcels which construct a boardwalk are exempt from this requirement.
      ii. Any commercial development on a lot over five thousand (5,000) square feet.
   b. **Minimum Area**
      A required pedestrian plaza shall be designed and constructed with a minimum area of one hundred (100) square feet for every five thousand (5,000) square feet of site area or portion.
   c. **Ineligible Space for a Pedestrian Plaza**
      Areas identified for exclusive use by employees or by business customers, such as outdoor dining areas or lobbies shall not qualify as part of any required pedestrian plaza.

d. **Design Standards**
The following standards shall apply to the design and construction of required pedestrian plazas:
    i. The design shall incorporate seating, enhanced paving materials, shade trees, and/or trellises, lighting, and landscaping.
    ii. The plaza area shall be open to the sky except for shade trellises and roof overhangs.
    iii. The plaza shall be located either at ground level or at a maximum of five (5) feet above ground level as measured at the nearest street curb. The plaza shall be accessible to the general public during normal business hours.
    iv. Decorative planters of ceramic, terra-cotta, or wood shall be incorporated into the design of the plaza.
    v. A visual focal point feature shall be provided in each public plaza. This may be a sculpture, a fountain, special landscape feature, or other distinguishing focal point.
    vi. General lighting for a plaza area shall be between 1.0 to 1.5 footcandles; areas that must be secured shall have 2.0 footcandle of lighting.

C. **Downtown Building Design Standards**
This subsection provides supplemental building design standards in the Downtown Core Planning Area.

1. **Doors and Windows**
The following standards apply to all new development, including additions and renovations of existing structures:
    a. Exterior walls facing any front- or street-facing lot line must include windows, doors, or other openings for at least thirty percent (30%) of the building wall area located between three (3) and seven (7) feet above the elevation of the sidewalk. Openings fulfilling this requirement have transparent glazing and provide views into work areas, sales areas, lobbies, or similar active spaces or into window displays that are at least three feet deep.
    b. Upper story street-wall construction shall contain a minimum of thirty-five percent (35%) window area.
    c. Lightly tinted glass may be used to reduce solar gain; however, deeply-tinted glass and reflective glass which stops views into the interior of buildings shall be prohibited. The reflective coefficient of any glass used shall be less than thirty (30). Where tinted glass is used, the transmittance coefficient shall be greater than thirty (30).
2. **Exterior Colors**
Buildings shall use no more than three (3) colors.

3. **Awnings and Canopies**
    a. The highest point of a first-floor awning shall not be higher than the midpoint of the space between the second story window sills and the top of the first-floor storefront windows.
    b. A minimum seven (7)-foot vertical clearance between the sidewalk and the lower-most portion of the awning shall be maintained. An eight (8)-foot clearance shall be maintained between the sidewalk and the lowest structure member of the awning.
    c. Awnings shall use a single color or two (2)-color stripes.

Chapter 17.69 Reserved

Chapter 17.70 Nonconforming Uses, Structures, and Parcels (IP)

Sections:

17.70.010 Purpose
17.70.020 Restrictions on Nonconforming Uses and Structures
17.70.030 Loss of Nonconforming Use Status
17.70.040 Nonconforming Signs
17.70.050 Nonconforming Parcels
17.70.060 Nonconforming Parking Areas
17.70.070 Nonconforming Coastal Bluff or Shoreline Structures

17.70.010 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 Zoning Code in a manner that does not conflict with the General Plan/Local Coastal Plan. To that end, this chapter establishes the circumstances under which a nonconforming use or structure may be continued or changed and provides for the removal of nonconforming uses and structures when their continuation conflicts with the General Plan/Local Coastal Plan, this Zoning Code, and public health, safety, and general welfare.

17.70.020 Restrictions on Nonconforming Uses and Structures

Nonconformities may be continued subject to the following provisions, except as otherwise provided by Section 17.70.030 (Loss of Nonconforming Use Status).

A. **Nonconforming Uses**
   1. A nonconforming use may be continued, transferred, or sold, provided that the use shall not be enlarged, increased, or extended to occupy a greater floor area or portion of the site than it lawfully occupied before becoming a nonconforming use.
   2. The nonconforming use may be replaced with a similar nonconforming use or a less intensive nonconforming use with the approval of a Conditional Use Permit.
   3. **Limited Expansion**
      A nonconforming use may be expanded one time by up to ten percent (10%) of the floor area or site area it lawfully occupied at the time it became nonconforming, with approval of a Conditional Use Permit by the Planning Commission, provided the Planning Commission finds that:
      a. The nonconforming use was legally established;
      b. The proposed expansion would not be detrimental to public health, safety, or general welfare; and
      c. The proposed expansion would not be inconsistent with the General Plan/Local Coastal Plan.

B. **Nonconforming Structures**
   A nonconforming structure may continue to be used as follows.
   1. **Review Authority**
      a. In residential zones, minor additions and the reconstruction of existing buildings shall be approved by the Director, subject to the alteration and addition allowances identified in Subsection B.2 below.
      b. For all other zones, approval by the Planning Commission shall be required.
   2. **Alterations and Additions**
      Alterations and additions to nonconforming structures are allowed if the alteration or addition complies with all applicable laws and requirements of this Title, the use of the property is conforming, and there is no increase in the discrepancy between existing conditions and the requirements of this Title (i.e. there is no increase in the nonconformity), except as provided below.
      a. **Nonconforming Setbacks, Residential Zones.**
         In residential zones, a nonconforming interior side or rear yard may be maintained and extended, and shall not be considered an increase in the discrepancy, provided that:
         i. All new development is located a minimum of three (3) feet from the property line.
         ii. A new encroachment into any other required yard is not created;
         iii. The height of the portion of the structure that is within the required setback is not increased; and

iv. Any residential additions above the first floor shall conform to the setbacks in effect at the time the application for the addition is submitted.

b. Changes involving the replacement/reconstruction do not include the replacement of more than fifty percent (50%) of the original floor area, or more than fifty percent (50%) of the total length of all exterior walls of the original structure;

3. **Maintenance and Repair**
A nonconforming structure may undergo normal maintenance and repairs, provided no structural alterations are made (exception: see Subsection B.4), and the work does not exceed fifty percent (50%) of the appraised value of the structure determined by a qualified appraiser in any one (1)-year period, unless the Planning Commission allows more extensive work through Conditional Use Permit approval after finding that the additional work will not prolong the duration of the nonconforming use.

4. **Seismic Retrofitting/Building Code Compliance**
Repairs or alterations otherwise required by law shall be allowed in the following circumstances:

a. **Unreinforced Masonry Structures**
Reconstruction required to reinforce unreinforced masonry structures shall be permitted without cost limitations, provided the retrofitting is limited exclusively to compliance with earthquake safety standards.

b. **Building Code Requirements**
Reconstruction required to comply with Building Code requirements shall be allowed without cost limitations, provided the retrofitting/code compliance is limited exclusively to compliance with earthquake safety standards, as identified in Subsection B.4.a and other applicable Building Code requirements, including state law (e.g., Title 24, California Code of Regulations, etc.).

C. **Destroyed Structures**
A nonconforming structure that has been verified by the Director to have been involuntarily damaged or destroyed by fire or calamity may be reconstructed and reused only as follows.

1. **Nonresidential Structures**
A nonconforming structure that has been damaged or destroyed to the extent of fifty percent (50%) or less of its appraised value as determined by a qualified appraiser may be reconstructed and reused provided that the reconstruction and reuse:

a. Is in compliance with the applicable provisions of the zone in which it is located;
b. Shall occur within one year after the date of the damage/destruction; and
c. Has no greater floor area than the damaged/destroyed structure.

A nonconforming structure that is damaged or destroyed to more than fifty percent (50%) of its appraised value shall only be reconstructed in compliance with all applicable provisions of this Zoning Code.

2. **Multi-Family Structures**
   A nonconforming multi-family structure may be reconstructed and reused after damage or destruction, up to its pre-damage size and number of dwelling units, consistent with California Government Code Section 65852.25.
3. **Single-Family Dwellings**
   A single-family dwelling may be rebuilt on its original foundation, to its original footprint, by the owner-occupant at the time of destruction, within a period of one (1) year from the time of destruction, regardless of the extent/percentage of destruction.
4. **Construction Code Compliance Required**
   All reconstruction after damage or destruction shall comply with current City building, electrical, mechanical, and plumbing codes, and all other applicable construction regulations.

17.70.030 Loss of Nonconforming Use Status

If a nonconforming use is discontinued for a continuous period of one (1) year, it shall be presumed that the use has been abandoned. Without further action by the City, further use of the site or structure shall comply with all the regulations of the applicable zone and all other applicable provisions of this Zoning Code.

17.70.040 Nonconforming Signs

Requirements for nonconforming signs are provided by Section 17.62.110 (Nonconforming Signs).

17.70.050 Nonconforming Parcels

A. **Determination of Nonconforming Status**
   A nonconforming parcel of record that was created in compliance with the Map Act but does not comply with the access, area, or width requirements of this Zoning Code for the zone in which it is located, shall be considered to be a legal building site if it meets one of the criteria specified by this section. It shall be the responsibility of the applicant to produce sufficient evidence to establish the applicability of one or more of the following.
   1. **Recorded Subdivision**
      The parcel was created through a recorded subdivision.
   2. **Individual Parcel Legally Created by Deed**
      The parcel is under one (1) ownership and of record and was legally created at a time when the Map Act allowed the creation of a parcel by a recorded deed, before the effective date of the zoning amendment that made the parcel nonconforming.
   3. **Lot Line Adjustment**
      The parcel resulted from a lot line adjustment recorded before the effective date of the zoning amendment that made the parcel nonconforming.
   4. **Partial Government Acquisition**
      The parcel was created in compliance with the provisions of this Zoning Code but was made nonconforming when a portion of the parcel was acquired by a

governmental entity so that the parcel size was decreased not more than twenty percent (20%) and the setback facing any public right-of-way was decreased not more than fifty percent (50%).

B. **Limitations on Use of Nonconforming Parcels**
Nonconforming parcels shall be developed and used only as follows.

1. **Use of Contiguous Parcels**
Until such time as contiguous nonconforming parcels are merged, no structure shall be constructed on any nonconforming contiguously owned, residentially-zoned parcels that are less than thirty (30) feet wide, or less than five thousand (5,000) square feet in area, or on slopes more than twenty percent (20%), if the current owner(s) acquired or were transferred the parcels after October 12, 1976.
2. **Further Subdivision Prohibited**
Where structures have been erected on a nonconforming parcel, the area where structures are located shall not be later subdivided, nor shall lot lines be altered through lot line adjustment, so as to reduce the building site area and/or frontage below the requirements of the applicable zone or other applicable provisions of this Zoning Code, or in any way that makes the use of the parcel more nonconforming.

17.70.060 Nonconforming Parking Areas

Nonconforming parking areas may continue to be used and maintained; however, when the dimensions of a nonconforming parking area are modified through the installation of additional landscaping, outdoor seating, or other construction or the parking area is reconstructed (i.e., the base course and surface material is replaced (excluding chip sealing), it shall be brought into compliance with this Zoning Code.

17.70.070 Nonconforming Coastal Bluff or Shoreline Structures

The provisions of this chapter apply to all development on coastal bluffs, including shoreline protective devices and the principal structures being protected by them, unless superseded by this section. Nonconforming structures in the Coastal Zone shall also include structures, or portions thereof, lawfully constructed prior to the adoption of the General Plan/Local Coastal Plan but which do not conform to all applicable policies of the General Plan/Local Coastal Plan.

A. Nonconforming coastal bluff or shoreline structures may be maintained and repaired, as long as the maintenance or repairs do not increase the size or degree of nonconformity or otherwise qualify as a redeveloped structure or replacement structure pursuant to Title 14 of the California Code of Regulations (CCR) Section 13252. Complete demolition and reconstruction or redevelopment shall require the entire structure to be brought into conformance with the policies and standards of the General Plan/Local Coastal Plan. However, damaged, nonconforming structures utilized for ocean-related emergencies or public safety may be repaired if a hazardous condition results from the damage as determined by the City.

B. When a principal structure is removed or redeveloped, all nonconforming accessory development, including any shoreline protective device, and/or unpermitted development shall be removed.

Chapter 17.71 Reserved

Part 5: Definitions and Rules of Measurement

Chapter 17.72 Definitions and Rules of Measurement

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17.72.280 "Z"

17.72.010 Purpose

This chapter provides definitions of terms and phrases and descriptions of rules of measurement used in this Zoning Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Zoning Code. If a word is not defined in this chapter, or other provisions of the Municipal Code, the Director shall determine the appropriate definition.

17.72.020 List of Terms

Only terms denoted with 'IP' are included in the Local Coastal Program Implementation Plan.

Access (IP)

Accessory use

Accessory dwelling unit (ADU) (IP)

- Attached ADU
- Conversion ADU
- Detached ADU
- New construction ADU

Accessory retail use

Accessory structure (IP)

Acre

Active solar system

Administrative Coastal Development Permit (IP)

Administrative office

Adult business

Adult cabaret

Adult retail store

Affordable housing (IP)

Affordable housing agreement

Affordable housing fund

Agent (IP)

Aggrieved person (IP)

Agriculture

Allowed use (IP)

Alteration (IP)

Alley

Amateur radio antenna

Amendment (IP)

Antenna

- Antenna, microwave
- Antenna, panel
- Antenna, satellite
- Antenna, whip

Apartment house

Applicant (IP)

Approval (IP)

Appurtenant (IP)

Archaeological record

Archaeologically or historically sensitive areas (IP)

Art and craft show

- Crafts

Fine arts
Art, antique, collectible, and gift sales
Articulation (IP)
Auto and vehicle sales/rental
Auto parts sales
Automated teller machines (ATMs)
Awning (IP)
Balcony (IP)
Bars and night clubs
Base transreceiver station (BTS)
Basement (IP)
Bedroom (IP)
Best Management Practice (BMP) (IP)
Block (IP)
Bluff, coastal (IP)
Bluff access (IP)
Bluff, toe (IP)
Blufftop (IP)
Blufftop edge (IP)
Bluff sight line (IP)
Boarding house
Building (IP)
Building area total (IP)
Building envelope (IP)
Building face (IP)
Building height (IP)
Building, main (IP)
Building official
Building site (IP)
Building valuation
Bulk (IP)
Business
Business support services
California Environmental Quality Act (CEQA)
California Coastal Act (IP)
California Coastal Commission (IP)
Campground (IP)
Cantilever (IP)
Caretaker unit (IP)
Carport (IP)
Car washes
Categorical exemption
CC&Rs
Cell site
Cellular
Channel (IP)
Child day care facilities
Child day care center
Family day care home
City
City Council
City Manager
Coastal appeal zone (IP)
Coastal dependent development or use (IP)
Coastal Development Permit (CDP) (IP)
Coastal resources (IP)
Coastal Zone (IP)
Co-location (IP)
Commercial project (IP)
Commission
Common open space
Communication equipment building
Community assembly
Community care facility

Conditional use (IP)

Condominium (IP)

Construction (IP)

Convenience/liquor stores

Creek corridor (IP)

Creek corridor, riparian (IP)

Critical facility

Cut

Demolition (IP)

Density (IP)

Density bonus (IP)

Density transfer (IP)

Department

Detached (IP)

Development (IP)

Development agreement

Development project (IP)

Director

Distances (IP)

- Measurements are Shortest Distance
- Distances are Measured Horizontally
- Measurements Involving a Structure
- Measurement of Vehicle Stacking or Travel Areas
- Measuring Radius

District

Drive-in and drive-thru sales

Drive-in and drive-thru services

Driveway (IP)

Duplex (IP)

Dwelling groups

Dwelling unit (IP)

Easement (IP)

Efficiency Unit

Efficiency kitchen

Effective date

Electronics, equipment, and appliance manufacturing

Emergency (IP)

Emergency shelter

Employee housing

Energy facility (IP)

Environmental Impact Report (EIR)

Equestrian facilities

Equipment rental

Existing grade (IP)

Fabric product manufacturing

Family

Farmer's Markets

Feasible

Fence (IP)

Fill (IP)

Finished grade (IP)

Floodplain (IP)

Floodplain, one hundred (100)-year (IP)

Floodway (IP)

Floor area (IP)

Floor area, gross (IP)

Floor area ratio (FAR) (IP)

Food and beverage product manufacturing

Foot-candle

Footprint (IP)

Freeway sight position (IP)

Fraction

Frontage
Funeral parlors and interment services
Furniture and fixtures manufacturing
Furniture, furnishings, and appliance stores
Garage (IP)
Garage, public parking
Geological report
General Plan
General retail stores (IP)
Glare (IP)
Gold and silver exchange
Golf courses/country clubs
Government Code
Grade (IP)
    Existing or natural grade
    Finished grade
    Site grade
Grading (IP)
Grocery stores
Ground Floor (IP)
Guest house (IP)
Handcraft industries, small-scale manufacturing
Health/fitness facilities
Hedge (IP)
Height (IP)
Height, antenna
Hillsides (IP)
Home occupation
Homeowners' association
Homestay (IP)
Horizon sight line (IP)
Hospital
Hotel (IP)
Indoor commercial recreation facilities
Inclusionary housing requirements
Inn (IP)
Junior accessory dwelling unit (JADU) (IP)
Kitchen (IP)
Landscaping
Land use permit
Large family day care home
Lateral access (IP)
Laundries and dry-cleaning plants
Libraries and museums
Living area (IP)
Lodging (IP)
    Bed and breakfast inns
    Homestay
    Hotels or motels
    Short-term rental
    Vacation rental
Long-term rental (IP)
Lot (IP)
    Corner
    Flag
    Interior
    Key
    Reverse corner
    Through
Lot area, gross (IP)
Lot area, net (IP)
Lot coverage (IP)
Lot depth (IP)

Lot frontage (IP)

Lot line (IP)

- Front
- Interior
- Rear
- Side

Lot width (IP)

Lower-income households

Low, very-low, extremely-low, and moderate-income housing

Major public works

Major wireless communication facility

Map Act

Market value

Massage establishments

Medical marijuana dispensary

Medical services

- Clinics and laboratories
- Extended care
- Hospitals
- Medical, dental, and psychiatric offices

Metal products, fabrication, machine, and welding shops

Microcell

Minor wireless communication facility

Mitigated negative declaration

Mitigation measures

Mixed-use residential (IP)

Mobile home or manufactured housing (IP)

Mobile home, recreational vehicle, and boat sales

Mobile home park (IP)

Mobile service

Mobile vendor

Mobile vending vehicle

Modular buildings

Motel (IP)

Multi-family dwelling (IP)

Municipal Code

National Pollutant Discharge Elimination System (NPDES)

Negative declaration

Night club

Nonconforming parcel (IP)

Nonconforming structure (IP)

Nonconforming use (IP)

Nonpermanent vendor

Occupancy (IP)

Offices

- Administrative/business
- Production
- Professional
- Temporary
- Temporary real estate

Off-street loading facilities (IP)

Off-street parking facilities (IP)

Outdoor commercial recreation facilities

Outdoor dining

Outdoor retail sales and activities

Outdoor retail sales, temporary

Overlay zones (IP)

Parcel (IP)

Parking area, public (IP)

Parking facilities/vehicle storage (IP)

Parking lot (IP)
Parking structure (IP)
Parking space (IP)
Parks and playgrounds (IP)
Paseo
Passageway
Passive solar system
Pawn shop
Pedestrian plaza (IP)
Percentage slope (IP)
Permit
Permitted use (IP)
Person (IP)
Personal services
Planning Commission
Plant nurseries and garden supply stores
Plastics, other synthetics, and rubber product manufacturing
Plot
Pool
Primary unit (IP)
Primary residence (IP)
Primary structure (IP)
Primary use (IP)
Printing and publishing
Private residential recreation facilities (IP)
Proof of primary residence
Property Line
Public safety facilities (IP)
Public transit
Public utility facilities
Public works (IP)
Qualified Applicant (IP)
Raised structures
Real property
Real property dedication trust
Reasonable Accommodation (IP)
Recreational vehicle (RV)
Recreational vehicle (RV) park
Recycling facilities
    Collection facility
    Mobile recycling unit
    Processing facility
    Recycling facility
    Recycling or recyclable material
    Reverse vending machine
    Scrap and dismantling yards
Repair services – Non-vehicular
Research and development
Residential accessory uses and structures (IP)
Residential Care Facilities for the Elderly
Residential project (IP)
Responsible party
Restaurant (IP)
Retail
Review authority
Sea (IP)
Schools
Screening
Seawall (IP)
Senate Bill 9 (SB 9) (IP)
Service station
Setback (IP)

Setback line (IP)Shopping center
Shoreline protective device (IP)
Short-term rental (STR) (IP)
Sign (IP)
- Abandoned sign
- Address sign
- Animated or moving sign
- Awning, canopy, or marquee sign
- Banner sign
- Billboard or off-site sign
- Building-mounted or wall sign
- Civic event sign
- Construction sign
- Decorative graphics
- Directory sign
- Double-faced sign
- Exterior-illuminated sign
- Flashing sign
- Freestanding sign
- Historic sign
- Holiday decoration sign
- Identification sign
- Illegal sign
- Illuminated sign
- Institutional sign
- Interior-illuminated sign
- Logo sign
- Marquee
- Monument sign
- Mural
- Non-appurtenant sign
- Open/closed sign
- Open house sign
- Pedestrian sign
- Pole or pylon sign
- Political sign
- Price sign
- Projecting or cantilevered sign
- Promotional sign
- Reader board sign
- Roof sign
- Temporary sign
- Wall sign
- Window sign

Sign area
Sign copy
Sign face
Sign height
Single-family dwelling (IP)
Site
Site coverage (IP)
Site grade (IP)
Slope (IP)
Small family day care homes
Smoke shop
Spa
Specific anatomical areas
Specific plan
Specific sexual activities
Stealth facility
Stock cooperative
Storage yards
Storage, accessory

Storage, personal storage, self-storage facility (mini-storage)
Street (IP)
Street line
Structural alteration (IP)
Structure (IP)
Structure height (IP)
Structure silhouette (IP)
Structure, primary (IP)
Structure, temporary (IP)
Studios – art, photography, etc.
Subdivision (IP)
Subdivision Map Act
Supportive housing
Swimming pool and spa
Tandem parking
Target population
Tattoo parlor
Telecommunications facilities (IP)
- Antenna
- Base station
- Colocation
- Commercial wireless communication facility
- Eligible facilities request
- Fixed wireless signal
- Hub or relay antenna
- Lattice tower
- Monopole
- Noncommercial wireless communication facility
- Satellite dish or non-satellite dish
- Small wireless facilities
- Stealth design
- Stealth wireless communications facility
- Telecommunication facility, major
- Telecommunication facility, minor
- tower

Tenant
Theaters, motion picture
Transitional housing
Two-unit residential development (IP)
Unbuildable zone (IP)
Unit (IP)
Urban agriculture
Urban lot split (IP)
Use (IP)
Vacation rental (IP)
Vehicle services
- Major repair/body work
- Minor repair/body work

Vertical access (IP)
Vertical view plane (IP)
Very low-income households
Veterinary clinics, animal hospitals, and animal boarding
Visitor servicing facility (IP)
Visual simulation
Warehouse
Warehouse retail stores
Warehousing
Wholesaling and distribution
Working days (IP)
Yard (IP)

Yard, corner side (IP)
Yard, front (IP)
Yard, rear (IP)
Yard, side (IP)
Zone
Zoning Code (IP)

17.72.030 "A"

Access. (IP) 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 Zoning Code.

Accessory use. (IP) A use that is customarily associated with, and is incidental and subordinate to, a primary use and located on the same lot as a primary use. Also, a secondary use.

Accessory dwelling unit (ADU). (IP) An attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons, and provides permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary unit, consistent with California Government Code Section 65852.2. An accessory dwelling unit includes an efficiency unit, and a manufactured home as defined in Health and Safety Code Section 18007. Accessory dwelling unit does not include "Junior accessory dwelling unit." The following are types of ADUs:

1. **Attached ADU.** An accessory dwelling unit that shares at least one (1) common wall with the primary unit and is not fully contained within the existing space of the primary unit.
2. **Conversion ADU.** The conversion of any portion of a legal accessory structure, or any portion of a single-family dwelling or any garage, for the purpose of creating an ADU. Conversion ADUs can include additions of no more than one hundred and fifty (150) square feet. Any conversion that exceeds these limits shall be considered a new construction ADU for the purposes of Section 17.66.020 (Accessory Dwelling Units).
3. **Detached ADU.** An accessory dwelling unit that does not share a common wall with the primary unit and is not a junior accessory dwelling unit.
4. **New construction ADU.** Any ADU that does not meet the definition of "Conversion ADU."

Accessory retail use. The retail sales of various products (including food) in a store or similar facility that is located within a health care, hotel, office, or industrial complex for the purpose of serving employees or customers and is not visible from public streets. These uses include pharmacies, gift shops, and food service establishments within hospitals; convenience stores and food service establishments within hotel, office, and industrial complexes.

Accessory structure. (IP) A structure that is physically detached from, subordinate, and incidental to, and commonly associated with the primary structure or use on the same lot. For the purposes of this Zoning Code, accessory structures and uses include: detached garages, greenhouses, artist's studios, and workshops; hot tubs, spas, and swimming pools, together with any enclosures; and any other open-air enclosures, including gazebos and detached patio covers.

Acre. An area of land equaling forty three thousand five hundred and sixty (43,560) square feet.

Active solar system. A system using a mechanical device, such as pumps or fans for energy in addition to solar energy, to transport a conductive medium (such as air or fluid) between solar collector and the interior of a building for the purpose of heating or cooling.

Administrative Coastal Development Permit. (IP) A Coastal Development Permit which does not require a public hearing and is approved by administrative procedures.

Administrative office. An office for the rendering of service or general administration but excluding retail sales.

Adult business. Any business establishment or concern that:

1. As a regular and substantial course of conduct operates as an adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, adult modeling studio, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," but not including those uses or activities, the regulation of which is preempted by state law, or therapeutic massage services provided by licensed professionals; or
2. As a regular and substantial course of conduct offers, sells, or distributes adult-oriented material or sexually-oriented merchandise, or that offers to its patrons materials, products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas but not including those uses or activities which are preempted by state law.
3. Card rooms.

Adult cabaret. A business establishment (whether or not serving alcoholic beverages) that features adult live entertainment.

Adult retail store. A business establishment having adult-oriented material as a regular and substantial portion of its stock in trade.

Affordable housing. (IP) Housing units which are affordable to households with very low, low, or moderate incomes as defined by Health and Safety Code Section 50052.5 and related provisions.

Affordable housing agreement. An agreement with restrictions and terms for the sale or rental of an affordable housing unit.

Affordable housing fund. A fund established and administered by the City, containing in-lieu fees and other assets held and used exclusively to increase and improve the supply of affordable housing.

Agent. (IP) A person authorized in writing by the property owner to represent and act for a property owner in contacts with City employees, committees, commissions, and the Council, regarding matters regulated by this Zoning Code.

Aggrieved person. (IP) Any person who, in person or through a representative, appeared at a public hearing of the local government, 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 their concerns or who for good cause was unable to do either.

Agriculture. Tilling of soil, horticulture, floriculture, raising crops, farming, including all uses associated with these activities.

Allowed use. (IP) A use of land identified by this Zoning Code as a permitted or conditional use that may be established with a land use permit and, where applicable, building permit approval, subject to compliance with all applicable provisions of this Zoning Code.

Alteration. (IP) Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

Alley. A public or private roadway that provides vehicle access to the rear or side of properties, having other public street frontage, which is not intended for general traffic circulation.

Amateur radio antenna. An antenna, or any combination of a mast, tower, support structure, antenna array, or guide wire plus any additional attached or mounted antenna, which transmits or receives noncommercial radio signals and is utilized by an operator licensed by the Federal Communications Commission.

Amendment. (IP) Any change to the Land Use Map, Zoning Code, Zoning Map, or Local Coastal Program.

Antenna. A device used in communications which transmits or receives radio signals.

1. **Antenna, microwave.** A dish-like antennas used to link communication sites together by wireless transmissions of voice or data. Also called microwave dish antenna.
2. **Antenna, panel.** An antenna or array of antennas that are flat and rectangular and are designed to concentrate a radio signal in a particular area. Also referred to as a directional antenna.
3. **Antenna, satellite.** An antenna for the home, business, or institutional reception of television, data, and other telecommunications broadcasts from orbiting satellites.
4. **Antenna, whip.** An antenna that transmits signals in three hundred and sixty (360) degrees. They are typically cylindrical in shape and are less than six inches in diameter. Also called omnidirectional, stick or pipe antennas.

Apartment house. See “Multi-family dwelling.”

Applicant. (IP) Any person, firm, partnership, association, joint venture, corporation, or any entity, combination of entities, or consortium who seek approval of a City permit, license, or other entitlement for use of property. Also includes an authorized agent of any of the above.

Approval. (IP) Includes both approval and approval with conditions.

Appurtenant. (IP) Belonging to; accessory or incidental to; adjunct; applied; or annexed to.

Archaeological record. Documented evidence of material remains (such as fossil relics, artifacts, and monuments) of ancient human life and activities.

Archaeologically or historically sensitive areas. (IP) Those areas designated by the General Plan/Local Coastal Program Land Use Plan which have, or may have significant historical, archaeological, or cultural importance of unique scientific or educational value.

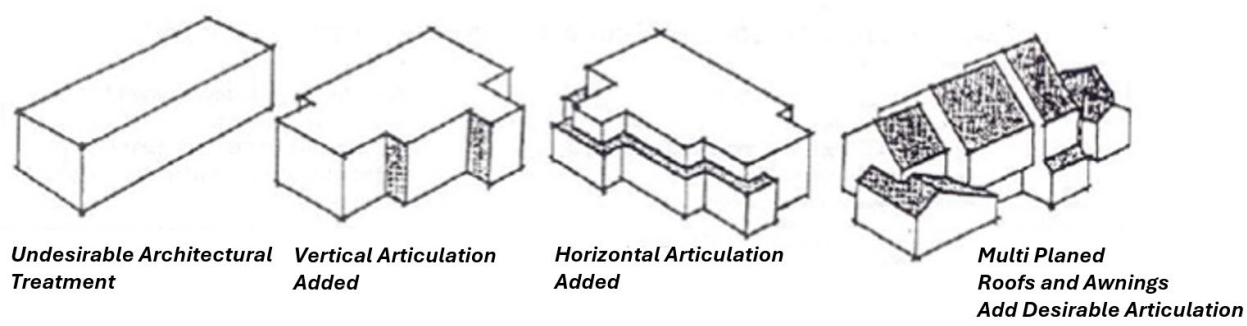
Art and craft show. Exhibition and/or sale of art and craft items including only the following:

1. **Crafts.** An "artisan" who practices an occupation in which manual skills are required; e.g.:
    a. Batik and silkscreen;
    b. Candle making;
    c. Decoupage;
    d. Dough art;
    e. Dry floral arrangements;
    f. Enameling;
    g. Jewelry making;
    h. Leathercraft;
    i. Macramé and weavings;
    j. Metalcraft;
    k. Needlecraft;
    l. Photography;
    m. Pottery and ceramics;
    n. Shell craft;
    o. Stained glass;
    p. Woodcraft; and
    q. Other unique handicrafts.
2. **Fine arts.** An "artist" who practices an occupation in which creation, conception, and execution is governed by imagination and taste; i.e.:
    a. Drawings--all media;
    b. Graphics--all media; and
    c. Paintings--all media;
    d. Sculptures--all media.

It shall not mean the sale of manufactured or mass-produced items including any of the above, nor shall it include appliances, furniture (unless hand-crafted by the exhibitor), coins, hardware, clothing (unless handcrafted by the exhibitor), linens, vehicles of any type, toys (unless handcrafted by the exhibitor), food items, plants, and other similar uses.

Art, antique, collectible, and gift sales. Retail sales uses including antique shops, art galleries, curio, gift, and souvenir shops, and the sales of collectible items including sports cards and comic books. Stores selling handcrafted items that are produced on the site are instead defined as “Artisan shops.”

Articulation. (IP) Horizontal and/or vertical variations in the plane of a building wall.



Auto and vehicle sales/rental. Retail establishments selling and/or renting automobiles, trucks, and vans. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (see "Auto parts sales"); bicycle and moped sales (see "General retail stores"); tire recapping establishments (see "Vehicle services"); businesses dealing exclusively in used parts, (see "Recycling – Scrap and dismantling yards"); or "Service stations," which are separately defined.

Auto parts sales. Stores that sell new automobile parts, tires, and accessories. May also include minor parts installation (see "Vehicle services"). Does not include tire recapping establishments, which are found under "Vehicle services" or businesses dealing exclusively in used parts, which are included under "Recycling – scrap and dismantling yards."

Automated teller machines (ATMs). Computerized, self-service machines used by banking customers for financial transactions, including deposits, withdrawals, and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations.

Awning. (IP) A roof-like cover, temporary or permanent in nature, which projects from the wall of a building or overhangs the public way.

17.72.040 "B"

Balcony. (IP) An open platform enclosed by a short parapet wall or a railing, projecting from an exterior wall of a building without a roof structure.

Bars and night clubs. Businesses where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May include entertainment (e.g., live music and/or dancing, comedy, etc.). May also include beer brewing or distillation as part of a microbrewery, microdistillery, and other beverage tasting facilities when not associated with food service.

Base transreceiver station (BTS). A ground-mounted metal cabinet that contains electronic radio equipment required by wireless communication facilities.

Basement. (IP) That portion of a building which is partly or wholly underground. When more than one-half (½) of its height is above ground, a basement shall be counted as a story for the purposes of height measurement and for gross floor area.

Bedroom. (IP) A room that is primarily used for sleeping. A bedroom shall be no less than seventy (70) square feet in size, with a minimum horizontal dimension of no less than seven (7) feet on any side. A bedroom offered for rent within a short-term rental or homestay shall meet all applicable California Building Code life safety requirements.

Best Management Practice (BMP). (IP) Schedules of activities, prohibitions of practices, general good housekeeping practices, maintenance procedures, education programs, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to waters of the United States. BMPs also include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage, or leaks; sludge or waste disposal; the prevention of reduction of stormwater runoff; and drainage from raw materials storage. The California Storm Water Best Management Practice Handbooks for Municipal, Industrial/Commercial and Construction Activity provide a detailed discussion of BMPs.

Block. (IP) All property fronting one (1) side of a street, between two (2) intersecting or 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 the street which it intercepts.

Bluff, coastal. (IP) A landform that includes a scarp or steep face of rock adjacent to the bay or ocean and meeting one of two parameters:

1. The toe is now or was historically (generally within the last two-hundred (200) years) subject to marine erosion.
2. Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The terminus of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations.

Bluff access. (IP) The place or way which the public shall have safe, adequate, and usable ingress and egress to the coastal blufftops.

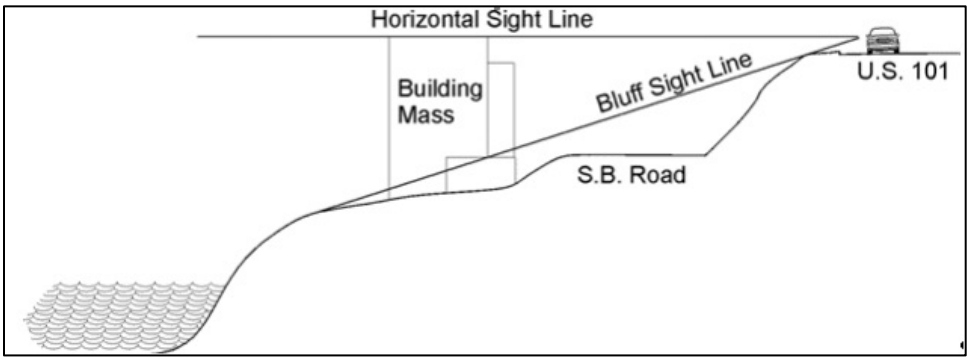
Bluff toe. (IP) A demarcation line along the bottom of a bluff, requiring field verification, such that the slope above the line exceeds eighteen percent (18%) and the slope below the line is eighteen percent (18%) or less, measured over a horizontal distance of twenty-five (25) feet.

Blufftop. (IP) The point at which the slope of an ocean-fronting coastal bluff begins to change from near horizontal to more vertical.

Bluff edge, coastal. (IP) The upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the bluff is rounded away from the face of the bluff the bluff edge shall be defined as that point nearest the bluff face beyond which a downward gradient is maintained continuously to the toe of the bluff. In a case where there is a step like feature at the top of the bluff, the landward edge of the topmost riser shall be considered the bluff edge. The bluff edge may change over time as the result of erosional processes, landslide, or artificial cut. Artificial fill placed near the bluff edge, or extending over the bluff edge, does not alter the position of the bluff edge. In those cases where irregularities, structures, or bluff stabilizing devices exist in a subject property so that a reliable determination of the bluff edge cannot be made by visual or topographic evidence, the Community Development Director, or Coastal Commission, on appeal, shall determine the location of the bluff edge after evaluation of a geologic or soils report and physical inspection of the site.

Bluff sight line. (IP) The line of sight projected between the freeway sight position and the top of the bluff, as shown in a cross-sectional view. See Figure 17.72.040-1.

Figure 17.72.040-1: Bluff Sight Line for Visual Impact Analysis



Boarding house. A building, other than a hotel or restaurant, where meals are regularly provided for compensation to the residents of the building.

Building. (IP) Any structure, either temporary or permanent, having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind, including but not limited to awnings, tents, trailers, or trailers used for the purpose of a building. For the purposes of this Zoning Code, the term “Building” is included in “Structure.”

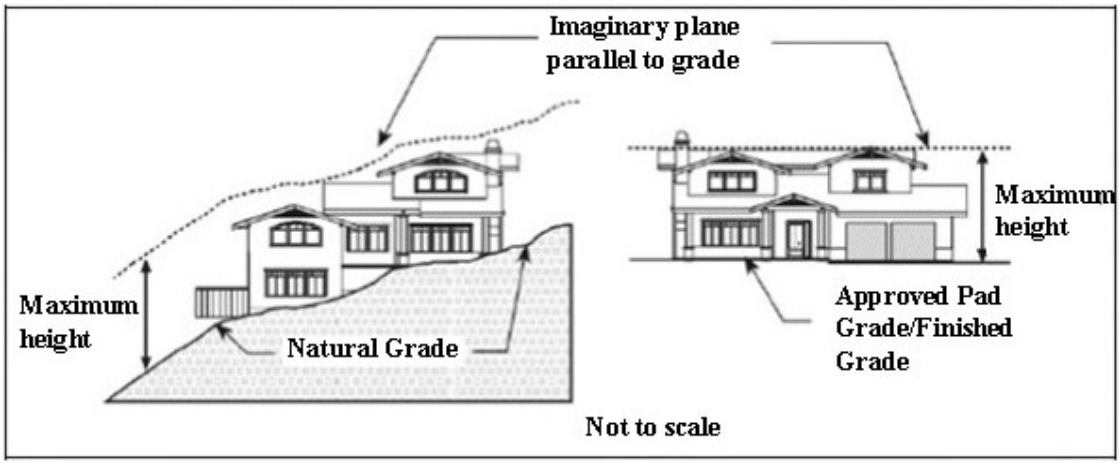
Building area total. (IP) See “Floor area, gross.”

Building envelope. (IP) The area of a parcel exclusive of required yard setbacks, unbuildable easements (such as but not to slope easements) or otherwise unbuildable areas as defined by the City.

Building face. (IP) The exterior walls of a building visible in a single building elevation, not including sloped roof surfaces.

Building height. (IP) The vertical distance from the grade to the highest point of the roof above unless otherwise stated in this Zoning Code. The maximum allowable height shall be measured as the vertical distance from at any point above site grade to an imaginary plane located the allowed number of feet above and parallel to the grade.

Figure 17.72.040-2: Measurement of Maximum Height



Building, main. (IP) See "Primary structure."

Building official. The building inspector or other officer or person charged with the administration and enforcement of City regulations pertaining to buildings and structures, or a duly authorized representative.

Building site. (IP) A 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.

Building valuation. The total value of all construction work for which a permit is required, as determined by the building official using the Building Code.

Bulk. (IP) The term used to describe the overall size and mutual relationships 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.

Business. Any occupation, employment, or enterprise where merchandise is exhibited or sold, or which occupies time, attention, labor, and materials, or where services are offered for compensation.

Business support services. Establishments primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc., including:

1. Blueprinting;
2. Business equipment repair services (except vehicle repair, see "Vehicle services");
3. Commercial art and design (production);
4. Computer-related services (rental, repair);

5. Copying and quick printing services;
6. Equipment rental businesses within buildings (rental yards are under "Equipment rental");
7. Film processing laboratories;
8. Heavy equipment repair services where repair occurs on the client site;
9. Janitorial services;
10. Mail advertising services (reproduction and shipping);
11. Outdoor advertising services;
12. Photofinishing;
13. Protective services (other than office related);
14. Soils and materials testing laboratories; and
15. Window cleaning.

17.72.050 "C"

California Environmental Quality Act (CEQA). State law (California Public Resources Code Sections 21000 et seq.) requiring public agencies to document and consider the environmental effects of a proposed action, prior to allowing the action to occur.

California Coastal Act. (IP) The 1976 State of California legislation which established regulations to protect coastal resources, commencing with Public Resources Code Section 30000, or as it may, from time to time, be amended.

California Coastal Commission. (IP) Established for the implementation of the 1976 Coastal Act.

Campground. (IP) A transient open-air facility for the temporary use of tent, trailer, or RV campers without hookups in a park like setting.

Cantilever. (IP) A structure which is horizontally attached to the main portion of that structure without separate vertical supports.

Caretaker unit (IP). A residence that is accessory to a site with a nonresidential primary use and that is needed for security, 24-hour care or supervision, or monitoring of facilities, equipment, or other conditions on the site.

Carport. (IP) An accessory structure or a portion of a main structure, having a permanent roof, and designed for the storage of motor vehicles, and having at least two (2) walls which are totally open, with the exception of required vertical structure.

Car washes. Permanent, self-service, and/or attended car washing establishments, including fully mechanized facilities. May include detailing services. Temporary car washes are fund-raising activities, typically conducted at a service station or other automotive-related business, where volunteers wash vehicles by hand, and the duration of the event is limited to one (1) day. See Chapter 17.16 (Temporary Use Permits).

Categorical exemption. A class of projects under the California Environmental Quality Act (CEQA) which have been determined not to have a significant effect on the environment and are considered "exempt" from CEQA.

CC&Rs. Conditions, Covenants, and Restrictions recorded with a grant deed; also known as "deed restrictions."

Cell site. A geographical area with a radius of two (2) to eight (8) miles that contains both transmitting and receiving antennas.

Cellular. An analog or digital wireless communication technology that is based on systems of interconnected neighboring cell sites, each of which contains antennas.

Channel. (IP) The area occupied by the normal flow of an intermittent or perennial stream during non-flood conditions.

Child day care facilities. As defined in Health & Safety Code Section 1596.750, facilities that provide nonmedical care to children under eighteen (18) years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four (24)-hour basis. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services:

1. **Child day care center.** As defined in Health & Safety Code Section 1569.76, child day care facilities designed and approved to accommodate fifteen (15) or more children. Includes infant centers, preschools, extended day care facilities, and school age child care centers, and includes child care centers licensed pursuant to Health & Safety Code Section 1596.951These may be operated in conjunction with a school or church facility, or as an independent land use.
2. **Family day care home.** As defined in Health & Safety Code Section 1596.78, a facility that regularly provides care, protections, and supervision for fourteen (14) or fewer children, in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away. A family daycare home includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses. Children under ten (10) years of age who reside at the home count as children served by the family day care home.
    a. *Small.* A facility that provides care, protection, and supervision for eight (8) or fewer children.
    b. *Large*. A facility that provides care, protection, and supervision for seven (7) to fourteen (14) children, inclusive.

City. The City of Pismo Beach, California, referred to in this Zoning Code as the "City."

City Council. The City Council of the City of Pismo Beach, California, referred to in this Zoning Code as the "Council."

City Manager. The City of Pismo Beach City Manager, or their designee.

Coastal appeal zone. (IP) The area between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide line where there is no beach, whichever is the greater distance. Also, any land located on tidelands, submerged lands, public trust lands, or within one hundred (100) feet of any wetland, estuary, stream, or within three hundred (300) feet of the top of the seaward face of any coastal bluff.

See Section 17.12.110 (Appeals of Coastal Development Permit Decisions). Also known as the Coastal Appeal Overlay zone.

Coastal dependent development or use. (IP) Any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

Coastal Development Permit (CDP). (IP) A permit for any development required pursuant to subdivision (a) of Section 305600 of the California Public Resources Code and Chapter 17.12 (Coastal Development Permits (IP)).

Coastal resources. (IP) Include, but are not limited to, public access and public access facilities and opportunities, recreation areas and recreational facilities and opportunities, (including for recreational water-oriented activities) public views, natural landforms, marine resources, watercourses, (e.g. rivers, streams, creeks, etc.) and their related corridors, water bodies (e.g. wetlands, estuaries, lakes, etc.) and their related uplands, ground water resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources.

Coastal Zone. (IP) That land and water area of the State of California from the Oregon border to the border of the Republic of Mexico, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session, enacting Division 20 of the California Coastal Act, extending seaward to the state's outer limit or jurisdiction, including all offshore islands, and extending inland generally one hundred (100) yards from the mean high tide line of the sea. In significant coastal estuaries, habitats, and recreation areas it extends inland to the first major ridgeline paralleling the sea or five (5) miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than one thousand (1,000) yards. The Coastal Zone does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the California Government Code, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control or drainage channel flowing into such area.

Co-location. (IP) The location of two (2) or more wireless communications facilities owned or used by more than one (1) public or private entity on a single support structure, or otherwise sharing a common location. Co-location also includes the location of wireless communications facilities with other facilities, such as buildings, water tanks, light standards, and other utility facilities and structures.

Commercial project. (IP) A development project involving non-residential uses, including retail, office, service commercial, visitor serving commercial, hotel, light industrial, and manufacturing uses, as detailed in the Zoning Code.

Commission. See “Planning Commission.”

Common open space. That open space portion of a development belonging equally to two (2) or more condominium owners or similar owners.

Communication equipment building. A building housing electrical and mechanical equipment necessary for the conduct of a public utility communications business with or without personnel.

Community assembly. An indoor or outdoor facility for public or private assembly, such as community centers, banquet centers, religious assembly facilities, union halls, and meeting halls for clubs and other membership organizations. This use includes functionally related facilities for the use of members and attendees, such as kitchens, multi-purpose rooms, and storage. Excludes conference and meeting rooms accessory and incidental to another primary use, and which are typically used only by on-site employees and clients and occupy less floor area on the site than other offices they support. Excludes recreation and entertainment type uses, which are separately defined and separately regulated.

Community care facility. Any facility, place, or building maintained and operated to provide nonmedical residential care, day treatment, adult daycare, or foster family agency services, as defined by California Health and Safety Code §1502(a).

Small. A community care facility serving six (6) or fewer persons.

Large. A community care facility serving seven (7) or more persons.

Conditional use. (IP) A use that requires approval of a Conditional Use Permit before the use can be established.

Condominium. (IP) An estate in real property consisting of an undivided interest in common in a portion of a parcel together with a separate interest in space in a building on such real property. The owner of a condominium is the sole proprietor of the three (3)-dimensional space (air space) within the outer walls, roof or ceiling and floors of the individual units. Also see "Multi-family dwelling."

Construction. (IP) Any site preparation, assembly, erection, creation, substantial repair, alteration, or similar action, as distinguished from the repair or maintenance of something already existing.

Convenience/liquor stores. Retail stores of three thousand five hundred (3,500) square feet or less in gross floor area which carry a range of merchandise oriented to convenience and travelers' shopping needs. These stores may be part of a service station or an independent facility.

Creek corridor. (IP) The area between the top of the banks along a shallow perennial or intermittent tributary to a river or to the sea.

Creek corridor, riparian. (IP) The landward extent of any riparian vegetation adjacent to a stream bank.

Critical facility. Hospitals, fire, police and emergency service facilities, utility "lifeline" facilities, such as water, electricity, and gas supply, sewage disposal and communications and transportation facilities which would be necessary during disasters such as fires, tidal waves, earthquakes, and releases of nuclear radiation during such disasters for the protection of public health, safety, and welfare.

Cut. An excavation, the difference between a point on the original ground and a designated point of lower elevation on the finished grade.

17.72.060 "D"

Demolition. (IP) The voluntary or involuntary removal of more than fifty percent (50%) of the linear feet of the exterior walls (structural framing) of a building.

1. A wall, or portion of a wall, is deemed "removed" when its structure is separated from the foundation or relocated, or when the wall is enclosed behind newly constructed space.
2. For the purposes of calculating the amount of exterior walls removed, the remaining exterior walls must be contiguous.

Density. (IP) The number of dwelling units per net acre, unless otherwise stated, for residential uses.

Density bonus. (IP) A density increase over the otherwise maximum allowable residential density under the Zoning Code and Land Use Element of the General Plan/Local Coastal Plan as of the date of complete application by the developer to the City, consistent with California Government Code Section 65915(f).

Density transfer. (IP) A technique of retaining open space by transferring permitted density from one developable parcel or area to another developable parcel or area.

Department. The City of Pismo Beach Community Development Department, referred to in this Zoning Code as the "Department."

Detached. (IP) A structure that does not have a wall or roof in common with another structure.

Development. (IP) In compliance with Public Resources Code Section 30106, "development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including 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; change in the intensity of use of water, or of access to water; construction, reconstruction, demolition, or alteration in the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, and kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). New development is any development after the adoption of the Zoning Code.

Development agreement. A contract between the City and an applicant for a development project, consistent with 17.28 (Development Agreements) of this Zoning Code and California Government Code Sections 65864 et seq. A development agreement is intended to provide assurance to the applicant that an approved project may proceed subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of approval, regardless of any changes to City policies, rules, and regulations after project approval. In return, the City may be assured that the applicant will provide infrastructure and/or pay fees required by a new project.

Development project. (IP) An activity for which a subdivision map or construction permit is required, including new buildings and building additions or remodels, but not including changes in ownership, occupancy, management, or use.

Director. The City of Pismo Beach Community Development Director, or their designee.

Distances. (IP)

1. **Measurements are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.
2. **Distances are Measured Horizontally.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.
3. **Measurements Involving a Structure.** Measurements involving a structure are made to the closest point of an exterior wall or support element of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.
4. **Measurement of Vehicle Stacking or Travel Areas.** Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.
5. **Measuring Radius.** When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project, in all directions.

District. See "Zone."

Drive-in and drive-thru sales. Facilities where food or other products may be purchased by motorists without leaving their vehicles. These facilities include fast food restaurants, drive-thru coffee kiosks, photo stores, etc.

Drive-in and drive-thru services. Facilities where services may be obtained by motorists without leaving their vehicles. These facilities include drive-up bank teller windows, dry cleaners, etc. Does not include automobile service stations or car washes, which are separately defined.

Driveway. (IP) An improved road, the use of which is ordinarily limited to persons residing or working on the site and their invitees, license, and business visitors which provide access to off-street parking or loading facilities.

Duplex. (IP) A building or buildings containing not more than one (1) kitchen per dwelling unit, designed and/or used to house not more than two (2) families living independently of each other.

Dwelling groups. A group of two (2) or more detached or semi-detached single-family, duplex, or multi-family dwellings occupying a parcel of land in one ownership and having common open space.

Dwelling unit. (IP) A building or portion of a building including one (1) or more rooms which is designed or used as a residence for one family or housekeeping unit with facilities for living, sleeping, cooking, and dining.

17.72.070 "E"

Easement. (IP) A portion of land created by grant or agreement for a specific purpose. An easement is the right, privilege, or interest which one party has in the land of another. Examples include right-of-way, public access, recreation, etc.

Efficiency Unit. Has the same meaning as defined in Health and Safety Code Section 17958.1.

Efficiency kitchen. Limited kitchen facilities which include a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the unit (California Government Code §66333(f)).

Effective date. The date upon which this Zoning Code or a subsequent amendment to it is in full force and effect from and after its adoption.

Electronics, equipment, and appliance manufacturing. Establishments engaged in manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation, and use of electrical energy, including:

6. Appliances including stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines;
7. Aviation instruments;
8. Electrical transmission and distribution equipment;
9. Electrical welding apparatus;
10. Electronic components and accessories;
11. Electronic instruments, components and equipment including calculators and computers;
12. Industrial apparatus;
13. Industrial controls;
14. Instruments for measurement, testing, analysis and control, associated sensors and accessories;
15. Lighting and wiring equipment including lamps and fixtures, wiring devices, vehicle lighting;
16. Miscellaneous electrical machinery, equipment and supplies including batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines;
17. Motors and generators;
18. Optical instruments and lenses;
19. Photographic equipment and supplies;
20. Pre-recorded magnetic tape;
21. Radio and television receiving equipment such as television and radio sets, phonograph records and surgical, medical and dental instruments, equipment, and supplies;
22. Semiconductors, integrated circuits, related devices;

23. Surveying and drafting instruments;
24. Telephone and telegraph apparatus;
25. Transformers, switch gear, and switchboards; and
26. Watches and clocks.

Does not include testing laboratories (soils, materials testing, etc.) (see "Business support services"), or research and development facilities separate from manufacturing (see "Research and development").

Emergency. (IP) A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

Emergency shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) months of less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. (Health and Safety Code §50801). Emergency shelter includes other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care (California Government Code §65583(a)(4)(C)).

Employee housing. Means housing as described in California Health and Safety Code Sections 17021.5 and 17021.6, and employee housing as defined in California Health and Safety Code Section 17008.

Energy facility. (IP) Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy,

Environmental Impact Report (EIR). An informational document used to assess the physical characteristics of an area and to determine what effects will result if the area is altered by a proposed action, prepared in compliance with the California Environmental Quality Act (CEQA).

Equestrian facilities. Commercial horse, donkey, and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), pack stations, and barns, stables, corrals and paddocks accessory and incidental to these uses.

Equipment rental. Service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental, including construction equipment.

Existing grade. (IP) See "Grade."

17.72.080 "F"

Fabric product manufacturing. Manufacturing establishments fabricating clothing, draperies, and other products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics, and furs. Does not include tailors and dressmakers not operating as a factory and not located on the site of a clothing store. See also "Textile and Leather Product Manufacturing."

Family. An individual or household of two (2) or more persons living together in a dwelling unit who need not be related by blood or marriage.

Farmer's Markets. Temporary but recurring outdoor retail sales of food, plants, flowers, and products such as jellies, breads, and meats that are predominantly grown or produced by vendors who sell them.

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. (IP) Horizontal and vertical structures that are intended to separate properties, retain soil materials, and provide security; or as defined by the Building Official. Fences may also be walls, hedges, and screen plantings.

Fill. (IP) The depositing of earth or any other substance or material by artificial means, including 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.

Finished grade. (IP) See "Grade."

Floodplain. (IP) Lowland or relative flat area adjoining inland or coastal areas that are subject to periodic inundation as a result of flood flows.

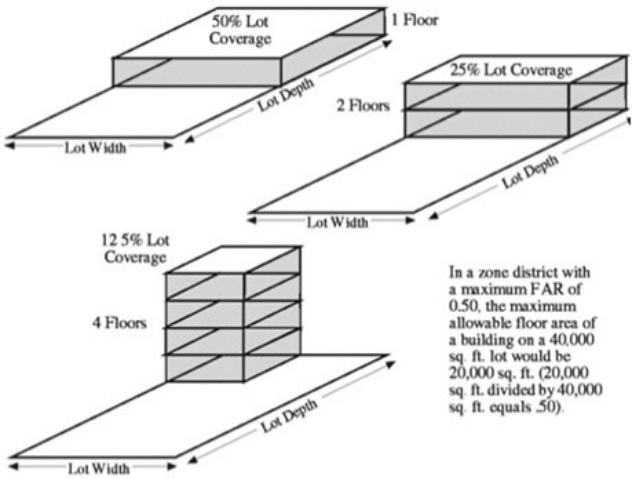
Floodplain, one hundred (100)-year. (IP) The area subject to flooding in a major storm which has the potential for occurring once during a one hundred (100)-year period and described by the U.S. Department of Housing and Urban Development Federal Insurance Administration.

Floodway. **(IP)** A channel for passing floodways and described by the U.S. Department of Housing and Urban Development Federal Insurance Administration.

Floor area. (IP) For the purposes of zoning review and water equivalency analysis includes the total floor area of each floor of buildings on a site, including internal circulation, storage, and equipment space, as measured from the outside faces of the exterior walls, including enclosed halls, lobbies, stairways, elevator shafts, enclosed porches, and balconies.

Floor area, gross. (IP) The total horizontal area, in square feet, on all floors within the exterior walls of a structure, including garages and carports, but excluding the area of courts, open decks, unenclosed patios and basements. Roofed portions of structures which are enclosed by vertical wall surfaces exceeding sixty percent (60%) of the total vertical area between the floor and roof planes shall be included as building area.

Floor area ratio (FAR). (IP) The ratio of floor area to total lot area. FAR restrictions are used to limit the maximum floor area allowed on a site, including all structures on the site. The maximum floor area of all structures (measured from exterior wall to exterior wall) permitted on a site (including carports) shall be determined by multiplying the FAR by the total net area of the site (FAR x Net Site Area = Maximum Allowable Floor Area).



NOTE: Variations may occur if upper floors are stepped back from ground level lot coverage.

$$\text{Floor Area Ratio (FAR)} = \frac{\text{Gross Building Area (All Floors)}}{\text{Lot Area}}$$

Food and beverage product manufacturing. Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Includes, but is not limited to:

1. Bakeries, Wholesale;
2. Bottling plants;
3. Breweries;
4. Byproduct processing;
5. Candy, sugar, and confectionery products;
6. Catering services separate from stores or;
7. Coffee roasting;
8. Dairy products manufacturing;
9. Fats and oil product manufacturing;
10. Fruit and vegetable canning, preserving, related;
11. Grain mill products and by-products;
12. Manufacturing;
13. Meat, poultry, and seafood canning, curing;
14. Microbrewing and microdistilling;
15. Miscellaneous food item preparation from raw;
16. Processing;
17. Products
18. Restaurants; and
19. Soft drink production.;

May include tasting and accessory retail sales of beverages produced on site. A tasting facility separate from the manufacturing facility is included under the definition of "Bars and night clubs" if alcoholic beverages are tasted, and under "Restaurant" if beverages are non-alcoholic.

Does not include: bakeries which sell all products on-site (see "Food and beverage product manufacturing") or microbrewing/microdistilling as a subordinate use to a brewpub, bar, or restaurant (see "Bars and night clubs").

Foot-candle. A quantitative unit of measure for luminance. One (1) foot-candle is equal to the amount of light generated by one (1) candle shining on one (1) square foot surface located one (1) foot away. It is equal to one (1) lumen uniformly distributed over an area of one (1) square foot.

Footprint. (IP) The horizontal area, as seen in plan view, of a building or structure, measured from the outside of exterior walls and supporting columns, and excluding eaves.

Freeway sight position. (IP) A viewing position three (3) feet above the nearest travel lane of Highway 101.

Fraction. Fractions of one-half (½) or greater shall be rounded up to the nearest whole number and fractions of less than one-half (½) shall be rounded down to the nearest whole number, except as otherwise provided in this Title.

Frontage. The property line or a site abutting on a public or private street or highway, other than the sideline or streetside of a corner lot.

Funeral parlors and interment services. An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of human remains and conducting memorial services. Typical uses include a crematory, columbarium, mausoleum, or mortuary.

Furniture and fixtures manufacturing. Manufacturers which produce wood and metal: household furniture; bedsprings and mattresses; all types of office furniture, and partitions, shelving, lockers, and store furniture; and miscellaneous drapery hardware, window blinds, and shades. Includes wood and cabinet shops, but not sawmills or planing mills. The manufacture of household appliances is included under "Electronics and equipment manufacturing."

Furniture, furnishings, and appliance stores. Stores engaged primarily in selling the following products and related services, including but not limited to:

1. Draperies;
2. Floor coverings;
3. Furniture;
4. Glass and chinaware;
5. Home appliances;
6. Home furnishings;
7. Home sound systems;
8. Interior decorating materials and services;
9. Large musical instruments;
10. Lawn furniture;
11. Movable spas and hot tubs;
12. Office furniture;
13. Other household electrical and gas appliances;
14. Outdoor furniture;
15. Refrigerators;

16. Stoves; and
17. Televisions.

17.72.090 "G"

Garage. (IP) Any accessory structure or a portion of a main structure having a permanent roof, three walls, and operable door(s) and designed and usable for the storage of motor vehicles.

Garage, public parking. A garage building designed, constructed, and used for the storage of vehicles and available for public use.

Geological report. An official or formal statement of facts giving an account of or disseminating information as to the geological condition of a particular site.

General Plan. The City of Pismo Beach General Plan, including all elements, as adopted by the Council consistent with California Government Code Sections 65300 et seq. and referred to in this Zoning Code as the "General Plan."

General retail stores. (IP) Stores and shops selling many lines of merchandise. These stores and lines of merchandise include, but are not limited to:

1. Artists' supplies;
2. Bakeries;
3. Bicycles;
4. Books;
5. Cameras and photographic supplies;
6. Clothing and accessories;
7. Department stores;
8. Drug and discount stores;
9. Dry goods;
10. Fabrics and sewing supplies;
11. Florists and houseplant stores (indoor sales only; outdoor sales are "Plant nurseries and garden supply stores");
12. General stores;
13. Gold and silver exchanges;
14. Hardware;
15. Hobby materials;
16. Jewelry;
17. Luggage and leather goods;
18. Musical instruments, parts, and accessories;
19. Newsstands;
20. Orthopedic supplies;
21. Pawn shops;
22. Pet stores;
23. Religious goods;
24. Small wares;
25. Smoke shops;
26. Specialty shops;
27. Sporting goods and equipment;

28. Stationery;
29. Thrift stores;
30. Toys and games; and
31. Variety stores.

Glare. (IP) The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort, or loss of visual performance and ability.

Gold and silver exchange. See Chapter 5.11 (Personal Services Businesses).

Golf courses/country clubs. Golf courses, and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges; "pro shops" for on-site sales of golfing equipment; and golf cart storage and sales facilities.

Government Code. The Government Code of the State of California.

Grade. (IP) Includes but is not limited to the following:

1. **Existing or natural grade.** The natural contour of the ground surface on an individual parcel before any grading, or the building pad elevation resulting from grading in compliance with approved subdivision improvement plans.
2. **Finished grade.** The level of the finished surface of the ground at the completion of all approved grading by a subdivider or developer.
3. **Site grade.** Site grade is determined as follows:
    a. For subdivided properties existing as of the time of adoption of the October 12, 1976 Zoning Ordinance, site grade shall be the existing topography of each parcel as of October 12, 1976.
    b. For unsubdivided properties, or parcels subdivided after October 12, 1976, site grade shall be established as being the precise topography of the parcel at the time of completion of finished grading or establishment of pad grade as approved by the City.

Grading. (IP) Excavating, filling, levelling, smoothing, or combination of these activities.

Grocery stores. Retail sales of food and beverages for off-site preparation and consumption. Includes, but is not limited to, food markets, liquor stores, and bakeries.

Ground Floor. (IP) The first floor of a building other than a basement that is closest to finished grade.

Guest house. (IP) Any attached or detached accessory building which does not have enclosed access directly to the interior of the principal residence, which has any bathroom facility, and which does not contain a kitchen, cooking facilities, or food preparation or storage facilities, and where no compensation in any form is received or paid for use.

17.72.100 "H"

Handcraft industries, small-scale manufacturing. Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery, and other ceramics, as

well as small glass and metal art and craft products. Also includes manufacturing establishments not classified in another major manufacturing group, including, but not limited to, brooms and brushes; buttons, costume novelties; jewelry; musical instruments; pens, pencils, and other office and artists' materials; sporting and athletic goods; toys; and other miscellaneous manufacturing industries.

Health/fitness facilities. Fitness centers, gymnasiums, health and athletic clubs, including indoor sauna, spa, or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities. Also includes martial arts and dance instruction studios.

Hedge. (IP) Any group of shrubs planted in line or in groups so that the branches of any one plant are intermingled or form contact with the branches of any other plant in the line. Hedges are not considered trees for the purposes of this Code.

Height. (IP) See "Building height."

Height, antenna. The distance from the existing grade at the base of the antenna or, in the case of a roof-mounted antenna, from the grade at the exterior base of the building to the highest point of the antenna and any associated support structure when fully extended.

Hillsides. (IP) All properties with slopes of fifteen percent (15%) or more.

Home occupation. The conduct of a business within a dwelling unit or residential site, employing occupants of the dwelling, with the business activity being subordinate to the residential use of the property.

Homeowners' association. A non-profit association of the owners of all land in a given area formed for the purpose of improving or maintaining the quality of the area.

Homestay. (IP) An owner-occupied detached single-family residence where bedrooms are rented for compensation for less than thirty (30) consecutive days.

Horizon sight line. (IP) A line of sight projected from the freeway sight position to the horizon, as shown in a cross-sectional view.

Hospital. See "Medical services – Hospital."

Hotel. (IP) See "Lodging – Hotels or motels."

17.72.110 "I"

Indoor commercial recreation facilities. Establishments providing indoor amusement/entertainment services for a fee or admission charge, including but not limited to:

1. Arcades;
2. Bowling alleys;
3. Card rooms;
4. Dance halls;
5. Ice skating and roller skating;
6. Pool and billiard rooms (as primary use); and

7. Theaters (performing or cinema).

Inclusionary housing requirements. The requirements set forth in Chapter 17.52 (Inclusionary Housing).

Inn. (IP) See "Lodging – Hotels or motels."

17.72.120 "J"

Junior accessory dwelling unit (JADU). (IP) An accessory dwelling unit no more than five hundred (500) square feet in size and contained entirely within a single-family residence. JADUs shall include independent provisions for living, sleeping, eating, and cooking (area meeting the definition of efficiency kitchen but not a standard kitchen), and separate sanitation facilities, or shared sanitation facilities with the primary unit.

17.72.130 "K"

Kitchen. (IP) Any space used, intended, or designed to be used for cooking and preparing food.

17.72.140 "L"

Landscaping. The planting and maintenance of live trees, shrubs, ground cover, and lawn areas, including the installation of irrigation systems required by the provisions of this Zoning Code. "Landscaping" also includes the following when consistent with Chapter 17.58 (Landscaping):

1. Permeable surfacing materials such as pervious pavers, permeable pavement, grass-crete, and similar materials that allow water infiltration; and
2. Inorganic decorative materials of natural or manufactured origin used to accent or complement natural vegetation, including rock, stone, wood, waterfalls, fountains, pools, sculptures, benches, and architectural screens, walls, and fences..

Land use permit. Authority granted by the City to use a specified site for a particular purpose, including Development Permits, Coastal Development Permits, Use Permits, and Minor Use Permits, Temporary Use Permits, and Variances as established by Section 17.06.060 (Authority for Land Use and Zoning Decisions).

Large family day care home. See "Child day care facilities."

Lateral access. (IP) The place, area, or way the public shall have safe, adequate, and usable ingress and egress paralleling the Pacific Ocean, stream corridors, or other wetlands.

Laundries and dry-cleaning plants. Service establishments engaged primarily in high volume laundry and garment services, including: power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners. Does not include laundromats or dry-cleaning pick-up stores without dry cleaning equipment, which are included under "Personal services."

Libraries and museums. Public or quasi-public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums, which are generally non-commercial in nature. Facilities primarily devoted to meetings and/or public assembly are instead included under "Community assembly."

Living area. (IP) The interior habitable area of a dwelling unit, including finished basements and attics, but does not include a garage or any accessory structure.

Lodging. (IP) Any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by persons for periods of fewer than thirty (30) days or one (1) month, whichever is shorter. This definition includes the following:

3. **Bed and breakfast inns.** Residential structures with one (1) family in permanent residence with up to five (5) bedrooms rented for overnight lodging, where meals may be provided subject to applicable Health Department regulations. A bed and breakfast inn with more than five guest rooms is considered a "Hotel or motel."
4. **Homestay.** See "Homestay."
5. **Hotels or motels.** A structure or structures with five (5) or more lodging units or rooms, which are occupied, or intended or designed for occupancy, for short-term (less than thirty (30) days), temporary lodging or sleeping purposes. Examples include, but are not limited to, hotel, inn, tourist home, house motel, studio hotel, bachelor hotel, lodging house, vacation rental, rooming house, apartment house, dormitory, public or private club, bed-and-breakfast, private single-family residence, private multifamily residence, condominium, townhouse guest house, mobile home or house trailer at a fixed location, or other similar structure or portion thereof.
6. **Short-term rental.** See "Short-term rental."
7. **Vacation rental.** See "Vacation rental."

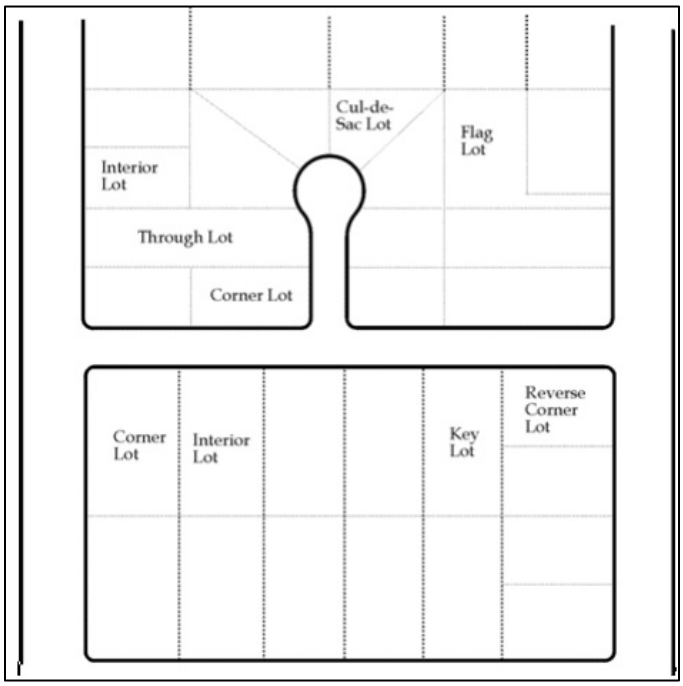
Long-term rental. (IP) A rental for thirty (30) consecutive days or more. Any rental agreement that allows a sublet or sublease to multiple parties for any terms less than thirty (30) days, or early cancellation with or without penalty that allows multiple rentals within a thirty (30)-day period shall be considered a short-term rental and be subject to the terms of a short-term license.

Lot. (IP) A parcel, tract, or area of land whose boundaries have been established by a legal instrument, such as a deed or map recorded with the County of San Luis Obispo, and which is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way. Also see "Building site" and "Parcel." Types of lots include the following. See Figure 17.72.140-1 (Lot Types).

1. **Corner.** A lot or parcel bounded by two or more adjacent street lines that have an angle of intersection of not more than one hundred and thirty-five (135) degrees.
2. **Flag.** A lot shaped so that the main portion of the lot area does not have access to a street other than by means of a corridor less than twenty (20) feet in width.
3. **Interior.** A lot bounded on one (1) side by a street line and on all other sides by lot lines between adjacent lots.
4. **Key.** An interior lot adjoining the rear lot line of a reverse corner lot.

5. **Reverse corner.** A corner lot, the rear of which abuts the side of another lot, whether across a lane or not.
6. **Through.** A lot having frontage on two (2) parallel or approximately parallel streets.

Figure 17.72.140-1: Lot Types



Lot area, gross. (IP) Gross lot area is the total area included within the lot lines of a lot, exclusive of adjacent dedicated street rights of way.

Lot area, net. (IP) Net lot area is exclusive of easements, including those for utilities or flood control channels, which limit the use of the lot.

Lot coverage. (IP) See "Site coverage."

Lot depth. (IP) The horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

Lot frontage. (IP) The boundary of a lot adjacent to a public street right-of-way.

Lot line. (IP) A line separating the frontage from a street, the side from a street or adjoining property, or the rear of side from an alley, street, or adjoining property. Types of lot lines include the following. See Figure 17.72.140-2 (Lot Features) and Figure 17.72.140-3 (Front and Rear Lot Lines, Irregular Lots).

1. **Front.** On an interior lot, the property line separating the parcel from the street. The front lot line on a corner lot is the line with the shortest frontage. (If the lot lines of a corner lot are equal in length, the front lot line shall be determined by the Director.) On a through lot, both lot lines are front lot lines, and the lot is considered to have no rear lot line.
2. **Interior.** Any lot line not abutting a street.

3. **Rear.** The lot line opposite and most distant from the front lot line.
4. **Side.** Any lot boundary which is not a front lot line or a rear lot line.

Figure 17.72.140-2: Lot Features

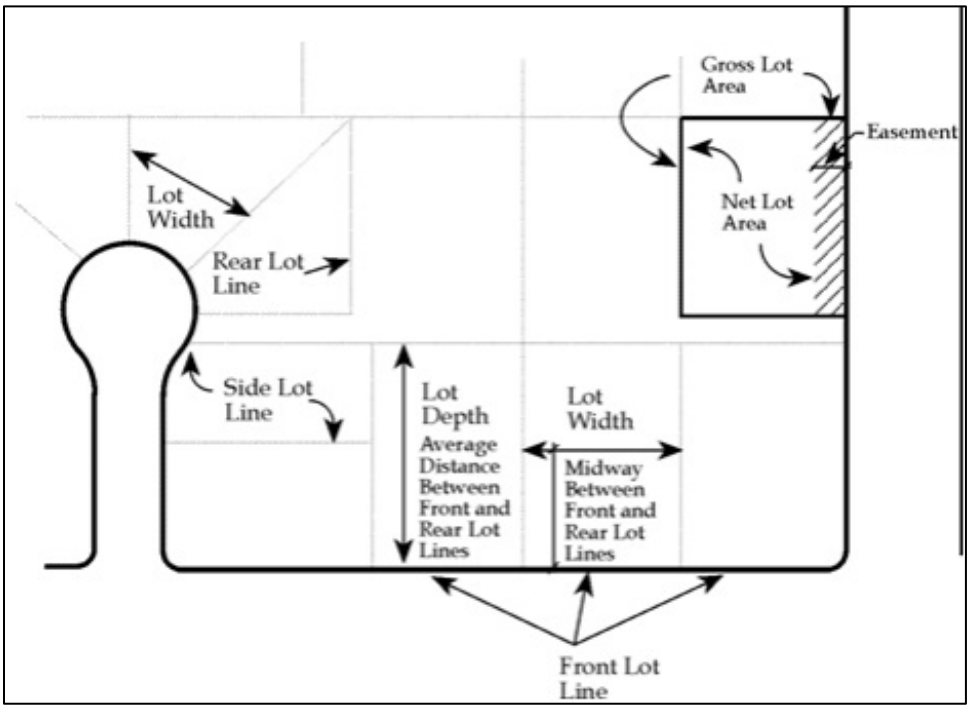
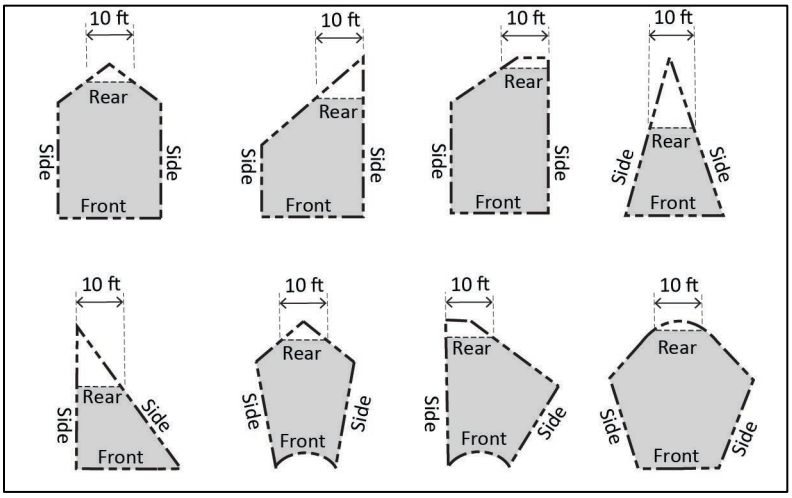


Figure 17.72.140-3: Front and Rear Lot Lines, Irregular Lots



Lot width. (IP) The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. Figure 17.72.140-2 (Lot Features).

Lower-income households. As defined in Health and Safety Code Section 50079.5, provided the income of such persons and families shall not exceed eighty percent (80%) of the median

income of San Luis Obispo County, adjusted for family size and revised annually. Also includes very low income households (as defined in Health and Safety Code Section 50105), extremely low income households (as defined in Section 50106), and acutely low income households (as defined in Section 50063.5).

Low, very-low, extremely-low, and moderate-income housing. As defined in Health and Safety Code Section 50052.5 (for owner-occupied housing) and Section 50053 (for rental housing).

17.72.150 "M"

Major public works. A facility that costs more than $341,677 with an automatic annual increase in accordance with the Engineering News Record (ENR) Construction Cost Index, except for those governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611 or 30624. Notwithstanding the prior criteria, "major public works" also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities.

Major wireless communication facility. A wireless communication facility that:

1. Is ground-mounted on property not within the public right-of-way; or
2. Is ground-mounted within the public right-of-way but does not qualify as a microcell facility; or
3. Is building or roof-mounted and exceeds ten (10) feet in height and/or exceeds the maximum height permitted in the zone in which the facility is located.

Map Act. See "Subdivision Map Act."

Market value. The highest price a willing buyer would pay and a price a willing seller would accept, both being fully informed and in an open market, as determined by an appraiser or other qualified professional.

Massage establishments. Any establishment that offers massage therapy in exchange for compensation. "Massage therapy" means the skillful application of touch, including but not limited to, pressure, stroking, kneading, or compression on or movement of the external surfaces of the body to produce increased awareness, relaxation, pain relief, injury rehabilitation, or neuromuscular reeducation. Examples of massage include but are not limited to Swedish massage, sports massage, shiatsu, polarity therapy, rolfing, hellerwork, and reflexology. As used in this Code, "massage establishment" includes both fixed places of business and locations designated by the customer or client through outcall massage services. Also see Chapter 5.11 (Personal Services Businesses).

Medical marijuana dispensary. A facility where marijuana is made available for medical purposes in accordance with Health and Safety Code Section 11362.5. Notwithstanding anything to the contrary in this Title, a medical marijuana dispensary shall not be a permitted use in any zone, and no Conditional Use Permit shall issue to permit a medical marijuana dispensary to operate in any zone. A "medical marijuana dispensary" shall not include the following uses, as long as the location of such uses area is otherwise regulated by this Code or

applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility license pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life- threatening illness licensed pursuant to Chapter 3.01 of the Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of the Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable California and federal law.

Medical services. Medical service establishments, including the following.

1. **Clinics and laboratories.** Facilities primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services, but which are separate from hospitals, including:
   a. Health management organizations (HMOs);
   b. Medical and dental laboratories;
   c. Medical, dental, and psychiatric offices;
   d. Other allied health services; and
   e. Out-patient care facilities.

   Counseling services by other than medical doctors or psychiatrists are included under Offices.
2. **Extended care.** Residential facilities providing nursing and health-related care as a primary use with in-patient beds, including: board and care homes; convalescent and rest homes; extended care facilities; skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential care homes."
3. **Hospitals.** Hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses, and emergency heliports (see the separate definition of “Accessory retail use”).
4. **Medical, dental, and psychiatric offices.** Facilities where individual medical professionals provide outpatient services. Includes administrative office space, examination rooms, and patient waiting areas.

Metal products, fabrication, machine, and welding shops. Establishments engaged primarily in the assembly of metal parts, including the following uses that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products:

1. Blacksmith and welding shops;
2. Machine shops and boiler shops; and
3. Sheet metal shops.

Microcell. A wireless communication facility that:

1. Contains a maximum of four (4) whip or panel antennas where each whip antenna does not exceed four (4) inches in diameter and four (4) feet in length and each panel antenna does not exceed two (2) square feet in surface area;
2. Contains a maximum of one (1) microwave antenna no larger than ten (10) square feet in surface area;
3. Has a total height, if building or roof-mounted, that does not exceed the maximum height permitted in the applicable zone in which the facility is located.
4. Has an array of antennas less than ten (10) feet in height; and
5. Is building or roof-mounted or, if within the public right-of-way, is located on top of a light pole or telephone pole or a metal precast concrete monopole (similar in design to a streetlight pole or street tree).

Minor wireless communication facility. A wireless communication facility that:

1. Consists of a microcell; or
2. Is building or roof-mounted and is less than ten (10) feet in height and does not exceed the maximum height permitted in the zone in which the facility is located.

Mitigated negative declaration. A negative declaration prepared for a project when the initial study has identified potentially significant effects on the environment, but [1] revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and [2] there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.

Mitigation measures. Those actions taken for alleviating, reducing, abating, or diminution of adverse impacts.

Mixed-use residential. (IP) The development and use of a site with a combination of residential and non-residential uses.

Mobile home or manufactured housing. (IP) A trailer, transportable in one or more sections, which is designed for use as a dwelling and as defined under state law. A mobile home on a permanent foundation is included under the definition of "Single-family dwelling."

Mobile home, recreational vehicle, and boat sales. Retail establishments selling and/or renting new or used vehicles and products, including, but not limited to:

1. Boats;
2. Campers/camper shells;
3. Golf carts;
4. Jet skis;
5. Mobile homes;
6. Motor homes;
7. Motorcycles;
8. Snowmobiles;
9. Travel/recreational trailers; and

10. Other recreational vehicles.

May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: parts/accessory sales separate from a vehicle dealership (see "Auto parts sales"); or bicycle and moped sales (see "General retail stores").

Mobile home park. (IP) Any site that is planned and improved to accommodate two (2) or more mobile homes used for residential purposes, or on which two (2) or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

Mobile service. A business service provided out of a vehicle in which the vehicle operator and/or employees provide cleaning, repair, maintenance, or similar services at the location of the customer. Includes, but is not limited to, pool cleaning services, windshield repair, house cleaning services, mobile notary services, etc.

Mobile vendor. Any person in charge of or operating any temporary, movable, and/or mobile vending vehicle, either as agent, employee, or otherwise under the direction of the owner.

Mobile vending vehicle. Any vehicle, wagon, or pushcart from which goods, wares, merchandise, fruits, vegetables, or foodstuffs are sold, displayed, solicited, or offered for sale or bartered or exchanged, or any lunch wagon or eating cart or vehicle on private property or within the public right-of-way.

Modular buildings. A state certified modular structure meeting all building code requirements. The structures are permitted in any zone as provided for by this Zoning Code. Modular structures must conform to the provisions of the Building Code and require architectural approval.

Motel. (IP) See "Lodging – Hotels or motels."

Multi-family dwelling. (IP) A building or a portion of a building used and/or designed as residences for three (3) or more families living independently of each other. Includes: triplexes, fourplexes (buildings under one ownership with three (3) or four (4) dwelling units, respectively, in the same structure) and apartments (multiple units under one (1) ownership in a single building); townhouse development (three (3) or more attached single-family dwellings where no unit is located over another unit); senior citizen multi-family housing; and common ownership, attached unit projects including condominiums.

Municipal Code. The City of Pismo Beach Municipal Code, as it may be amended from time to time by the Council.

17.72.160 "N"

National Pollutant Discharge Elimination System (NPDES). The National Pollutant Discharge Elimination System established by Section 402 of the Clean Water Act, 33 USC Section 1342, as it may be amended from time to time.

Negative declaration. A statement describing the reasoning that a proposed action will not have a significant adverse effect on the environment, in compliance with the California Environmental Quality Act (CEQA).

Night club. See "Bars and night clubs."

Nonconforming parcel. (IP) A legal parcel of land having less area, frontage, or dimensions than required in the zone in which it is located. Also referred to as a nonconforming lot.

Nonconforming structure. (IP) A structure that was lawfully erected but does not currently conform with the development regulations prescribed in the regulations for the zone in which the structure is located.

Nonconforming use. (IP) A use of a structure or land that was lawfully established and maintained according to land use regulations that were in effect when the use was established, but which does not currently conform with the use regulations or required conditions for the zone in which it is located.

Nonpermanent vendor. A moveable structure, truck, or trailer operating on private property that is used to sell or prepare and serve food or other consumer products. This definition does not include sidewalk vendors as defined in California Government Code §51036 et seq.

17.72.170 "O"

Occupancy. (IP) All or a portion of a structure occupied by one (1) tenant.

Offices. Offices include the following types:

1. **Administrative/business.** Establishments providing direct services to clients, including insurance agencies, real estate offices, post offices (not including bulk mailing distribution centers).
2. **Production.** Office-type facilities occupied by businesses engaged in the production of intellectual property. These uses include:
    a. Advertising agencies;
    b. Architectural, engineering, planning, and surveying services;
    c. Computer software production;
    d. Educational, scientific and research;
    e. Media postproduction services;
    f. Organizations;
    g. Photography and commercial art studios;
    h. Programming services; and
    i. Writers and artists offices.
3. **Professional.** Professional or government offices including:
    a. Accounting, auditing, and bookkeeping services;
    b. Attorneys;
    c. Banking and financial services, including check-cashing services;
    d. Counseling services;
    e. Court reporting services;
    f. Data processing services;
    g. Detective agencies and similar services;

   h. Employment, stenographic, secretarial;
   i. Government offices;
   j. Literary and talent agencies; and
   k. Management and public relations services.
4. **Temporary.** A mobile home, recreational vehicle, or modular unit used as a temporary office facility. Temporary offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.
5. **Temporary real estate.** The temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use.

The above do not include: medical offices (see "Medical Services – Clinics and laboratories") or offices that are incidental and accessory to another business or sales activity that is the primary use. Incidental offices that are customarily accessory to another use are allowed as part of an approved primary use.

Off-street loading facilities. (IP) A site or a portion of a site devoted to the loading or unloading of motor vehicles.

Off-street parking facilities. (IP) A site or portion of a site or a building designed for the loading or unloading from motor vehicles including parking spaces, aisles, access drives, and landscaped areas.

Outdoor commercial recreation facilities. Facilities for various outdoor participant sports and types of recreation where a fee is charged for use, including:

1. Amphitheaters;
2. Amusement and theme parks;
3. Drive-in theaters;
4. Go-cart and miniature auto race tracks;
5. Golf driving ranges separate from golf courses;
6. Health and athletic club outdoor facilities;
7. Miniature golf courses;
8. Motorcycle racing and drag strips;
9. Race tracks;
10. Skateboard parks;
11. Stadiums and coliseums;
12. Swim and tennis clubs;
13. Tennis courts;
14. Water slides; and
15. Zoos.

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, arcades, etc.

Outdoor dining. Any group of tables and chairs, and its authorized decorative and accessory features, situated and maintained in an unenclosed area for use in connection with the consumption of food and beverage sold to the public from or in an adjoining indoor restaurant.

Outdoor retail sales and activities. Permanent or repeating outdoor sales and rental establishments including lumber and other material sales yards, newsstands, outdoor facilities for the sale or rental of other vehicles/equipment, and other uses where the business is not conducted entirely within a structure.

Outdoor retail sales, temporary. Temporary outdoor retail operations including:

1. Christmas trees, pumpkins, or the sale of other seasonal items;
2. Retail sales from individual vehicles in temporary locations outside the public right-of-way;
3. Semi-annual sales of art/handcrafted items in conjunction with community festivals or art shows; and
4. Sidewalk or parking lot sales longer than one weekend.

Overlay zones. (IP) Establishes development standards in areas of special concern (e.g., fault zones, historic districts, flood plains, environmentally sensitive habitats, and hillsides) over and above the standards applicable to basic land uses (e.g., commercial, residential, industrial).

17.72.180 "P"

Parcel. (IP) A portion of land having been assigned an assessor's parcel number and which may include a number of lots under a common usage. Also see "Lot."

Parking area, public. (IP) An area, other than a street or other public way used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers. Area includes all space needed for the movement of vehicles and people, screening or buffering space, landscaping, and access drives.

Parking facilities/vehicle storage. (IP) Service establishments in the business of storing operative cars, trucks, buses, recreational vehicles, and other motor vehicles for clients. Includes both day use and long-term public and commercial garages, parking lots, and structures, except when accessory to a primary use. (All primary uses are considered to include any customer or public use off-street parking required by the Zoning Code.) Includes sites where vehicles are stored for rental or leasing. Includes electric vehicle charging stations located in the parking facility. Does not include dismantling yards (classified in "Recycling Facilities – Scrap and dismantling yards").

Parking lot. (IP) An area not within a building where vehicles may be stored.

Parking structure. (IP) A building or portion of a building below or above ground where vehicles may be stored.

Parking space. (IP) An off-street area, for the parking of a motor vehicle, with at least seven (7) feet of vertical clearance either within a structure or in the open, excluding driveways, or access drives, but which abuts upon a street, alley or has other appropriate means of access.

Parks and playgrounds. (IP) Public parks, play lots, playgrounds, and athletic fields for non-commercial neighborhood or community use, including tennis courts. If privately-owned, the same facilities are included under the definition of "Private residential recreation facilities."

Paseo. A pedestrian walkway, typically within a building or building complex, that is unroofed and open to the sky.

Passageway. A pathway that is unobstructed, clear to the sky, and extends from a street to one entrance of an accessory dwelling unit or other structure.

Passive solar system. A system that uses heat transfer from a thermal mass instead of mechanical power to distribute collected heat. Passive Systems rely on building design, orientation, and materials to collect and store heat and to create natural ventilation for cooling.

Pawn shop. See Chapter 5.11 (Personal Services Businesses).

Pedestrian plaza. (IP) A public or private open space unobstructed from ground to sky that is available for use by the public for walking or seating.

Percentage slope. (IP) A calculation derived from measuring the change in elevation on a site. Percentage slope equals the amount of elevation rise or fall, divided by the distance of land used to measure the change in elevation.

Permit. Any licenses, certificate, approval, or other entitlement for development and/or use of property as required by any public agency.

Permitted use. (IP) An allowable use inherently compatible with other uses in that zone, not requiring a Conditional Use Permit.

Person. (IP) Any individual, firm, co-partnership, corporation, company, association, joint stock association; city, county, state, or district; and includes any trustee, receiver, assignee, or other similar representative.

Personal services. An establishment providing non-medical services to individuals as a primary use, of personal convenience, as opposed to products that are sold to individual consumers, or from/by companies. Personal services include:

1. Barber and beauty shops;
2. Copying, repair, and fitting of clothes;
3. Fortune tellers;
4. Laundry and cleaning services and pick-up stations;
5. Massage establishments
6. Photographers;
7. Shoe and luggage repair; and
8. Similar services.

Planning Commission. The Planning Commission of the City of Pismo Beach, appointed by the Pismo Beach City Council consistent with California Government Code Section 65101.

Plant nurseries and garden supply stores. Commercial agricultural establishments engaged in the production of ornamental plants and other nursery products, grown under cover or outdoors. Includes stores selling these products, and commercial scale greenhouses. The sale

of house plants or other nursery products entirely within a building is also included under "General retail stores." Home greenhouses are included under "Residential accessory uses and structures."

Plastics, other synthetics, and rubber product manufacturing. The manufacture of rubber products including: tires; rubber footwear; mechanical rubber goods; heels and soles; flooring; and other rubber products from natural, synthetic, or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires. Also includes: establishments engaged in molding primary plastics for other manufacturers, and manufacturing miscellaneous finished plastics products; fiberglass manufacturing, and fiberglass application services. Establishments engaged primarily in recapping and retreading automobile tires are classified in "Vehicle services – major repair/body work."

Plot. See "Lot."

Pool. See "Swimming pool and spa."

Primary unit. (IP) The existing or proposed single-family or multi-family residential structure on the site that is not the accessory dwelling unit or junior accessory dwelling unit or guest home unit.

Primary residence. (IP) The dwelling owned and occupied as the property owner's principal place of residence, where the owner lives more than fifty percent (50%) of the year (26 C.F.R. Section 1.121-1(b)(2)), defined as one hundred and eighty three (183) days or more per year. For purposes of short-term rental or homestay licensing, a person can only have one (1) primary residence at any time.

Primary structure. (IP) A structure that accommodates the primary use of the site. Also referred to as principal structure or principal building.

Primary use. (IP) The main purpose for which a site is developed, including the activities that are conducted on the site during a majority of the hours during which activities occur. Also referred to as principal use.

Printing and publishing. Establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade including bookbinding, typesetting, engraving, photoengraving, and electrotyping. This use also includes establishments that publish newspapers, books, and periodicals; establishments manufacturing business forms and binding devices. "Copying and quick printing services" are included in the definition of "Business support services."

Private residential recreation facilities. (IP) Privately-owned, non-commercial outdoor recreation facilities provided for members or project/neighborhood residents, including swim and tennis clubs, park, and sport court facilities. Does not include golf courses/country clubs, which are separately defined.

Proof of primary residence. The homeowner's income tax return or other documentation deemed acceptable by the City showing the dwelling is the owner's principal residence for tax purposes. Pursuant to U.S. Internal Revenue Regulation 26 C.F.R. Section 1.121-1(b)(2), the address used on federal and state tax returns is used as a factor to determine principal residency for tax purposes.

Property Line. The recorded boundary of a lot or parcel of land.

Public safety facilities. (IP) Facilities operated by public agencies including fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

Public transit. A location, including but not limited to a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public

Public utility facilities. Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by California Government Code Section 53091:

1. Corporation and maintenance yards;
2. Electrical substations and switching stations;
3. Natural gas regulating and distribution facilities;
4. Public water system wells, treatment plants, and storage;
5. Telephone switching facilities; and
6. Wastewater treatment plants, settling ponds and disposal fields.

These uses do not include office or customer service centers (classified in "Offices"), or equipment and material storage yards.

Public works. (IP) Public works means the following:

1. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities;
2. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors airports, railroads, and mass transit facilities and station, bridges, trolley wires, and other related facilities;
3. All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district;
4. All community college facilities.

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Qualified Applicant. (IP) The property owner, the owner's agent, or any person, corporation, partnership, or other legal entity that has a legal or equitable title to land that is the subject of a development proposal or is the holder of an option or contract to purchase such land, or otherwise has an enforceable proprietary interest in such land.

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Raised structures. Structures such as patios, decks, porches, landing places, or outside stairways that have a vertical measurement of thirty (30) inches or more above existing grade.

Real property. Land and improvements, if any, including anything permanently affixed to the land, such as buildings, walls, fences, and paved areas.

Real property dedication trust. A trust established and administered by the City, consisting of real property irrevocably dedicated, and used exclusively to increase and improve the supply of affordable housing.

Reasonable Accommodation. (IP) A change, exception, or adjustment to the rules, standards, policies, practices, or procedures for the siting, development, and use of housing or housing-related facilities that eliminates regulatory barriers and provides a person with a disability equal opportunity to housing. Reasonable accommodations are governed by the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act.

Recreational vehicle (RV). A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

1. It contains less than three hundred and twenty (320) square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
2. It contains four hundred (400) square feet or less of gross area measured at maximum horizontal projections;
3. It is built on a single chassis; and
4. It is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

Recreational vehicle (RV) park. A site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tents. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

Recycling facilities. This land use type includes a variety of facilities involved with the collection, sorting, and processing of recyclable materials.

1. **Collection facility**. A center where the public may donate, redeem, or sell recyclable materials, which may include the following:
    a. Large collection facilities which occupy an area of more than three hundred and fifty (350) square feet and/or include permanent structures;
    b. Reverse vending machine(s); and
    c. Small collection facilities which occupy an area of three hundred and fifty (350) square feet or less and may include:
        i. A mobile unit;

ii. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet; and
iii. Kiosk-type units which may include permanent structures.

2. **Mobile recycling unit.** An automobile, truck, trailer, or van used for the collection of recyclable materials, carrying bins, boxes, or other containers.
3. **Processing facility.** A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing, and shredding. Processing facilities include the following types, both of which are included under the definition of "Scrap and dismantling yards":
   a. Light processing facility occupies an area of under forty five thousand (45,000) square feet of collection, processing and storage area, and averages two (2) outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding, and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers; and

   A heavy processing facility is any processing facility other than a light processing facility.

4. **Recycling facility.** A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers located on a residentially, commercially, or industrially designated site used solely for the recycling of material generated on the site. See "Collection Facility" above.
5. **Recycling or recyclable material.** Reusable domestic containers and other materials which can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper, and plastic. Recyclable material does not include refuse or hazardous materials.
6. **Reverse vending machine.** An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by state law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers. A bulk reverse vending machine is a reverse vending machine that is larger than fifty (50) square feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.
7. **Scrap and dismantling yards.** Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include: places where these activities are conducted

entirely within buildings; pawn shops, and other secondhand stores; the sale of operative used cars; or landfills or other waste disposal sites.

Repair services – Non-vehicular. Establishments which repair consumer electronics equipment, computers, appliances, and similar products.

Research and development. Indoor facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, and mechanical components in advance of product manufacturing, which are not associated with a manufacturing facility on the same site. Includes chemical and biotechnology research and development. Does not include computer software companies (see "Offices – Production"), soils and other materials testing laboratories (see "Business support services"), or medical laboratories (see "Medical services – Clinics and labs").

Residential accessory uses and structures. (IP) Any use and/or structure that is customarily a part of, and clearly incidental and secondary to, a residence and does not change the character of the residential use. These uses include, but are not limited to, the following detached accessory structures, and other similar structures normally associated with a residential use of property:

1. Garages;
2. Gazebos;
3. Greenhouses;
4. Spas and hot tubs;
5. Storage sheds;
6. Studios;
7. Swimming pools;
8. Tennis and other on-site sport courts;
9. Workshops;

Also includes the indoor storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use. Does not include home satellite dish and other receiving antennas for earth-based TV and radio broadcasts; see "Telecommunications facilities."

Residential Care Facilities for the Elderly. As defined by California Health and Safety Code §1569.2, a housing arrangement chosen voluntarily by persons sixty (60) years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, or personal care are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility.

Small. A Residential Care Facility for the Elderly serving six (6) or fewer persons.

Large. A Residential Care Facility for the Elderly serving seven (7) or more persons.

Residential project. (IP) A development project which results in the subdivision of land and/or the construction or conversion of dwellings, including, but not limited to single-family detached homes, apartments, condominiums, live/work studios, mobile homes, and group housing.

Responsible party. A person over the age of eighteen (18) who shall be legally responsible for compliance of all renters and visitors of short-term rentals or homestays with all applicable provisions of the Municipal Code.

Restaurant. (IP) A retail business where customers are served prepared food for either on- or off-premises consumption. A restaurant with drive-up or drive-through service is instead included under the definition of "Drive-in and drive-thru sales."

Retail. The sale of goods directly to the consumer.

Review authority. The individual or official City body (the Director, Planning Commission, or Council) identified in the Zoning Code as having the responsibility and authority to review and approve or disapprove permit applications.

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Sea. (IP) The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

Schools. Public and private educational institutions, including:

1. Boarding schools;
2. Business, secretarial, and vocational schools;
3. Community colleges, colleges, and universities;
4. Elementary, middle, and junior high schools;
5. Establishments providing courses by mail;
6. High schools;
7. Military academies;
8. Professional schools (law, medicine, etc.);
9. Seminaries/religious ministry training facilities;

Also includes specialized non-degree granting schools offering instruction in:

1. Art;
2. Ballet and other dance;
3. Computers and electronics;
4. Drama;
5. Driver education;
6. Language;
7. Music;

Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, including fitness, environmental awareness, arts, communications, and management. Does not include pre-schools and child day care facilities (see "Child day care facilities").

Screening. Screening refers to a wall, fence, hedge, informal planting, or berm, provided for the purpose of concealing something from view.

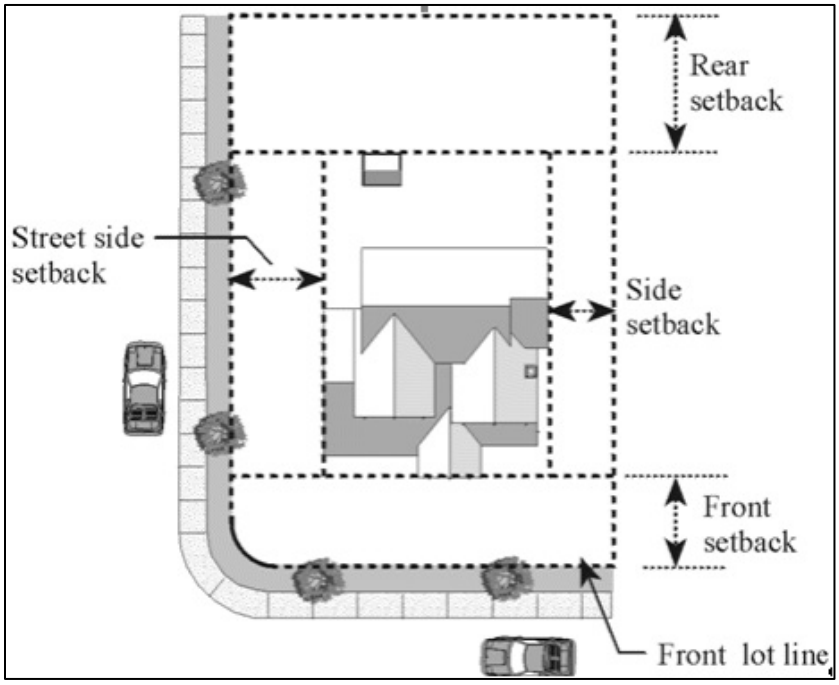
Seawall. (IP) See "shoreline protective device."

Senate Bill 9 (SB 9). (IP) The state law approved by the Governor on September 16, 2021, amending California Government Code Section 66452.6 and adding California Government Code Section 65852.21 and 66411.7.

Service station. A retail business selling gasoline or other motor vehicle fuels, which may also provide secondary services which are incidental to fuel services, including but not limited to vehicle engine maintenance and repair, towing, and trailer rental services. Does not include the storage or repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces.

Setback. (IP) The distance by which a structure, parking area or other development feature must be separated from a lot line, other structure or development feature, or the edge of the coastal bluff. Setbacks from private streets are measured from the edge of the easement. See also "Yard." Figure 17.72.210-1 (Setbacks) shows the location of front, side, street side, rear, and interior setbacks.

Figure 17.72.210-1: Setbacks



Setback line. (IP) A line established by ordinance to govern the placement of buildings with respect to lot lines, streets, or alleys.

Shopping center. Primarily retail commercial and/or mixed-use sites with eight or more separate businesses sharing common private pedestrian and parking areas.

Shoreline protective device (IP). Any type of shoreline armoring or protective structures, such as seawalls, revetments, riprap, breakwaters, groins, bluff protective devices, deep

piers/caissons, bulkheads, or other structures built for the purpose of protecting land or structures against sea level rise, coastal hazards, and erosional forces.

Short-term rental (STR). (IP) The rental of a detached single-family residence for less than thirty (30) consecutive days, where the primary residence is not being concurrently occupied by the owner.

Sign. (IP) Any visual device or representation (written or pictorial) used to convey information, or to identify, announce, or otherwise direct attention to a premise, product, service, person, organization, business, or event, and placed on, suspended from, or in any way attached to, any structure, vehicle, or landscape feature. Types of signs include:

1. **Abandoned sign.** A sign that identifies a business, lessor, owner, product, service, or activity which has been discontinued on the premises for a period of six months or more.
2. **Address sign.** The numeric reference of a structure or use to a street, included as part of a wall or monument sign.
3. **Animated or moving sign.** Any sign which uses movement lighting or special materials to depict action or create a special effect or scene.
4. **Awning, canopy, or marquee sign.** A nonelectric sign that is printed on, painted on, or attached to an awning, canopy, or marquee.
5. **Banner sign.** A frameless sign of fabric, vinyl, or similar material, designed and used for temporary display.
6. **Billboard or off-site sign.** A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which the sign is located.
7. **Building-mounted or wall sign.** A sign painted on or fastened to a building wall, and which does not project more than twelve inches from the wall.
8. **Civic event sign.** A temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.
9. **Construction sign.** A temporary sign erected on the parcel on which construction is taking place, limited to the duration of the construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owner, financial supporters, sponsors, and similar individuals or firms having a major role or interest with respect to the structure or project.
10. **Decorative graphics.** Any graphic symbol, logo, monogram, words treated as a graphic image or other symbolic device that identifies the specific business, products, or services offered on the premises, or which relates to the contents of the building-mounted sign.
11. **Directory sign.** A sign for listing the tenants or occupants and their suite numbers of a structure or center.
12. **Double-faced sign.** A single structure monument sign located perpendicular to the street.
13. **Exterior-illuminated sign.** Any part of a sign which is illuminated from an exterior artificial light source mounted on the sign, another structure, or the ground.
14. **Flashing sign.** A sign that contains an intermittent or sequential flashing light source.

15. **Freestanding sign.** A sign with its own support structure, not attached to any other structure.
16. **Historic sign.** A sign that is individually culturally significant or associated with a culturally significant business, building, area, product, or event.
17. **Holiday decoration sign.** Temporary signs, in the nature of decorations, clearly incidental to and customarily associated with holidays.
18. **Identification sign.** A sign identifying an institution, occupant apartment, residence, school, or church in a residential zone; or a sign identifying the name of a business in a commercial zone and not advertising any product or service.
19. **Illegal sign.** A sign that was not established or is not being maintained in compliance with the applicable provisions of this Zoning Code or this chapter that applied to the sign at the time it was installed.
20. **Illuminated sign.** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
21. **Institutional sign.** A sign identifying the premises of a church, school, hospital, rest home, or similar institutional facility.
22. **Interior-illuminated sign.** Any part of a sign which has text, graphics, or any portion of the sign face or its outline illuminated by a light source within the interior of the sign.
23. **Logo sign.** An established trademark identifying the use of a structure.
24. **Marquee.** A sign placed on the face of a permanent roofed structure projecting over the building entrance which is an integral part of the building (usually a hotel or theater) and is not a fascia extension of the roof or eave.
25. **Monument sign.** A sign structure detached from a building, with a solid base located on the ground, as opposed to being supported by poles or open braces, and six feet or less in height.
26. **Mural.** A painting including images or pictorial representations, applied directly to the exterior of a commercial building. If these paintings include advertising copy, trademarks, or business logos, they are instead considered to be signs.
27. **Non-appurtenant sign.** Any sign which does not relate to, or which relates only incidentally to, the occupant of the site or the principal business conducted within the structure.
28. **Open/closed sign.** An "open" or "closed" window sign.
29. **Open house sign.** A temporary sign posted to indicate a salesperson is available to represent the property subject to sale, lease, or rent.
30. **Pedestrian sign.** An identification and/or directional sign designed and located primarily to inform pedestrians. These signs are usually mounted or suspended from the underside of an eave or canopy, perpendicular to an adjacent store front.
31. **Pole or pylon sign.** A sign with its message area elevated above the ground by a single pole, or multiple supports, with a total height of more than six (6) feet.
32. **Political sign.** A sign intended to draw attention to, or communicate a position on any issue, candidate, or measure, which is associated with any national, state, or local elections, or that is the subject of general public discussion or debate.
33. **Price sign.** A sign limited to the name or identification of items or products for sale on the premises, and the price of the items or products.

34. **Projecting or cantilevered sign.** A sign which extends outward from a building face or wall so that the sign face is perpendicular or at an angle to the building face or wall.
35. **Promotional sign.** A temporary sign which serves to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.
36. **Reader board sign.** A sign that is designed so that message elements or sign copy may be readily changed through the use of individual letters or characters, separate panels, or electrical messages.
37. **Roof sign.** A sign located on or attached to and extending above the roof covering of a building.
38. **Temporary sign.** A sign intended or required to be displayed for a limited period of time.
39. **Wall sign.** See **Building-mounted or wall sign**.
40. **Window sign.** A sign displayed within or attached to the interior of a window, door, or similar opening for the primary purpose of visibility from the exterior of the building.

Sign area. The area in square feet of the smallest simple geometric shape within which the furthest extent of a single sign face can be enclosed. The area of a sign with more than one (1) face shall be the greatest area of sign faces visible from any one point.

Sign copy. The information content of a sign, including text, illustrations, logos, and trademarks.

Sign face. The visible portions of a sign including all characters and symbols, but not supporting structures.

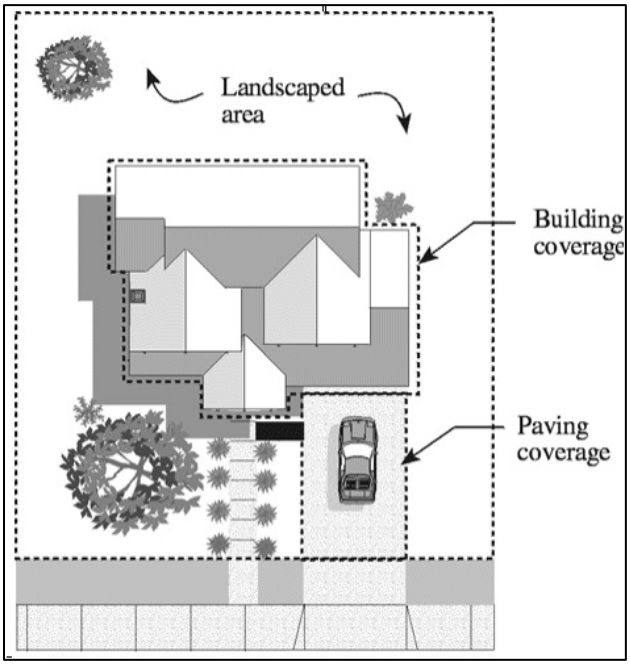
Sign height. The vertical distance from average adjacent ground level to the top of the sign including the support structure and any design elements.

Single-family dwelling. (IP) A building designed for and/or occupied exclusively by one (1) family, or one or more persons occupying premises and living as a single housekeeping unit, which is not attached to or located on a lot with commercial uses. Single-family dwellings contain one (1) dwelling on one (1) lot. Single-family dwellings may also include approved accessory dwelling units and/or junior accessory dwelling unit. Single-family dwelling also includes factory-built, modular housing units, constructed in compliance with the Building Code , and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundations.

Site. See "Building site."

Site coverage. (IP) The percentage of total site area occupied by structures. Structures include the primary structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, etc.), and architectural features (e.g., chimneys, balconies, decks above the first floor, porches, stairs, etc.). Size of structure is measured from exterior wall to exterior wall. See Figure 17.72.210-2 (Site Coverage).

Figure 17.72.210-2: Site Coverage



Site grade. (IP) See "Grade."

Slope. (IP) See "Percentage slope."

Small family day care homes. See "Child day care facilities."

Smoke shop. See Chapter 5.11 (Personal Services Businesses).

Spa. See "Swimming pool and spa."

Specific anatomical areas. Specified anatomical areas shall mean and include any of the following:

1. Any device, costume or covering that simulates any of the body parts included in paragraphs one (1) or two (2) above, even if completely and opaquely covered;
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; and
3. Less than completely and opaquely covered human genitals or pubic region, buttocks or anus, and female breast below a point immediately above the top of the areola.

Specific plan. A written document and appropriate graphics for development of one or more parcels which contains the regulations, conditions, programs, and legislation necessary for systematic implementation of each element of the City's General Plan/Local Coastal Program Land Use Plan consistent with California Government Code Section 5451 et seq.

Specific sexual activities. Specified sexual activities shall mean and include any of the following, whether performed directly or indirectly through clothing or other covering:

1. Excretory functions as part of or in connection with any of the other activities described in paragraphs one (1) through three (3) above;
2. Masturbation, actual or simulated;
3. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy; and
4. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast.

Stealth facility. Any communication facility which is designed to blend into the surrounding environment, typically one that is architecturally integrated into a building or other concealing structure. Also referred to as concealed antennas.

Stock cooperative. A corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, and which transfer of share or shares of stock or membership certificates in the corporation held by the person having such right to occupancy. (California Civil Code Section 11003.2 (1982 Statutes)).

Storage yards. The outdoor storage of various materials and/or equipment, as the primary use of the site. Includes contractor's storage yards, equipment storage yards, etc. Does not include recycling facilities, auto wrecking, etc., which are instead included in "Recycling facilities – Scrap and dismantling yards."

Storage, accessory. The storage of various materials as part of another land use, where the storage activity and areas are clearly subordinate to the primary non-storage use of the site.

Storage, personal storage, self-storage facility (mini-storage). A structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

Street. (IP) A public thoroughfare accepted by the City, which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley as defined in this subsection.

Street line. The boundary between a street right-of-way and property.

Structural alteration. (IP) Any change in the supporting members of a structure, such as bearing walls, columns, beams, and landscaping.

Structure. (IP) Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of this Zoning Code, the term “Structure” includes “Building.”

Structure height. (IP) See “Building height.”

Structure silhouette. (IP) The outline of a proposed structure superimposed against the vertical view plane as seen from the freeway sight position.

Structure, primary. (IP) See “Primary structure.”

Structure, temporary. (IP) A building not permanently attached to the ground or other structure by fixed foundation, piles, or structures.

Studios – art, photography, etc. Facilities for individual and group instruction and training in painting, sculpture, photography, and other graphic arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities.

Subdivision. (IP) The division, by any subdivider, of any unit or portion of land shown on the latest equalized San Luis Obispo County assessment roll as a unit or contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement, or railroad rights-of-way. Subdivision includes a condominium project, as defined in Section 950 of the Civil Code, a community apartment project, as defined in Section 11004 of the Business and Professions Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code.

Subdivision Map Act. Article II, Title 7 of the California Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions.

Supportive housing. As defined by California Health and Safety Code Section 50675.14, housing with no limit on length of stay, which is occupied by a target population, as defined in Health and Safety Code Section 50675.14, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live, and, when possible, work in the community. Supportive housing includes nonresidential uses and administrative office space, and specifically includes transitional housing for youth and young adults. Supportive housing is a residential use subject only to those restrictions that apply to other residential dwellings of the same type in the same zone, consistent with California Government Code Section 65583(c)(3).

Swimming pool and spa. A pool, spa, jacuzzi, hot tub, or open tank, capable of containing water to a depth greater than one and one-half (½) feet at any point, the primary use of which is for recreation or physical therapy.

17.72.220 "T"

Tandem parking. That two (2) or more automobiles are parked on a driveway or in any other location on a lot, obstructed or lined up one (1) behind the other. Tandem parking spaces must be under the same control of the property owner or inhabitants.

Target population. Persons with low incomes who have one (1) or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Tattoo parlor. A commercial land use where permanent marking or coloring of the skin is performed by pricking in coloring matter or by producing scars by use of heat, blades, or needles, and which is conducted in exchange for financial or other valuable consideration. Does

not include the application of permanent cosmetics (permanent makeup) or tattooing when applied by a licensed dermatologist on premises licensed as a dermatological office.

Telecommunications facilities. (IP)

1. **Antenna.** Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is operated or operating from a fixed location.
2. **Base station.** A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.
    a. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
    b. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks).
    c. The term includes any structure other than a tower that, at the time the relevant application is filed with the state or local government, supports or houses equipment described above that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing the support.
    d. The term does not include any structure that, at the time the relevant application is filed with the state or local government, does not support or house equipment described in above.
3. **Colocation.** Mounting or installing a wireless telecommunication facility on a pre-existing structure; and/or modifying a structure for the purpose of mounting or installing a wireless telecommunications facility on that structure. For the purposes of eligible facilities requests, colocation means the mounting or installation of transmission equipment on an existing tower or base station.
4. **Commercial wireless communication facility.** A wireless communication facility operated by a for-profit business or for-profit purposes.
5. **Eligible facilities request.** Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
    a. Colocation of new transmission equipment;
    b. Removal of transmission equipment; or
    c. Replacement of transmission equipment.
6. **Fixed wireless signal.** Any commercial non-broadcast communications signals transmitted via wireless technology to and/or from a fixed customer location. Fixed wireless signals do not include, among other things, AM radio, FM radio, amateur ("HAM") radio, CB radio, and Digital Audio Radio Service (DARS) signals.

7. **Hub or relay antenna.** Any antenna that is used to receive or transmit fixed wireless signals for the distribution of fixed wireless services to multiple customer locations as long as the antenna serves a customer on whose premises it is located but excludes any hub or relay antenna that is used to provide any telecommunications services or services that are provided on a commingled basis with telecommunications services.
8. **Lattice tower.** A type of tower; a three (3)- or more-legged structure designed and erected on the ground to support wireless telecommunication antennas and connecting appurtenances.
9. **Monopole.** A type of tower; a structure of single pole (non-lattice) design and erected on the ground to support wireless telecommunications antennas and connecting appurtenances.
10. **Noncommercial wireless communication facility.** A wireless communication facility operated by a government agency, a nonprofit organization, a for-profit business for nonprofit purposes or a private citizen for personal use. This use includes all amateur radio facilities.
11. **Satellite dish or non-satellite dish.** A sub-type of antenna incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped, and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, Television Receive Only (TVROs), and satellite microwave antennas.
12. **Small wireless facilities.** Facilities that meet each of the following conditions:
    a. The facilities:
        i. Are mounted on structures fifty (50) feet or less in height including their antennas as defined in this section;
        ii. Are mounted on structures no more than ten percent (10%) taller than other adjacent structures; or
        iii. Do not extend existing structures on which they are located to a height of more than fifty (50) feet or by more than ten percent (10%), whichever is greater;
    b. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna), is no more than three cubic feet in volume;
    c. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight (28) cubic feet in volume;
    d. The facilities do not require antenna structure registration under 47 C.F.R. Section 17.4;
    e. The facilities are not located on Tribal lands, as defined under 36 C.F.R. Section 800.16(x); and
    f. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. section 1.1307(b).
13. **Stealth design.** Improvements or treatments added to a wireless telecommunication facility which are intended to make the facility look like something other than a wireless

tower or base station or to mask or blend the proposed facility into the existing structure or visual backdrop, in such a manner as to render it minimally visible to the casual observer.

14. **Stealth wireless communications facility.** Any antenna that is designed to be architecturally integrated into a building and is architecturally consistent with the building design. Examples include a steeple, cupola or tower element on a building and do not include flag poles, monopoles or other structures designed to house antenna and resemble natural features.
15. **Telecommunication facility, major.** A communication facility that, due to size, scale, location, or other characteristics, is likely to have some detectable impact on adjacent uses or on the environment, including aesthetic or visual impacts, or that may have a cumulative impact citywide or on the regional environment due to the number of sites included or in combination with other projects. This definition includes freestanding antenna structures, including monopoles and towers, or the placement of a network of wireless communication facilities throughout an area onto existing structures, or other facilities which, as determined by the Director, warrant this classification.
16. **Telecommunication facility, minor**. A communication facility which by its size, scale, location, design, or combination of such measures, allows the facility to be aesthetically integrated into the surrounding environment so as not to be readily seen or recognized as a communication facility and is not likely to have some detectable impact on adjacent uses or on the environment.
17. **Tower.** Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Tenant. A person who rents, leases, or subleases real property from another through a written or oral agreement.

Theaters, motion picture. Single- and multi-screen theaters where motion pictures are shown.

Transitional housing. As defined by California Government Code §65582(q), buildings configured as rental housing developments but operated under program requirements that mandate the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six (6) months from the beginning of the assistance. Transitional housing is a residential use subject only to those restrictions that apply to other residential dwellings of the same type in the same zone, consistent with California Government Code Section 65583(c)(3).

Two-unit residential development. (IP) A housing development containing no more than two residential units within a single-family residential zone permitted pursuant to the regulations set forth in SB 9.

17.72.230 "U"

Unbuildable zone. (IP) For density calculation purposes only. Bluff retreat zones, other unmitigable hazard areas, areas in excess of percentage slope requirements, waterways, sensitive habitats, and other similar unbuildable areas.

Unit. (IP) Any dwelling unit or units created consistent with California Government Code Section 66452.21, an existing structure, a primary dwelling unit, an accessory dwelling unit, or a junior accessory dwelling unit.

Urban agriculture. Use of land for the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity.

Urban lot split. (IP) A parcel map subdivision permitted pursuant to the regulations set forth in SB 9 that creates no more than two parcels of approximately equal size.

Use. (IP) The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

17.72.240 "V"

Vacation rental. (IP) Any structure which exists, is constructed, or which is maintained or used upon any premises for the purpose of transient lodging, which consists of four (4) or fewer separate transient rental units and is rented for periods of less than thirty (30) days. As used here, "transient" shall have the same meaning as set forth in Chapter 3.20 (Transient Occupancy Tax).

Vehicle services. The repair, alteration, restoration, towing, painting, cleaning (including self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories.

18. **Major repair/body work.** Repair facilities dealing with entire vehicles. These establishments provide towing, collision repair, other body work, and painting services; and also include tire recapping establishments.
19. **Minor repair/body work.** Minor facilities specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, tire sales and installation, quick-lube, etc.).

Does not include automobile parking (see "Parking facilities/vehicle storage"), repair shops that are part of a vehicle dealership on the same site (see "Auto and vehicle sales," and "Mobile home and recreational vehicle sales"); "Service stations," which are separately defined; or automobile dismantling yards, which are included under "Recycling – scrap and dismantling yards."

Vertical access. (IP) Public pedestrian walkways which provide access to the shoreline from the nearest public road.

Vertical view plane. (IP) The rectangular area defined by the vertical area between the horizon and bluff sight lines, and the side property lines.

Very low-income households. As defined in Health and Safety Code Section 50105, provided the income of such persons and families shall not exceed fifty percent (50%) of the median income of San Luis Obispo County, adjusted for family size and revised annually.

Veterinary clinics, animal hospitals, and animal boarding. Office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. Also includes commercial facilities for the keeping, grooming, boarding, or maintaining of four (4) or more dogs four (4) months of age or older, or four (4) or more cats for commercial purposes, except for dogs or cats in pet shops (see “General retail stores”).

Visitor servicing facility. (IP) Those stores, shops, businesses, recreational facilities (both public and private), parks, and natural preserves which are regularly utilized by the traveling public.

Visual simulation. A computer-generated or manually produced illustration of the appearance of a proposed development project. These illustrations are created by superimposing an artist's rendering or computer-generated image of the proposed structures upon a photograph of the site in its pre-development condition.

17.72.250 “W”

Warehouse. A building or buildings used primarily for the storage of goods of any type and where no assembly, manufacturing, or retail operation is conducted with the use.

Warehouse retail stores. Retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may or may not be required to pay membership fees.

Warehousing. Facilities for the storage of farm products, furniture, household goods, or other commercial goods of any nature. Includes cold storage.

Does not include: warehouse, storage or, mini-storage facilities offered for rent or lease to the general public (see "Storage, personal storage facilities") or warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see "Wholesaling and distribution").

Wholesaling and distribution. Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as:

1. Agents, merchandise or commodity brokers, and commission merchants;
2. Assemblers, buyers, and associations engaged in the cooperative marketing of farm products;
3. Merchant wholesalers;

4. Stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment;

Working days. (IP) "Working days" shall be those days on which the City Hall offices are open to the general public and shall exclude weekends and legal holidays observed by the City.

17.72.260 "X"

No definitions exist for terms beginning with the letter "X."

17.72.270 "Y"

Yard. (IP) An area between a lot line and a setback, unobstructed and unoccupied from the ground upward, except for projections permitted by this Zoning Code.

Yard, corner side. (IP) A yard on a corner lot or reversed corner lot extending from the front yard to the rear lot line between the building setback line and the nearest side street lot line.

Yard, front. (IP) An area extending across the full width of the lot between the front lot line and the required setback.

Yard, rear. (IP) An area extending the full width of the lot between a rear lot line and the required setback.

Yard, side. (IP) An area extending from the front yard to the rear yard between the nearest side lot line and the required setback.

17.72.280 "Z"

Zone. Any of the residential, commercial, industrial, special-purpose, or combining zones established by this Zoning Code within which certain land uses are allowed or prohibited and certain site planning and development standards are established (e.g., setbacks, height limits, site coverage requirements, etc.).

Zoning Code. (IP) The City of Pismo Beach Zoning Code, Title 17 of the Pismo Beach Municipal Code, referred to as "the Zoning Code" or "this Zoning Code".