City of Pismo Beach
Draft Zoning Code/Implementation Plan
March 2022

Part 1: Introduction and Definitions
Part 2: Administration
Part 3: Zones
Part 4: General Site Regulations and More
Part 5: Specific and Nonconforming Uses

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Chapter 17.01 Title and Purpose

17.01.010 Title.

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."

17.01.020 Purpose.

This Zoning Code carries out the policies of the City of Pismo Beach General Plan and 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, 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 (Government Code Sections 65000 et seq.); the California Coastal Act (Public Resources Code Sections 30000 et seq.); the Subdivision Map Act (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 Plan Provisions. (IP)

The following portions of Title 17 shall be known as the "City of Pismo Beach Coastal Zone Implementation Plan" and hereafter referred to as the "Implementation Plan" or "IP." The Implementation Plan is a component of the Local Coastal Plan, which is comprised of its Land Use Plan and this Implementation Plan, serving to carry out the Local Coastal Plan policies.

A. Section 17.01.040 (Local Coastal Plan Provisions) (IP)
B. Chapter 17.04 (Definitions) (IP)
C. Chapter 17.12 (Coastal Development Permits) (IP)
D. Chapter 17.32 (Amendments to the Local Coastal Plan) (IP)
E. Section 17.48.040 (Hazards and Protection Overlay (H) (IP)
F. Section 17.48.050 (Coastal Access Overlay) (AC) (IP)
G. Section 17.48.060 (Coastal Appeal Overlay (CA) (IP)
H. Section 17.48.070 (Floodplain Overlay) (F) (IP)
I. Section 17.48.080 (Height Limitations Overlay) (HL) (IP)
J. Section 17.48.090 (Public or Visitor Parking Overlay (P) (IP)
K. Section 17.48.110 (View Considerations Overlay (VC) (IP)
L. Subsection 17.50.030.D (Exceptions for Coastal Blufftop Developments) (IP)
M. Subsection 17.50.040.E (Coastal Blufftop Fences) (IP)
N. Section 17.50.100 (Riparian Habitat Protection) (IP)
O. Section 17.50.140 (Visitor Serving Commercial Conversions) (IP)
P. Section 17.56.060 (Criteria and Standards for Drainage, Runoff, Erosion, and Slopes) (IP)
Q. Chapter 17.64 (Short-Term Rentals) (IP)
R. Section 17.68.070 (Nonconforming Coastal Bluff or Shoreline Structures) (IP)

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 17.68 (Nonconforming Uses, Structures and Parcels).

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 17.68 (Nonconforming Uses, Structures, and Parcels). 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.**
   All land use permit applications that have been determined by the Department to be complete before the effective date, will be processed according to the requirements in effect when the application was accepted as complete. Applications for land use permit extensions of time (see Section 17.08.070 (Permit Implementation, Time Limits, and Extensions)) shall be consistent with the requirements of this Zoning Code that are in effect when the time extension application is accepted as complete.
   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, after the effective date. Any permit or license issued in conflict with this Zoning Code shall be void.

17.01.060 Responsibility for Administration.

This Zoning Code shall be administered by the Council, Commission, Director, and the Department, as provided in Chapter 17.06 (Administrative Authorities).

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 passed 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

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. 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) through Chapter 17.48 (Overlay Zones) 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. **Commission Determination.**
   The Director may forward questions about equivalent uses directly to the 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. **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.
   2. **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.
   3. **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).
   4. **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.

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.

1. **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.
2. **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, Commission, City Attorney, City Clerk, and Department staff; and
3. Maintained in all copies of the Zoning Code used by the Department.

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

Chapter 17.04 Definitions (IP)

17.04.010 Purpose.

This chapter provides definitions of terms and phrases 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.

17.04.020 "A" Definitions.

Access. The place or way through which pedestrians and/or vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this Zoning Code.

Accessory use. 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). 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, in compliance with 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 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 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. 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 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. 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. Housing units which are affordable to households with very low, low, or moderate incomes. For the purposes of this Zoning Code, any multi-family unit which is utilized solely for year-round rental (not including accessory dwelling units, junior accessory dwelling units, or transient housing) and is less than 800 square feet in total interior floor area, and is not located within the coastal appeal jurisdiction, shall be considered to be an affordable unit.

Affordable 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.

Affordable housing project. A development project in which 100 percent of the dwellings to be built will be sold or rented in conformity with the City's inclusionary housing requirements.

Agent. 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. 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. 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. 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. Any change to the Land Use Map, Zoning Code, or Zoning Map.

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 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. 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. Includes both approval and approval with conditions.

Appurtenant. 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. Those areas designated by the General Plan/Local Coastal Plan 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. 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. A roof-like cover, temporary or permanent in nature, which projects from the wall of a building or overhangs the public way.

17.04.030 "B" Definitions.

Balcony. 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. That portion of a building which is partly or wholly underground. When more than one-half 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. A room that is primarily used for sleeping. A bedroom shall be no less than 70 square feet in size, with a minimum horizontal dimension of no less than seven 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). 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. All property fronting one side of a street, between two 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. A bank or cliff rising from the beach or coastline, defined by the area located between the toe of the bluff and the bluff edge. The bluff top surface or face may be a planer or curved surface, or it may be steplike in section.

Bluff access. The place or way which the public shall have safe, adequate, and usable ingress and egress to the coastal blufftops.

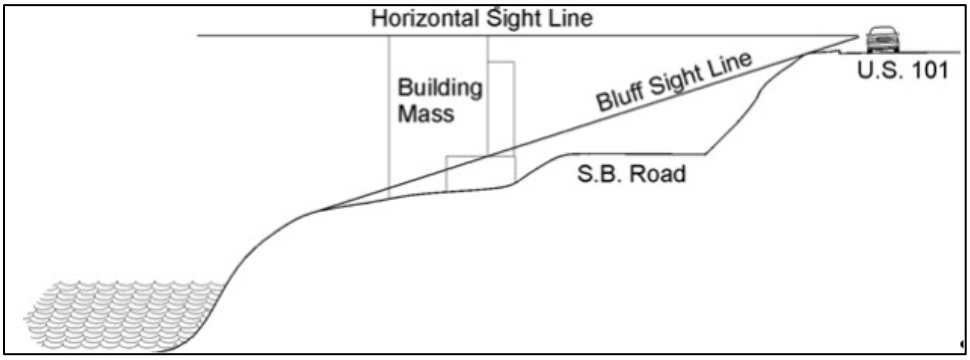
Bluff, toe of the. The point at which the inland extent of a beach, or the mean high tide line of the ocean where there is no beach, meets the face of the bluff.

Blufftop. The point at which the slope of an ocean-fronting coastal bluff begins to change from near horizontal to more vertical.

Blufftop edge. The upper termination of a bluff. When the top edge of the bluff is rounded away from the face of the bluff as a result of erosional processes, the edge shall be defined as that point beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the bluff. In a case where there is a step like feature at the top of the bluff face, the landward edge of the topmost riser shall constitute the bluff top edge.

Bluff sight line. 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 17.04.030-1.

Figure 17.04.030-1: 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. 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. See "Floor area, gross."

Building envelope. 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. The exterior walls of a building visible in a single building elevation, not including sloped roof surfaces.

Building height. The vertical distance to be measured from the highest point of the roof to the center point of the building footprint at site grade unless otherwise stated in this Zoning Code.

Building, main. 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. 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 Uniform Building Code.

Bulk. 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.

17.04.040 "C" Definitions.

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. 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. Established for the implementation of the 1976 Coastal Act.

Campground. A transient open-air facility for the temporary use of tent, trailer, or RV campers without hookups in a park like setting.

Cantilever. A structure which is horizontally attached to the main portion of that structure without separate vertical supports.

Carport. 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 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 day. See Chapter 17.24 (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 to eight 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. The area occupied by the normal flow of an intermittent or perennial stream during non-flood conditions.

Child day care facilities. Facilities that provide nonmedical care and supervision of minor children for periods of less than 24 hours. 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.** Commercial or non-profit child day care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.
2. **Large family day care home**. A “Large family day care home” as that term is defined in Health & Safety Code Section 1596.78 and including a day care facility located in a single-family residence where an occupant of the residence provides care and supervision for seven to 14 children. Children under the age of 10 years who reside in the home count as children served by the day care facility.
3. **Small family day care home.** A “Small family day care home” as that term is defined in Health and Safety Code Section 1596.78 and including a day care facility located in a single-family residence where an occupant of the residence provides care and supervision for eight or fewer children. Children under the age of 10 years who reside in the home count as children served by the day care facility.

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. 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 feet of any wetland, estuary,

stream, or within three hundred feet of the top of the seaward face of any coastal bluff. See Section 17.12.110 (Appeals of Coastal Development Permits).

Coastal dependent development or use. Any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

Coastal development permit (CDP). 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).

Coastal resources. 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. 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 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 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 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 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. Locating of wireless communications equipment from more than one provider on a single building-mounted, roof-mounted, or ground-mounted wireless communication facility.

Commercial project. 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 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.

Conditional use. An use requiring approval of a Conditional Use Permit.

Condominium. 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-dimensional space (air space) within the outer walls, roof or ceiling and floors of the individual units. Also see "Multi-family dwelling."

Construction. 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 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. 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. 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.

17.04.050 "D" Definitions.

Demolition. The voluntary or involuntary removal of more than 50 percent 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. The number of dwelling units per net acre, unless otherwise stated, for residential uses.

Density bonus. 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, as provided by Government Code Section 65915(f).

Density transfer. 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. A structure that does not have a wall or roof in common with another structure.

Development. 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. 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, in compliance with 17.28 (Development Agreements) of this Zoning Code and 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. 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.

District. See "Zone."

Drive-in and drive-thru sales. Facilities where food or other products may be purchase 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. 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. A building or buildings containing not more than one kitchen per dwelling unit, designed and/or used to house not more than two families living independently of each other.

Dwelling groups. A group of two 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. A building or portion of a building including one 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

Dwelling unit dedication trust. A trust established and administered by the City, consisting of existing dwelling units irrevocably dedicated, and used exclusively to increase and improve the supply of affordable housing.

17.04.060 "E" Definitions.

Easement. 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 including a sink, a refrigerator, small electric kitchen appliances that do not require electrical service greater than 120 volts, an appropriately sized food preparation counter, and storage cabinets. Full-sized electric, gas, or propane cooking appliances are not allowed in an efficiency kitchen.

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:

1. Appliances including stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines;
2. Aviation instruments;
3. Electrical transmission and distribution equipment;
4. Electrical welding apparatus;
5. Electronic components and accessories;
6. Electronic instruments, components and equipment including calculators and computers;
7. Industrial apparatus;
8. Industrial controls;

9. Instruments for measurement, testing, analysis and control, associated sensors and accessories;
10. Lighting and wiring equipment including lamps and fixtures, wiring devices, vehicle lighting;
11. Miscellaneous electrical machinery, equipment and supplies including batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines;
12. Motors and generators;
13. Optical instruments and lenses;
14. Photographic equipment and supplies;
15. Pre-recorded magnetic tape;
16. Radio and television receiving equipment such as television and radio sets, phonograph records and surgical, medical and dental instruments, equipment, and supplies;
17. Semiconductors, integrated circuits, related devices;
18. Surveying and drafting instruments;
19. Telephone and telegraph apparatus;
20. Transformers, switch gear and switchboards; and
21. 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. 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 months of less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

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. Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy, excluding active and passive solar equipment for residential, commercial, and resort developments.

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).

Environmentally sensitive habitat area. See General Plan/Local Coastal Plan.

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. See "Grade."

17.04.070 "F" Definitions.

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 or more persons living together in a dwelling unit who need not be related by blood or marriage.

Family care facility. A facility which provides service in a private residence to six or fewer individuals who are not related to the resident household but not including "Large family day care home" and/or "Small family day care home." The individuals served in a "Family care facility" are individuals with disabilities, aged, or in need of adult supervision and are provided such service in accordance with their individual needs. See also "Group Care Facilities." This category includes:

1. **Family home care.** Facilities for persons who are mentally ill or aged or adults with children with intellectual disabilities, other than facilities classified as "Large family day care home" and/or "Small family day care home." These facilities are licensed by the State Department of Medical Hygiene or certified by the State Department of social Welfare. The home is intended for not more than six patients who are provided with a program of services and protective supervision in a home setting.
2. **Family care home for children.** Includes nurseries for children of working parents or guardians and parent cooperative nursery schools licensed by the State Department of Social Welfare to provide care and supervision of children in a home setting during the day or 24 hours, other than facilities classified as "Large family day care home" and/or "Small family day care home."
3. **Nursery for infants with intellectual disabilities and other disabilities.** Nursery facility that provides nursing services primarily in crib accommodations in a family home setting, other than facilities classified as "Large family day care home" and/or "Small family day care home."

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Fence. Any structural device forming a physical barrier by means of hedge, wood, metal, chain, brick, stake, or similar materials.

Fill. The depositing of earth or any other substance or material by artificial means, including new pilings (except for replacement pilings) placed for the purposes of erecting structures thereon placed in a submerged area, any action by which earth, sand, gravel, rock or any other

material is placed, pushed, pumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom.

Finished grade. See "Grade."

Floodplain. Lowland or relative flat area adjoining inland or coastal areas that are subject to periodic inundation as a result of flood flows.

Floodplain, 100-year. The area subject to flooding in a major storm which has the potential for occurring once during a 100-year period and described by the U.S. Department of Housing and Urban Development Federal Insurance Administration.

Floodway. A channel for passing floodways and described by the U.S. Department of Housing and Urban Development Federal Insurance Administration.

Floor area. 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. 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 60 percent of the total vertical area between the floor and roof planes shall be included as building area.

Floor area ratio (FAR). 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).

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").

Freeway sight position. A viewing position three feet above the nearest travel lane of Highway 101.

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.

17.04.080 "G" Definitions.

Garage. 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 under the provisions of Government Code Sections 65300 et seq. and referred to in this Zoning Code as the "General Plan."

General retail stores. 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.

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. Includes but is not limited to the following:

1. **Existing 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 as approved by the City.

Grading. 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.

Guest house. 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.

17.04.090 “H” Definitions.

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.

Hedges. Shrubbery planted and maintained in such a manner as to create a physical barrier.

Height. 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. All properties with slopes of 15 percent 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. An owner-occupied detached single-family residence where bedrooms are rented for compensation for less than 30 consecutive days.

Horizon sight line. 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. See "Lodging – Hotels or motels."

17.04.100 "I" Definitions.

Implementing actions of the Local Coastal Plan. Ordinances, regulations, or programs which implement the provisions of the certified Coastal Plan Land Use Plan.

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. See "Lodging – Hotels or motels."

17.04.110 "J" Definitions.

Junior accessory dwelling unit (JADU). An accessory dwelling unit no more than 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.

17.04.120 "K" Definitions.

Kitchen. Any space used, intended, or designed to be used for cooking and preparing food.

17.04.130 "L" Definitions.

Landscaping. The planting and continued maintenance of ornamental plant material and shall include the installation, use, and continued maintenance of permanent irrigation system.

Land use permit. Authority granted by the City to use a specified site for a particular purpose, including architectural review, 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).

Land Use Plan/Element. That portion of the General Plan/Local Coastal Plan which has been prepared by the City of Pismo Beach and which establishes land use designations and related goals, policies, and programs governing the use of land within the Coastal Zone.

Large family day care home. See "Child day care facilities."

Lateral access. 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. The interior habitable area of a dwelling unit, including finished basements and attics, but does not include a garage or any accessory structure.

Local coastal plan (LCP). The following documents comprise the City of Pismo Beach certified Local Coastal Plan, in compliance with the Coastal Act: the City's General Plan/Local Coastal Plan; this Zoning Code; the Zoning Map; and any other implementing actions undertaken by the

City in compliance with the Coastal Act. The Local Coastal Plan is also sometimes referred to as the Local Coastal Program or LCP.

Lodging. Any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by persons for periods of fewer than 30 days or one month, whichever is shorter. This definition includes the following:

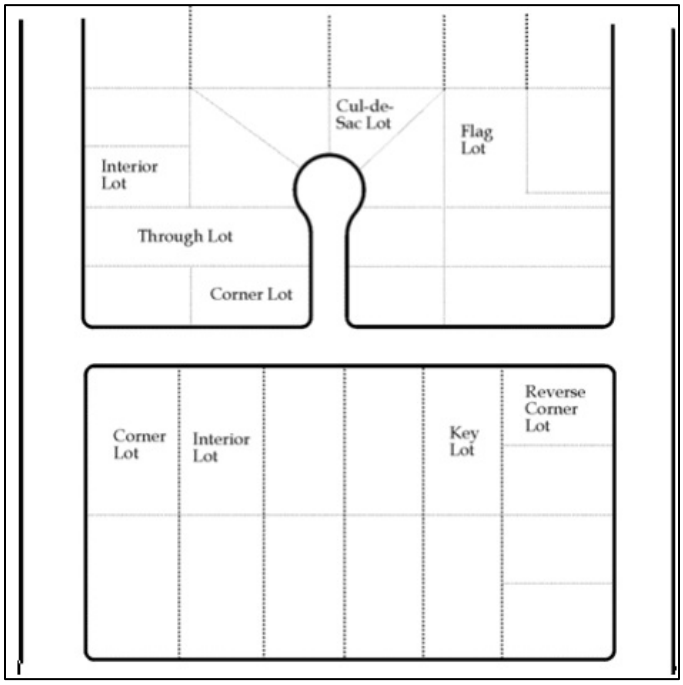
1. **Bed and breakfast inns.** Residential structures with one family in permanent residence with up to five bedrooms rented for overnight lodging, where meals may be provided subject to applicable Health Department regulations. A bed and breakfast inn with more than five guest rooms is considered a "Hotel or motel."
2. **Homestay.** See "Homestay."
3. **Hotels or motels.** Facilities with guest rooms or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or other temporary lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging, e.g., restaurants and meeting facilities.
4. **Short-term rental.** See "Short-term rental."
5. **Vacation club.** A transient lodging use that is intended or principally available for occupancy by its membership rather than the general public, where members do not have an ownership interest in a specific unit.
6. **Vacation rental.** See "Vacation rental."

Long-term rental. A rental for 30 consecutive days or more. Any rental agreement that allows a sublet or sublease to multiple parties for any terms less than 30 days, or early cancellation with or without penalty that allows multiple rentals within a 30-day period shall be considered a short-term rental and be subject to the terms of a short-term license.

Lot. A parcel, tract, or area of land whose boundaries have been established by a legal instrument, such as a deed or map recorded with the County of San Luis Obispo, and which is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way. Also see "Building site" and "Parcel." Types of lots include the following. See Figure 17.04.130-1 (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 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 20 feet in width.
3. **Interior.** A lot bounded on one 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 parallel or approximately parallel streets.

Figure 17.04.130-1: Lot Types



Lot area, Gross. 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. Net lot area is exclusive of easements, including those for utilities or flood control channels, which limit the use of the lot.

Lot coverage. See "Site coverage."

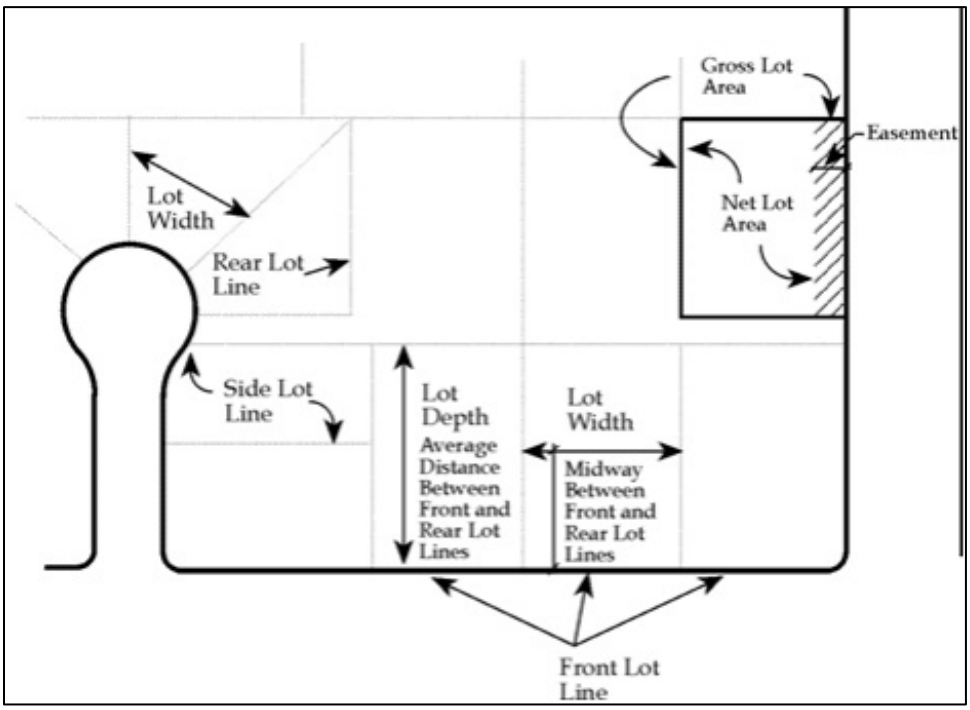
Lot depth. The horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

Lot frontage. The boundary of a lot adjacent to a public street right-of-way.

Lot line. 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 17.04.130-2 (Lot Features).

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 17.04.130-2: Lot Features



Lot width. 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 17.04.130-2 (Lot Features). The Director shall determine lot width for parcels of irregular shape.

Lower-income households. As defined in Health and Safety Code Section 50079.5, provided the income of such persons and families shall not exceed 80 percent 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).

17.04.140 "M" Definitions.

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 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 whip or panel antennas where each whip antenna does not exceed four inches in diameter and four feet in length and each panel antenna does not exceed two square feet in surface area;
2. Contains a maximum of one microwave antenna no larger than 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 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 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. The development and use of a site with a combination of residential and non-residential uses.

Mobile home or manufactured housing. 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. Any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two 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 Uniform Building Code and require architectural approval.

Motel. See "Lodging – Hotels or motels."

Multi-family dwelling. A building or a portion of a building used and/or designed as residences for three or more families living independently of each other. Includes: triplexes, fourplexes (buildings under one ownership with three or four dwelling units, respectively, in the same structure) and apartments (multiple units under one ownership in a single building); townhouse development (three 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.

17.04.150 "N" Definitions.

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. 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, illegal. Any building or structure that was not legally established (i.e. did not receive appropriate permits or approvals) prior to the effective date or subsequent amendment to this Zoning Code, which does not fully comply with the standards imposed by the individual sections of this Zoning Code.

Nonconforming structure, legal. Any building or structure legally established prior to the effective date or subsequent amendment to this Zoning Code, which does not fully comply with the standards imposed by the individual sections of this Zoning Code.

Nonconforming use. A use of a structure (either conforming or nonconforming) or land that was legally established and maintained prior to the adoption of this Zoning Code and which does not conform to current code provisions governing allowable land uses for the zone in which the use is located.

17.04.160 "O" Definitions.

Occupancy. All or a portion of a structure occupied by one 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. A site or a portion of a site devoted to the loading or unloading of motor vehicles.

Off-street parking facilities. 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. Farmers' markets;
3. Retail sales from individual vehicles in temporary locations outside the public right-of-way;
4. Semi-annual sales of art/handcrafted items in conjunction with community festivals or art shows; and
5. Sidewalk or parking lot sales longer than one weekend.

Overlay zones. 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).

17.04.170 "P" Definitions.

Parcel. 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. 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. 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. An area not within a building where vehicles may be stored.

Parking structure. A building or portion of a building below or above ground where vehicles may be stored.

Parking space. An off-street area, for the parking of a motor vehicle, with at least seven 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. 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. 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. 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. An allowable use inherently compatible with other uses in that zone, not requiring a Conditional Use Permit.

Person. 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 Council as provided by Government Code Section 65101, referred to throughout this Zoning Code as the "Commission."

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. 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. The dwelling owned and occupied as the property owner's principal place of residence, where the owner lives more than 50 percent of the year (26 C.F.R. Section 1.121-

1(b)(2)), defined as 183 days or more per year. For purposes of short-term rental or homestay licensing, a person can only have one primary residence at any time.

Primary structure. A structure that accommodates the primary use of the site. Also referred to as principal structure or principal building.

Primary use. 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. 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.

Public safety facilities. 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 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. 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.

17.04.180 "Q" Definitions.

No definitions exist for terms beginning with the letter "Q."

17.04.190 "R" Definitions.

Raised structures. Structures such as patios, decks, porches, landing places, or outside stairways that have a vertical measurement of 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.

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 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 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 350 square feet and/or include permanent structures;
   b. Reverse vending machine(s); and
   c. Small collection facilities which occupy an area of 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 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 45,000 square feet of collection, processing and storage area, and averages two 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 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. 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 project. 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 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. 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, Commission, or Council) identified in the Zoning Code as having the responsibility and authority to review and approve or disapprove permit applications.

17.04.200 "S" Definitions.

Sea. The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding 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").

Seawall. A wall, structure, device, rock embankment or similar facility located along bluff and bank edges.

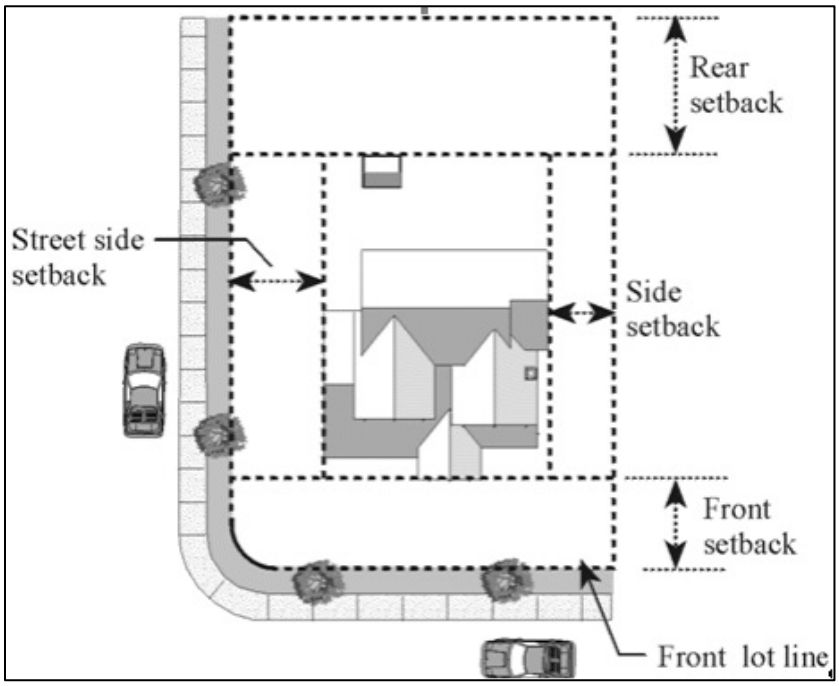
Sensitive coastal resource areas. Those identifiable and geographically bounded land and water areas within the Coastal Zone of vital interest and sensitivity, including:

1. Archaeological sites referenced in the California coastline and recreation plan or as designated by the State Historic Preservation Office;
2. Areas possessing significant recreational value;
3. Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons;
4. Areas where divisions of land could substantially impair or restrict coastal access.
5. Highly scenic areas;
6. Special communities or neighborhoods which are significant visitor destination areas; and
7. Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designed in the General Plan/Local Coastal Plan Land Use Plan.

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. 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 17.04.200-1 (Setbacks) shows the location of front, side, street side, rear, and interior setbacks.

Figure 17.04.200-1: Setbacks



Setback line. 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.

Short-term rental (STR). The rental of a detached single-family residence or accessory dwelling unit for less than 30 consecutive days, where the primary residence is not being concurrently occupied by the owner.

Sign. 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 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 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.

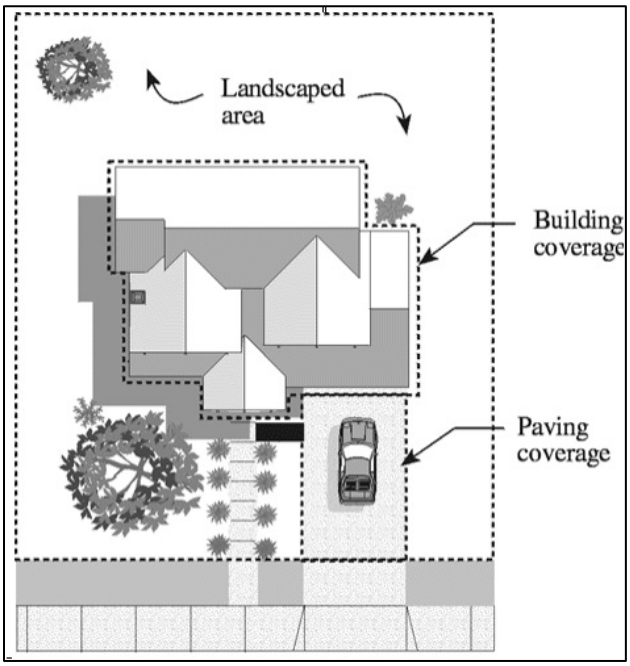
Sign height. The vertical distance from average adjacent ground level to the top of the sign including the support structure and any design elements.

Single-family dwelling. A building designed for and/or occupied exclusively by one 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 dwelling on one 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 Uniform Building Code (UBC), 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. 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 17.04.200-2 (Site Coverage).

Figure 17.04.200-2: Site Coverage



Site grade. See "Grade."

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 1 or 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 Plan Land Use Plan in conformance with 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 1 through 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 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.

Story pole. Poles of wood, fiberglass, PVC, or other suitable materials, with lengths equivalent to the height of a proposed structure. These poles are placed on a proposed development site where the corners of a proposed structure will be located, to allow them to be photographed for the purpose of visualizing: the bulk and mass of the proposed structure; its appearance; and the extent to which it will block existing views and create other visual impacts.

Street. 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. Any change in the supporting members of a structure, such as bearing walls, columns, beams, and landscaping.

Structure. 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 silhouette. The outline of a proposed structure superimposed against the vertical view plane as seen from the freeway sight position.

Structure, primary. See "Primary structure."

Structure, temporary. 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. 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.

Substantial redevelopment. As defined in the GP/LCP, alterations that involve (1) additions to an existing structure, (2) exterior and/or interior renovations, and/or (3) demolition or replacement of an existing principal structure, or portions thereof, located in a coastal hazard area. An existing structure shall be considered redeveloped when such development consists of any alteration or addition to an existing structure, exterior and/or interior renovation, and/or demolition of an existing residence or principal structure or portions thereof, which results in either:

1. Replacement (including demolition, renovation, reinforcement, or other type of alteration) of 50 percent or more of any major structural component, including exterior walls, floor structure, roof structure or foundation, as calculated by linear feet, surface area, volume, or weight. Major structural components are considered individually (i.e., percentages are calculated by the individual structural component being altered, and are not additive between different structural components); or
2. Additions and alterations to an existing structure that result in a 50 percent or more increase in floor area.

Changes to individual major structural components and floor area are measured cumulatively over time starting from Month Date, Year (the effective date of certification of the General Plan/Local Coastal Plan). If development constitutes a substantial redevelopment as defined herein, a CDP shall be required, and the development meeting this definition must be brought into conformance with all coastal resource protection policies in the GP/LCP.

Supportive housing. Housing with no limit on length of stay, which is occupied by a target population, 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.

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 feet at any point, the primary use of which is for recreation or physical therapy.

17.04.210 "T" Definitions.

Tandem parking. That two or more automobiles are parked on a driveway or in any other location on a lot, obstructed or lined up one 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 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. Public, commercial, and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, cellular telephone, and data network communications; including commercial earth stations for satellite-based communications. Includes antennas, towers, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections.

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. 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 months from the beginning of the assistance.

17.04.220 "U" Definitions.

Unbuildable zone. For density calculation purposes only. Bluff retreat zones, up to a maximum of 25 feet of the projected bluff retreat, other unmitigable hazard areas, areas in excess of percentage slope requirements, waterways, and other similar unbuildable areas.

Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

17.04.230 "V" Definitions.

Vacation club. See "Lodging – vacation club."

Vacation rental. 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 or fewer separate transient rental units. As used here, "transient" shall have the same meaning as set forth in Chapter 3.20 (Transient Occupancy Tax).

Variance. A discretionary entitlement that may waive or relax the development standards of this Zoning Code.

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.

1. **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.
2. **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. Public pedestrian walkways which provide access to the shoreline from the nearest public road.

Vertical view plane. 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 50 percent 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 or more dogs four months of age or older, or four or more cats for commercial purposes, except for dogs or cats in pet shops (see "General retail stores").

Visitor servicing facility. 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.

17.04.240 "W" Definitions.

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;

Wireless communication facility. A structure that supports antennas, microwave dishes, and other related equipment that sends and/or receives transmissions for cellular telephone, personal communication services (PCS), and other commercial communications services. This definition includes

Working days. When used to describe appeal periods, "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.

17.04.250 "X" Definitions.

No definitions exist for terms beginning with the letter "X."

17.04.260 "Y" Definitions.

Yard. 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, front. An area extending across the full width of the lot between the front lot line and the required setback.

Yard, rear. An area extending the full width of the lot between a rear lot line and the required setback.

Yard, side. An area extending from the front yard to the rear yard between the nearest side lot line and the required setback.

17.04.270 "Z" Definitions.

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. 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."

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Chapter 17.06 Administrative Authorities

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 (Government Code Section 65100.)

17.06.030 Community Development Director.

A. **Duties and Authority.**
The Director shall:

1. Have the responsibility to perform all of the functions designated by state law (Government Code Section 65103);
2. Have the responsibility and authority to approve applications for all administrative permits and approvals issued by the Department;
3. Perform other responsibilities assigned by the Council; and
4. Perform the duties and functions prescribed in this Zoning Code, including the review of development projects, in compliance with state law (Government Code Section 65901 et seq.), the California Coastal Act, and CEQA.

17.06.040 Planning Commission.

A. **Establishment.**
The Commission is established by Chapter 2.20 (Planning Commission).

B. **Duties and Authority.**
The Commission shall perform the duties and functions prescribed in 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 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
Administrative and Amendments			
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
Land Use Permits and Development Approvals			
Design Review			
Development in R-1 and R-2 zones	Decision	Appeal	Appeal
Development in all other zones	Recommend	Decision	Appeal
Appealable Coastal Zone development	Recommend	Decision	Appeal
Coastal Development Permit (CDP)	See Chapter 17.14		Appeal
Conditional Use Permit (CUP)	Recommend	Decision	Appeal
Development Agreement	Recommend	Recommend	Decision
Minor Exception	Decision	Appeal	Appeal
Minor Use Permit	Decision	Appeal	Appeal
Planned Development Permit	Recommend	Recommend	Decision
Reasonable Accommodation	Decision	Appeal	Appeal
Sign Permit	See Section 17.62.040		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).

Table 17.06.060-A: Role of Review Authority[1]			
Type of Decision	**Director [2]**	**Planning Commission [3]**	**City Council**

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 his or her purview of authority or when unique or special circumstances exist, the Director may refer the matter to the Commission so that the Commission may instead make the decision.
[3] If the Commission recommends a denial, the application will not proceed to Council unless an appeal is filed.

Chapter 17.08 Common Procedures

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.
3. **Cumulative.**
   The City's processing fees are cumulative.

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 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 Commission or Council, to which the applicant has not responded; or
      ii. The date of the last 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.

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 Commission when in the Director's opinion the conceptual review would benefit from the 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 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.**
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 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 C.

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.**
After acceptance of a complete application, the project shall be reviewed as required by CEQA, and City CEQA Guidelines to determine whether the proposed project is exempt from the requirements of CEQA, whether it is a project which requires review under

CEQA and if so, whether a negative declaration may be issued, or an environmental impact report (EIR) must be required. These determinations and, where required, the preparation of EIRs shall be in compliance with the City's CEQA Guidelines.

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 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 (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

d. **Coastal Zone Information.**
If the proposed development is within the Coastal Zone, the notice shall also include a statement that the development is within the Coastal Zone and, if within the Coastal Appealable Area, the notice shall include a statement that the project is subject to appeal to the California Coastal Commission.

2. **Method of Notice Distribution.**
Notice of a public hearing shall be given as follows, and as required by state law (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 10 days before the hearing.
   b. **Mailing.**
   Notice shall be mailed or delivered at least 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 300 feet of the exterior boundaries of the parcel that is the subject of the hearing;
      iv. **Nearby Residents.**
      If the proposed development is within the Coastal Zone, each dwelling unit within 300 feet of the exterior boundaries of the parcel that is the subject of the hearing;
      v. **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
      vi. **Coastal Commission.**
      The Coastal Commission, if the proposed development is within the Coastal Zone.
   c. **Alternative to Mailing.**
   If the number of property owners to whom notice would be mailed in compliance with Subsection 2.b is more than 1,000, the Director may choose to provide the alternative notice allowed by state law (Government Code Section 65091(a)(3)), except for developments within the Coastal Zone.
   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. **Notice of Non-Appealable Development in Coastal Zone.**
The California Code of Regulations, Title 14, Section 13568b, requires that all development within the Coastal Zone (except that which is categorically excluded) must receive public notice regardless of whether this Zoning Code requires a public hearing before the development can be approved or disapproved. Public notice requirements for projects requiring a public hearing are provided in Subsection A. This section provides notice requirements for projects requiring an Administrative Coastal Development Permit, or design review by the Director, which are not appealable to the Coastal Commission in compliance with Public Resources Code Section 30603, and which are not categorically excluded.

C. **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 Commission or Council agenda (as applicable), but no sooner than any minimum time period established by state law.

D. **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.

E. **Action of the Planning Commission.**
1. **Recommendation by Commission**
    a. At the conclusion of any public hearing on an application that requires Council approval, the Commission shall forward a recommendation, including all required findings, to the Council for final action.
    b. Following the hearing, a copy of the Commission's recommendation shall be mailed to the applicant at the address shown on the application.
2. **Decision by Commission**
    a. At the conclusion of any public hearing on an application that does not require Council approval, except on appeal, the Commission shall take final action.
    b. Following the hearing, a copy of the 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, Commission, or Council, as applicable) may announce and record their 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 Section 17.08.050.E (Hearing Procedure). The decision of the Council on any matter except a General Plan/Local Coastal Plan amendment (see Section 17.32.090 (Amendments to the General Plan/Local Coastal Plan) 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 17.14 (Coastal Development Permits) for Coastal Development Permit notice requirements. The Director may refer any staff level permit to the 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 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 11th day following the date of the action. See Chapter 17.14 (Coastal Development Permits) 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 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 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 original review authority may extend the time for an approved permit to be exercised. However, time extensions for projects that were approved by the Commission may be approved by the Director if the project does not include a new structure or expansion of an existing structure. If the review authority determines that the permittee has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner, the review authority may renew the permit for up to an additional two years from the date of the decision.

d. 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. **Hearing on Time Extension.**

a. At the request of the applicant, the Director may hold a hearing on any proposed expiration of a permit, in compliance with Section 17.08.050 (Public Hearings and Noticing).

b. 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 Changes to an Approved Permit.

Development or a new land use authorized 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. An applicant shall request a proposed change 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. Changes may be requested either before or after construction or establishment and operation of the approved use. Permit fees may be required for a requested change.

B. The Director may approve minor changes to an approved permit or other approval if the changes:

1. Are consistent with all applicable provisions of this Zoning Code; and
2. Do not involve a feature of the project that was a basis for findings in the project's CEQA documentation or for conditions of approval, or a specific consideration by the review authority in approving the application.

C. Changes not described in Subsection B shall be reviewed and approved or denied as a major or minor modification by the review authority that approved the original permit or approval.

17.08.090 Revocation of Permits.

Revocation proceedings may be initiated by the Council, 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, 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 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 (Government Code Section 65943);
    c. Decisions on permits and development approvals consistent with Section 17.06.060 (Authority for Land Use and Zoning Decisions)
    d. Any enforcement action in compliance with Chapter 17.34 (Enforcement).
2. **Appeals of Commission Decisions.**
Determinations and actions of the 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 17.08.100.E.

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 10 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 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 C, the appeal shall be transmitted to the Director who shall place the item on the next available 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 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 Commission is effective on the 11th day after the decision, when no appeal to the decision has been filed with 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 Subsection E.

E. **Appeals to the Coastal Commission.**
   A final approval taken by the City on a Coastal Development Permit application for an appealable development may be appealed to the Coastal Commission in compliance with Section 17.12.110 (Appeals of Coastal Development Permit Decision).

Chapter 17.10 Design Review

17.10.010 Purpose.

Design review is required to ensure new construction complies with the General Plan/Local Coastal Plan, standards in this Zoning Code, and other adopted plans and guidelines.

17.10.020 Applicability.

Design review is required for the following:

A. The construction of any new building except for accessory dwelling units and structures 200 square feet or less on a substandard parcel in the R-1-C and R-2-C zones.
B. Additions to existing buildings except for additions of 200 square feet or less in the R-1-C and R-2-C zones.
C. Tract home developments when referred by conditions of approval.
D. Modifications to the exterior of nonresidential structures, including changes to exterior materials when in conjunction with additions or reconstruction of an existing building.
E. Modifications to the exterior of residential structures when such modifications alter major features of the structure (e.g., change the architectural style, etc.).
F. Signs requiring Commission approval.
G. Other projects as required by the General Plan/Local Coastal Plan.

17.10.030 Review Process.

A. **Filing and Processing.**
An application for design review shall be filed and processed in compliance with Section 17.08.020 (Permit Filing and Processing).
B. **Project Review, Notice, and Hearing.**
Section 17.06.060 (Authority for Land Use and Zoning Decisions) identifies the review authority for design review applications. Modifications to the exterior of nonresidential structures, if no new floor area is proposed, may be reviewed and approved by the Director. Public noticing may be required for such changes, at the discretion of the Director. Applications for approval by the Commission shall require a public hearing in compliance with Section 17.08.050 (Public Hearings and Noticing). Design review shall not result in a reduction in the residential density.

17.10.040 Findings and Decision.

The review authority shall approve an application for design review 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/Local Coastal Plan and any applicable specific plan; and
C. The approval of the design review 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 design review application.

Chapter 17.12 Coastal Development Permits (IP)

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 Plan, 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 Plan 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 Plan 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 Plan Violations.**
The City is the primary enforcement entity for the development within its jurisdiction and will investigate and prosecute development that occurs within the Coastal Zone without a Coastal Development Permit pursuant to the requirements of the Local Coastal Plan and other violations of the Coastal Act. The City will work to resolve violations of the Local Coastal Plan in a timely manner, including through the use of appropriate enforcement actions.

E. **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 Coastal Commission Coastal Development Permits Jurisdiction, including as illustrated on the Post-Certification Permit and Jurisdiction Map, as may from time to time be amended.

F. **Coastal Commission Coastal Development Permits.**
The Coastal Commission retains authority over Coastal Development Permits approved and/or issued by the Coastal Commission prior to certification of the Local Coastal Plan, 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 Coastal Development Permit, the applicant shall apply to the Coastal Commission for a Coastal Development Permit 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 Coastal Development Permit, in which case the application can be processed by the City.

G. **Coastal Resource Protection.**
The Local Coastal Plan 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 Local Coastal Plan's zones and specified in other zoning allowances.

17.12.020 Coastal Development Permit 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 Commission under another provision of this title:
    a. Accessory structures and improvements that are not exempt from a Coastal Development Permit under Section 17.12.030.
    b. Accessory dwelling units and junior accessory dwelling units.
    c. Additions or improvements to existing public works facilities and utilities that do not constitute major public works as defined by the California Code of Regulations Section 13012.
2. **Coastal Development Permits.** The 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 (17.12.020.B.1).

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 terms 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 before a public hearing of the Commission, 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, landscaping, and accessory structures (e.g., garages, swimming pools, fences, and storage sheds). This exemption does not include:

1. Any improvement located on a beach, in a wetland, seaward of the mean high-tide line, within an environmentally sensitive habitat area, in an area designated highly scenic in the Local Coastal Plan, or within 50 feet of the edge of a coastal bluff.
2. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland, or sand dune, within 50 feet of the edge of a coastal bluff, or within an environmentally sensitive habitat area.
3. The expansion or construction of water wells or septic systems.
4. Guest houses or accessory dwelling units.
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 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 in the Land Use Plan, when one of the following circumstances apply:
    a. Improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure; or
    b. An additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to this section; or
    c. An increase in height by more than 10 percent of an existing structure; or
    d. An increase of height of 10 percent or less where height has already been undertaken pursuant to this section; and/or
    e. Development that includes any significant non-attached structure such as garages, shoreline protective works or docks on ocean fronting properties.
6. Any improvement to a structure where the Coastal Development Permit issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a Coastal Development Permit or a Coastal Development Permit amendment or some other type of coastal authorization (e.g., a Coastal Development Permit waiver).
7. Any improvements to existing structures other than single-family residences which changes the intensity of use of the structure by 50 percent or more.
8. 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 20 percent or more of the materials of an existing structure with materials of a different kind;
    d. The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams;
    e. The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or
    f. The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access, or public recreational use.
2. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include either of the following:
    a. The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials.
    b. The presence, whether temporary or permanent, of mechanized equipment or construction materials.
3. Maintenance of bluff top fences if earthwork or foundation work is proposed.
4. 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.
5. Unless destroyed by natural disaster, the replacement of 50 percent or more of a single-family residence, seawall, revetment, bluff retaining wall, breakwater, groin, or any other structure that is not repair and maintenance under Coastal

Act Section 30610(d) but instead constitutes a replacement structure requiring a Coastal Development Permit.

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 Plan requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure. As used in this section, "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner; "bulk" means total interior cubic volume as measured from the exterior surface of the structure; and "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

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 weeks in duration including setup and take-down; and
2. Does not occupy all or a portion of a sandy beach or park area and there is no potential for adverse effect on sensitive coastal resources; and
3. A fee will not be charged for general public admission and/or seating where no fee is currently charged for use of the same area (not including booth or entry fees); or if a fee is charged, it is for preferred seating only and more than 75 percent of the provided seating capacity is available free of charge for general public use; and
4. The proposed event has been reviewed in advance by the City and it has been determined, subject to the procedure in Section 17.12.030 (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 pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

F. **Minor Development and Accessory Structures in Bluffs Setback.**
Minor development and accessory structures in the bluffs setback when in compliance with General Plan/Local Coastal Plan Safety Element Action 2.4d.

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 Plan.

The determination shall be made in writing and based upon factual evidence.

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 Plan and for which all applicable policies of the Local Coastal Plan 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 conditions or 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 Plan, 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 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 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 10 working days prior to the decision on the application. The Director shall provide notice by first class mail.

F. **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.

G. **Waiver Expiration.**
A de minimis waiver shall expire and be of no further force and effect if the authorized development is not exercised by substantial ground altering physical development within two years of the effective date of the waiver. In this event, either a new de minimis waiver or a regular Coastal Development Permit shall be required for the development.

17.12.050 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 Plan, 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 Plan, 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 Plan. 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 on the site, including any violations of existing Coastal Development Permit terms and conditions, and provisions for resolving all permitting and coastal resource issues associated with the unpermitted development;
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. 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
8. 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.

A. 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 Plan, including any provisions that support the determination.

17.12.070 Coastal Development Permit Public Notice and Hearing.

A. **Public Hearing Requirements.**
All 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.**
Coastal Development Permit application actions shall be noticed at least 10 calendar days prior to the required public hearing on the proposed project by posting 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), and by mailing notice to:

1. The owner(s) and owner's agent of all properties for which development is proposed, the applicant, and any applicant representatives;
2. Each local agency expected to provide essential facilities or services to the project;
3. Any person who has filed a request for notice (e.g., for the site, for the particular development, for the type of development, development in general, etc.) with the Director;
4. All owners and all occupants of parcels of real property located within 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;
5. 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; and
6. All known interested parties.

C. 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. 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.

E. **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.

F. **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 Plan policies and standards, including making the following findings, as applicable:

A. The project is consistent with the Local Coastal Plan.
B. The project protects or enhances public views through conformance with Local Coastal Plan policies.
C. The project protects vegetation, natural habitats, and natural resources consistent with Local Coastal Plan policies and actions.
D. The design, location, size, and operating characteristics of the proposed development is consistent with applicable Local Coastal Plan requirements.
E. The project protects or enhances public access to and along the coast consistent with applicable provisions of the Local Coastal Plan.
F. The project supports the Local Coastal Plan goal of providing for visitor-serving needs as appropriate, including providing low and no cost visitor and recreational facilities, where applicable or feasible.
G. The proposed development protects or enhances coastal resources, where applicable, and consistent with the Local Coastal Plan.
H. If the project constitutes substantial redevelopment, the development will be brought into conformance with all coastal resource protection policies in the Local Coastal Plan.

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 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 below).
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 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 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 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 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 Plan (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-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 that apply to new Coastal Development Permit applications. Any amendment approved for development in the Coastal Zone shall be required to be found consistent with all applicable Local Coastal Plan 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 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 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 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 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 Commission, and decisions of the Commission are appealable to the Council.

B. **Appeal Submission.**
An appeal must be submitted in writing within 10 calendar days of the date of the Director or 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. 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 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 Plan;
    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.
2. 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 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
    b. Projects located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
    c. Projects in a sensitive coastal resource area (e.g., environmentally sensitive habitat area).
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 members of the Coastal Commission, and must be submitted to the Coastal Commission within 10 working days of Coastal Commission receipt of a non-deficient notice of final action.
4. City decisions may be appealed to the Coastal Commission only after an appellant has exhausted all local appeals, 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.

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 consult with the Coastal Commission as time allows.

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

E. **Criteria for Granting Emergency 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 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 Plan.
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 30 days of issuance of the emergency Coastal Development Permit.
2. The emergency Coastal Development Permit shall expire 60 days following its issuance. The Director may extend an emergency Coastal Development Permit for an additional 60 days 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 months of emergency Coastal Development Permit issuance.
5. Within 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 90 days. All emergency development approved pursuant to this section is considered temporary and must be removed and the area restored if the development is not recognized by a regular Coastal Development Permit within six months of the date of the emergency Coastal Development Permit issuance, unless the Director authorizes an extension of time for good cause.

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

Chapter 17.14 Use Permits

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) through Chapter 17.48 (Overlay Zones) 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 section. The 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 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 17.16 Minor Exception

17.16.010 Purpose.

The purpose of this chapter is to enable the Director to approve minor deviations from Zoning Code standards when such requests constitute a reasonable use of property but are not otherwise permissible under the strict application of the Zoning Code. An authorization to approve a minor exception does not extend to making any changes in the uses permitted in any zone.

17.16.020 Applicability.

A. This chapter is applicable to all measurable development standards identified in this Zoning Code, except for the exclusions specified in Subsection C.
B. The maximum exception from the measurable development standards specified in this Zoning Code shall not exceed 20 percent of the requirement.
C. Exceptions to the following standards may not be granted:
    1. Lot area, width, or depth.
    2. Residential density.
    3. Maximum floor area ratio (FAR).
    4. Coastal resource protections (ESHA, coastal hazards, public views, etc.).

17.16.030 Application Filing and Processing.

An application for a minor exception shall be filed in compliance with Section 17.08.030 (Permit Filing and Processing). In addition to any other application requirements, the application shall state in writing the nature of the exception requested and explain why the findings necessary to approve the exception are satisfied.

17.16.040 Project Review, Notice, and Hearing.

A. Each minor exception application shall be reviewed on an individual case-by-case basis and the approval of a prior minor exception is not admissible evidence for the approval of a new minor exception.
B. No noticing or public hearing is required for the decision on a minor exception.

17.16.050 Findings and Decision.

The Director shall approve, with or without conditions, a minor exception application only after the following findings are made:

A. There are special circumstances applicable to the property (e.g., size, shape, topography, location, surroundings, etc.) such that the strict application of the Zoning Code could deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification;
B. The special circumstances applicable to the property are not self-imposed by any person presently having an interest in the property;
C. The requested minor exception will not allow the establishment of a use that is not otherwise allowed in the zone;
D. Granting the minor exception will not be materially detrimental to the public health, safety, or welfare;
E. The development is consistent with the General Plan/Local Coastal Plan and any applicable specific plan; and
F. The development will comply with all other standards or requirements set forth in this Zoning Code.

17.16.060 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 minor exception.

Chapter 17.18 Planned Development Permit.

17.18.010 Purpose.

The Planned Development Permit is intended to provide a process for allowing greater flexibility in site planning and design than may be afforded by the general development standards of this Zoning Code; to encourage more innovative and desirable projects, including workforce, affordable, and senior housing; the development of non-conforming lots; and a more efficient use of land than may be possible through the strict application of the Zoning Code's conventional regulations. The Planned Development Permit shall not be considered for more flexible standards and/or requirements specified in Section 17.48.040 (Hazards and Protection Overlay (H)), Section 17.48.050 (Coastal Access Overlay (AC)), Section 17.48.070 (Floodplain Overlay (F)), Section 17.48.080 (Height Limitations Overlay (HL)), Section 17.48.110

(View Consideration Overlay (VC)), or any development standards specified in the General Plan/Local Coastal Plan.

17.18.020 Applicability.

Planned Development Permits may be authorized for any outstanding development project in any zone. While subject to the City's health and safety standards specified in the International Building Code, flexibility in the application of the following Zoning Code development standards may be considered up to the limits identified in this section:

A. Structure location and setbacks, yard areas, and open spaces in the R-1, R-1-C, R-2, R-2-C, R-3-C, and VL-C zones subject to the indicated limits:
    a. Front setback may be reduced to 10 percent of the lot depth but not less than five feet.
    b. Side setback may be reduced to seven percent of the lot width but not less than three feet.
    c. Street side setback shall be a minimum of seven feet.
    d. Rear setback may be reduced to seven percent of the lot depth.
B. Building height consistent with Section 17.50.060 (Height and Height Exceptions).
C. Parking/loading requirements and ingress/egress location consistent with Section 17.60.050 (Reduction of Off-Street Parking Requirements).
D. Fences, walls, and screening noted in Section 17.50.040 (Fences, Wall, and Hedges) Subsections A though D may be exceeded by up to 50 percent.
E. Landscaping requirement may be no less than 15 percent of a total lot area in residential zones and seven percent of a lot area in commercial or other zones.
F. Lot coverage not to exceed:
    a. R-1-C, R-2-C, R-3-C, and VL-C zones: 75 percent.
    b. C-1, C-1-C, C-2-C, and PF-C zones: 90 percent.
    c. I-C zone: 50 percent.
G. Total building area/floor area ratio as follows:
    a. R-1-C zone: 86 percent of the first 2,700 square feet of lot area plus 70 percent of any lot area in excess of 2,700 square feet.
    b. R-2-C zone: 90 percent for multi-family housing, single-family houses shall be the same as the R-1-C zone.
    c. R-3-C and VL-C zones: 135 percent except that single-family houses shall be the same as the R-1-C zone.
    d. C-1, C-1-C, C-2-C, and PF-C: 220 percent.
    e. I-C zone: 70 percent.
H. Lot size:
    a. R-1 and R-2 zones: No less than 3,500 square feet.
    b. R-3-C zone: No less than 10,000 square feet.
    c. I zone: No less than 7,000 square feet.
I. Lot width:
    a. R-1-C, R-2-C, R-3-C, and VL-C zones: No less than 40 feet.
    b. I-C zone: No less than 50 feet.

17.18.030 Outstanding Development Qualifications.

The qualifications for outstanding development will include one of the following for each request for flexibility of any single development standard:

A. **Non-Residential Development.**
   a. Additional and improvement of open space exceeding 15 percent of the required Zoning Code minimum.
   b. A public recreational amenity exceeding the requirements of the City's General Plan/Local Coastal Plan and Zoning Code, including but not limited to a public plaza area, beach access facility (examples: stairway, bluff top trail, or accessible lift), bicycle service and storage area, or other public recreational amenity of similar scope and public value determined by the Commission to enhance public recreational opportunities.
   c. An enhanced pedestrian, bicycle, and/or vehicle connectivity element exceeding the minimum established by the Municipal Code.
   d. On-site public art subject to City approval as a part of the planned development permitting process.
   e. Solar panel installation.
   f. Building construction that meets or exceeds provisions outlined in Title 24: Energy Efficiency Standards for Residential and Nonresidential Buildings.
   g. Workforce, affordable, and senior housing residential dwelling units as a part of a mixed-use project.
   h. Other community benefits including, but not limited to, public restrooms, sand showers, public full body showers with private enclosures, private dressing areas for public use, affordable overnight accommodations assured by deed restrictions, or other amenities determined by the Commission to provide a community benefit.

B. **Residential Development.**
   a. Addition of an accessory dwelling unit.
   b. Solar panel installation.
   c. Green building project components exceeding the standards required by Title 24: Energy Efficiency Standards for Residential and Nonresidential Buildings.
   d. Construction of workforce, affordable, or senior housing.

17.18.040 Project Review.

Each Planned Development Permit application shall be analyzed by the Director to determine the implications of the proposed changes of site design standard, and to ensure that the application will result in an exemplary project characterized by more efficient and environmentally sensitive use and development of land than would otherwise be achieved utilizing standard development requirements. The application shall also be reviewed to verify that the project is otherwise consistent with all other applicable provisions of this Zoning Code. The Director shall prepare a report and recommendation on the proposal to the Commission.

17.18.050 Notice and Hearings.

The Commission shall hold a public hearing in compliance with Section 17.08.050 (Public Hearings and Noticing). The Commission may approve or disapprove the Planned Development Permit in conjunction with and as part of the required Coastal Development Permit.

17.18.060 Findings, Decision, Conditions.

The Commission shall identity findings upon which the decision to approve or deny the Planned Development Permit. The Commission may approve a Planned Development Permit application with or without conditions, if all of the following findings are made:

A. The proposed use is a permitted or conditional use within the applicable zone and complies with all applicable provisions of this Zoning Code that are not the subject of the Planned Development Permit application;
B. The proposed use is consistent with the General Plan/Local Coastal Plan;
C. The approval of the Planned Development Permit for the proposed use is in compliance with the CEQA;
D. The location and operating characteristics of the proposed use are compatible with the existing and anticipated future land uses in the vicinity;
E. The project's design and configuration do not negatively impact coastal resources;
F. The Commission identifies a nexus and proportionality between the outstanding development quality and the requirement for the flexibility being sought;
G. The development standards as specified for the project have been varied to the minimum extent necessary in order to facilitate the outstanding quality of the development project;
H. The Planned Development Permit offers a greater public benefit than would be otherwise required by the underlying zone requirements; and
I. The development meets all applicable General Plan/Local Coastal Plan policies and overlay zone requirements.

17.18.070 Expiration.

A Planned Development Permit implemented through an application for a building permit within two years from the date of approval or the permit shall become void, unless an extension is approved consistent with Section 17.08.070 (Permit Implementation, Time Limits, and Extensions).

Chapter 17.20 Variances

17.20.010 Purpose.

In compliance with 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 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 Commission with a recommendation on whether the application should be approved, approved subject to conditions, or disapproved. The 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 Commission first determines that the variance satisfies the criteria set forth in 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 is consistent with the provisions of the Local Coastal Plan
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 17.22 Reasonable Accommodations

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 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 30 calendar days consistent with Section 17.22.060 (Written Decision on the Reasonable Accommodation Request).

17.22.050 Findings and Decision.

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:

A. The housing, which is the subject of the request for reasonable accommodation, will be used by individual(s) disabled under the Acts;
B. The requested accommodation is necessary to make housing available to individual(s) with disabilities under the Acts;
C. The requested accommodation would not impose an undue financial or administrative burden on the City;
D. The requested accommodation would not require a fundamental alteration in the nature of a City program or law, including land use, zoning, or the General Plan/Local Coastal Plan; and
E. The requested accommodation would not impose an undue hardship on the health, safety or welfare of the subject property owner/occupant or adjacent property owners.

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 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 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 30-calendar day time period, the request shall be deemed denied.
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 17.24 Temporary Use Permits

17.24.010 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.

17.24.020 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) through Chapter 17.48 (Overlay Zones). The permit may be granted for up to one year. An extension may be authorized by the Commission through the approval of a Conditional Use Permit.

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 15 percent 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 consecutive days, and do not occur more often than four 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 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 90-day period of time.
    2. Outdoor sales do not to exceed 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.

17.24.030 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).

17.24.040 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.

17.24.050 Application Filing.

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

17.24.060 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 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.

17.24.070 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.

17.24.080 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 17.26 Specific Plans

17.26.010 Purpose.

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

17.26.020 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.

17.26.030 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.

17.26.040 Specific Plan Processing.

A draft specific plan shall be processed in the same manner as required for general plans by Government Code Sections 65350 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. **Environmental Review.**
The draft specific plan shall be subject to environmental review as specified in the City's CEQA Guidelines.

C. **Staff Report**.
A staff report shall be prepared in compliance with Section 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.

D. **Public Hearings.**
A draft specific plan shall be subject to public hearings before both the 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 Commission during its public hearing, the proposed modification shall be referred back to the Commission for its recommendation consistent with Government Code Section 65356. Failure of the Commission to report within 45 days after the referral, or any longer period set by the Council, shall be deemed a recommendation for the approval of the changes.

17.26.050 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.

17.26.060 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, in compliance with 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 17.28 Development Agreements

17.28.010 Purpose.

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

17.28.020 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.

17.28.030 Development Agreement Processing.

A. **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 Commission in compliance with Section 17.08.050 (Public Hearings and Noticing). Following conclusion of the public hearing, the Commission shall make a written recommendation to the Council.
B. **Council Consideration.**
Upon receipt of the 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.

17.28.040 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.

17.28.050 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 10 working days after it is executed.

17.28.060 Annual Review.

A. **Review Required.**
The applicant shall be required to demonstrate compliance with the provisions of development agreement at least once 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 in compliance with Government Code Section 65865.1.

17.28.070 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.

17.28.080 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 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 17.30 Amendments to Zoning Code, Zoning Map, and General Plan

17.30.010 Purpose.

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

17.30.020 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 zone to another.

17.30.030 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 Commission of a resolution of intention;
    2. 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).

17.30.040 Hearings and Notice.

Upon receipt of a complete application, public hearings shall be set before the Commission and Council. Notice of the hearings shall be given in compliance with Chapter 17.08.050 (Public Hearings and Noticing).

17.30.050 Commission Action on Amendments.

The 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 17.30.070 (Findings).

17.30.060 Council Action on Amendments.

A. Upon receipt of the Commission's recommendation, the Council shall, approve, approve in modified form, or disapprove the proposed amendment based upon the findings in Section 17.30.070 (Findings).
B. If the Council proposes to adopt any substantial modification(s) to the amendment not previously considered by the Commission during its hearings, the proposed modification shall be first referred back to the Commission for its recommendation. Failure of the Commission to report back to the Council within 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).

17.30.070 Findings.

A. **Findings for General Plan Amendments.**
An amendment to the General Plan/Local Coastal 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/Local Coastal 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).

17.30.080 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 17.32 Amendments to the Local Coastal Plan (IP)

17.32.010 Purpose and Applicability.

This chapter establishes a process for consideration and review of Local Coastal Plan 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 Plan 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 Plan.

17.32.020 Initiation.

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

17.32.030 Review and Processing.

Amendments to the certified Local Coastal Plan shall be reviewed and processed pursuant to Chapter 17.32 (Amendments to Zoning Code, Zoning Map, and General Plan).

17.32.040 California Coastal Commission Certification.

A. An amendment to the Local Coastal Plan 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 Plan shall be submitted to the Coastal Commission in accordance with Sections 30512, 30513, 30514 of the Coastal Act.

Chapter 17.34 Enforcement

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.

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 B;
    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 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 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 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 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 days after being mailed, first 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 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 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 10 days of the service by mail of the Department's summary of costs, on a form provided by the Department.
2. Within 30 days of the filing of the request, and on 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 Full Compliance.

No application required pursuant to this Zoning Code shall be accepted for processing or 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 Zoning 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.
Where the Director, at his/her sole discretion, and whose determination shall be final, 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.

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Chapter 17.36 Establishment of Zones

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 Maps 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
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

Table 17.36.020-A: Zones Established		
Zone Symbol	**Zone Name**	**General Plan Designation Implemented**
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 in compliance with 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 Amendments.**
Amendments to the Zoning Map shall follow the process established in Chapter 17.30 (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 17.38 Land Use Permit Requirements

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) through Chapter 17.48 (Overlay Zones).

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) through Chapter 17.48 (Overlay Zones) 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. Land Use 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).
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.

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 B below.
    1. **City Government Activities.**
    Activities, uses of land and/or structures established and/or constructed by the City, except where a Coastal Development Permit is required.
    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 17.66.060 (Telecommunications Facilities).

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) and the Coastal Act.

17.38.040 Temporary Uses.

Requirements for establishing a temporary use and/or activity are in Chapter 17.24 (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 17.40 Residential Zones

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. 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 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	
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	
Duplexes	–	–	P	P	P	
Emergency shelters	–	–	CUP	–	–	
Employee housing – 6 or fewer workers	P	P	P	P	P	
Employee housing – 7 or more workers	–	–	CUP	CUP	CUP	
Family care facility (All types) – 6 or fewer clients	P	P	P	P	P	
Family care facility (All types) – 7 or more clients	CUP	CUP	CUP	CUP	CUP	
Home occupations	P	P	P	P	P	Section 17.66.090
Mobile home parks	CUP	CUP	CUP	CUP	CUP	Section 17.66.120

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
Mobile homes [1]	P	P	P	P	P	Section 17.66.130
Multi-family dwellings	–	–	P	P	P	Section 17.66.140
Residential accessory uses and structures	P	P	P	P	P	Section 17.66.030
Short-term rentals and homestays	P	P	P	P	P	Chapter 17.64
Single-family dwellings	P	P	P	P	P	
Supportive housing	–	–	P	P	P	
Transitional housing	–	–	P	P	P	
Vacation rental	–	–	–	–	P	
Service/Commercial Uses						
Child day care facilities – Child day care center	–	–	CUP	CUP	CUP	Section 17.66.070
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
Lodging – Bed and breakfast inns	–	–	CUP	CUP	CUP	
Lodging – Hotels or motels	–	–	CUP	CUP	CUP	Section 17.66.100
Medical services – Clinics and laboratories	CUP	CUP	CUP	CUP	CUP	
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	

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
Parking facilities/vehicle storage – Recreational vehicles	–	–	CUP	CUP	CUP	
Wireless communication facilities, major	CUP	CUP	CUP	CUP	CUP	Section 17.66.060
Wireless communication facilities, minor	CUP	CUP	CUP	CUP	CUP	Section 17.66.060

Notes:

[1] Mobile homes on permanent foundation consistent with Government Code 65852.3 and Section 17.66.130 (Mobile Homes).

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, in addition to the requirements of Subsection A. In the event of any conflict between the requirements of Tables 17.40.030-A and Table 17.40.030-B, including any references to other sections of this chapter that are noted in Table 17.40.030-A, the requirements of Table 17.40.030-B shall control within the applicable specific plan area.

Table 17.40.030-A: Development Standards for Residential Zones

ft = feet | sf = square feet | du = dwelling unit | FAR = floor area ratio | SFR = single-family residence | LCP = Local Coastal Plan | – = Not applicable

Standard	R-1	R-1-C	R-2	R-2-C	R-3	R-3-C
Min. Lot Size						
Lot Area (sf)	5,000	5,000	5,000	5,000	5,000	20,000
Lot Width (ft)	50	50	50	50	50	75
Max. Density [1]	1 du/lot	1 du/lot	1 du/2,000 sf of parcel area	1 du/2,000 sf of parcel area	1 du/1,450 sf of parcel area	1 du/1,450 sf of parcel area
Min. Setbacks (ft)						
Standard Lots						
Front						
Parcels >4,000 sf	20	20	20	20	20	15
Parcels <4,000 sf	20% lot depth, min 10, 20' for garage	20	15	20	15	15
Side (Min.-Max.)						
Corner lot	5	20% lot width (7-10)	5	20% lot width (7-10)	5	20% lot width (7-10)
Interior lot	5	10% lot width (4-5)	5	10% lot width (4-5)	5	10% lot width (4-5)
Street Side	10	7	10	–	10	–
Rear (Min.-Max.)						
Depth >70 ft	10	10% avg lot depth (5-10)	10	10% avg lot depth (5-10)	10	10% avg lot depth (5-10)
Depth <70 ft	5		5		5	
Blufftop Lots						
Front	–	See LCP	–	See LCP	–	See LCP

Table 17.40.030-A: Development Standards for Residential Zones

ft = feet | sf = square feet | du = dwelling unit | FAR = floor area ratio | SFR = single-family residence | LCP = Local Coastal Plan | – = Not applicable

Standard	R-1	R-1-C	R-2	R-2-C	R-3	R-3-C
From Blufftop	–	See LCP	–	See LCP	–	See LCP
Accessory Structures						
Front	20	20	20	20	–	20
From Blufftop	–	10	–	10	–	10
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%	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)	0.80 (SFR: see R-1-C)
Parcels >2,700 sf	0.72		0.72			
Max. Height (ft) [3]	25	25	25	25	35	35

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 17.04 (Definitions).

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

Table 17.40.030-B: Development Standards for Specific Plan Areas

ft = 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 (ft)								
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	–	–	–	–	–	25	–	–
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 (ft) [3]	25 [4]	25			25 [5]	15/25 [4]	25	

Notes:

[1] Maximum number of dwelling units allowed per 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 17.04 (Definitions).

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

[4] Limited to three stories. Floors above the first shall be stepped back up the hillside.

[5] Height is limited to 15 ft 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 25 ft.

[6] Whichever is lesser.

17.40.040 Residential Design Standards.

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

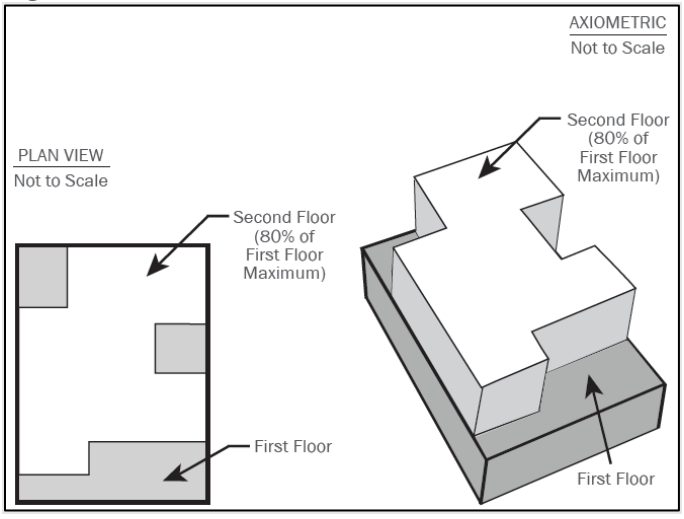
B. **Applicability.**
   1. The provisions of this section shall apply to all single-family and multi-family residential projects requiring design review in compliance with Chapter 17.10 (Design Review).
   2. The review authority may exercise discretion in applying these standards to proposed projects. 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.

C. **Objectives.**
   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.

   The objectives of the multi-family design standards are to provide development outcomes consistent with the General Plan/Local Coastal Plan.

D. **Single-Family Dwelling Design Standards.**
   The standards of this section shall apply to the construction, alteration, or enlargement of single-family dwellings in residential zones.
   1. **Scale and Massing.**
      a. For single-family residential lots greater than 3,000 square feet, the amount of gross floor area on the second floor shall not exceed 80 percent 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

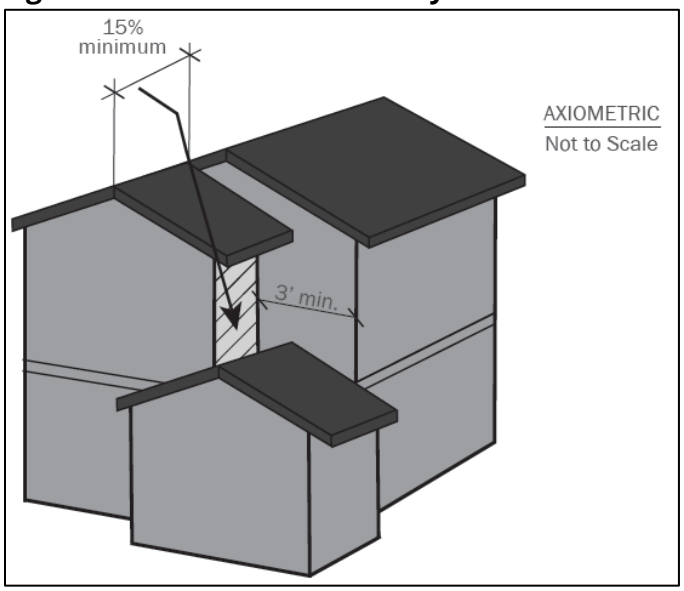


      b. For single-family residential lots less than 3,000 square feet, the amount of gross floor area on any second floor area shall not exceed 70 percent of the amount of gross floor area on the ground floor, as determined by

the area contained within the exterior walls including footprint of stairs on the ground floor and airspace (i.e., vaulted ceilings or elevators).

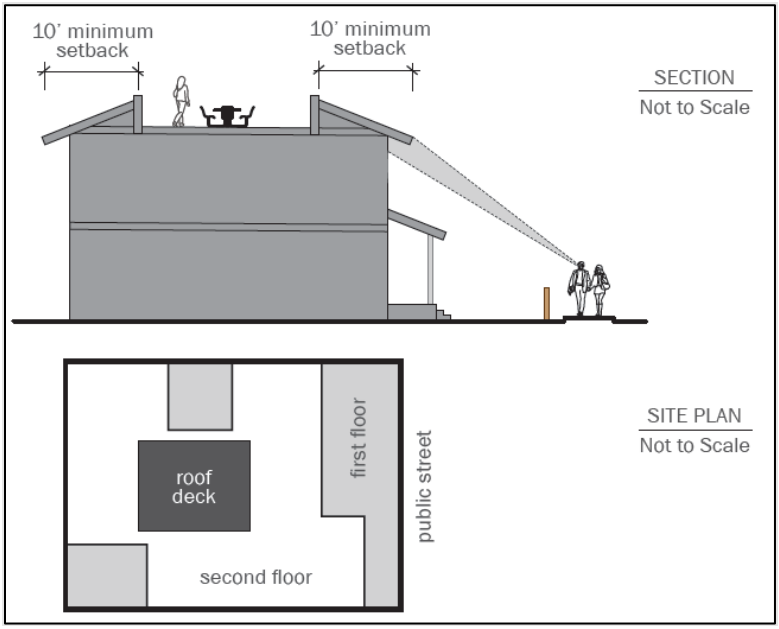
c. Fifteen percent of the width of the second-story side elevations shall be stepped back a minimum of three feet, including roof overhangs.

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 25 percent of total square footage of the second floor of the structure or 300 square feet, whichever is less. Where a roof deck is proposed on a single-story dwelling, all roof decks shall not exceed 50 percent of total square footage of the first floor or 600 square feet, whichever is less.
   b. Roof decks shall be setback a minimum of 10 feet from front, side, and rear yard roof eaves. Where 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-foot reduction to this setback standard.

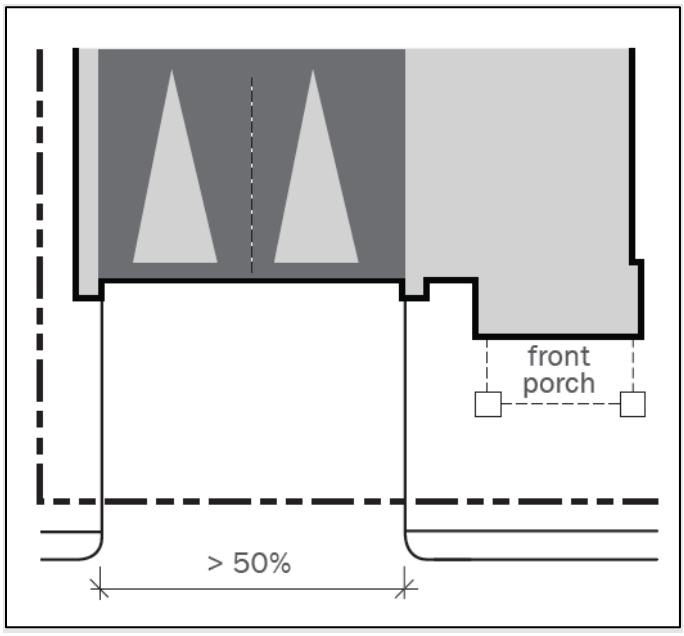
Figure 17.40.040-3: Roof Deck Visibility.



c. Access to roof decks is allowed within required roof deck setbacks and shall not be considered a part of the roof deck square footage.
d. 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 50 percent of the linear front or side elevations, the garage shall be recessed a minimum of five 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 garages shall be allowed with side-by-side garage doors on lots less than 60 feet wide.

iv. On lots larger than 3,000 square feet, driveways shall accommodate two 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 30 percent of the width of the second-story front elevation is stepped back a minimum of three feet.

ii. Similarly, the side building elevations shall be designed so that a minimum of 15 percent of the width of the second-story side elevation is stepped back a minimum of three feet, including the roof overhang.

c. **Roof Articulation.**

Roofs shall be designed to ensure a minimum separation of 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 30 inches and must not project any closer than 30 inches from any property line.

E. **Multi-Family Project Design Standards.**

The standards of this section shall apply to the construction, alteration, or enlargement of multi-family dwellings in residential zones. If any standards of this subsection conflict with Subsection F, the standards in Subsection F shall control.

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 feet and a minimum horizontal area of 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.
    d. Pedestrian connections shall be provided from building entrances to the street and any adjacent transit stop.
        i. Walkways shall be a minimum of six feet wide, shall be hard-surfaced, and paved with permeable materials.
        ii. 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.
2. **Parking and Circulation.**
    a. **Project Entries.**
        i. The principal vehicular access shall be through an entry drive rather than a parking drive consistent with 17.60.080.D (Access and Circulation).
    b. **Parking Courts and Drives.**
        i. A parking court shall not consist of more than two double-loaded parking aisles (bays) adjacent to each other.
        ii. The length of a parking court shall not exceed 10 stalls.
        iii. Parking courts shall be separated from each other by dwelling units or by a landscaped buffer not less than 30 feet wide.
    c. **Garages and Carports.**
        i. Parking areas tucked under residential structures shall be enclosed behind garage doors.
        ii. Garages with parking aprons less than 20 feet in length shall be equipped with automatic garage door openers and roll-up doors.
        iii. Garage doors shall be recessed a minimum of four inches from the adjacent exterior wall plane.
        iv. Carports and detached garages shall use the same materials and colors as the principal structure.
        v. Where carports are utilized, they shall follow the same spacing criteria as parking courts (see Subsection E.2.b).

3. **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.).
4. **Building Design.**
    a. **Façade and Roof Articulation.**
    Structures containing three or more attached dwellings in a row shall incorporate at least one of the following.
        i. For each dwelling unit, at least one architectural projection not less than two feet from the wall plane and not less than four feet wide. Projections shall extend the full height of single-story structures, and at least one half the height of a two-story structure; or
        ii. A change in wall plane of at least three feet for at least 12 feet, for each two units.
    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. **Dwelling Access.**
    Access points shall be clustered in groups of four or less.
    d. **Roof Materials.**
    Brightly colored roofing materials that makes the buildings stand out shall be avoided.

Chapter 17.42 Commercial and Mixed-Use Zones

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. 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 be applied to areas of the City which provide appropriate locations for commercial activities not suited to other 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	Reference
Agriculture, Resource, and Open Space Uses									
Agriculture – Non-commercial	–	–	–	–	CUP	–	–	P	
Manufacturing and Processing Uses									

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	Reference
Food and beverage product manufacturing	–	–	–	–	–	–	–	CUP	
Handcraft industries, small-scale manufacturing	CUP	–	–	–	–	–	–	CUP	
Printing and publishing	P	–	–	–	–	–	–	–	
Recycling facilities – Reverse vending machines	P	P	P	P	P	P	P	P	Section 17.66.160.C
Recycling facilities – Small collection facilities	P	–	–	–	–	–	–	–	
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	–	–	
Schools	CUP	CUP	CUP	–	–	–	–	CUP	
Studios – Art, photography, etc.	–	–	–	–	–	–	–	P	
Theaters, motion picture	CUP	CUP	CUP	CUP	–	–	CUP	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	Reference
Residential Uses									
Accessory dwelling units	–	P	P	–	P	–	–	P	Section 17.66.020
Boarding houses	–	–	–	–	–	–	–	CUP	
Duplexes	–	–	–	–	CUP	–	–	P	
Emergency shelters	P	–	–	–	–	–	P	P	
Employee housing – 6 or fewer workers	–	–	–	–	CUP	–	–	P	
Employee housing – 7 or more workers	–	–	–	–	CUP	–	–	CUP	
Family care facility (All types) – 6 or fewer clients	–	P	P	–	CUP	–	–	P	
Family care facility (All types) – 7 or more clients	–	–	–	–	CUP	–	–	CUP	
Home occupations	P	P	P	P	P	–	P	P	Section 17.66.090
Mixed-use residential	CUP	CUP	CUP	CUP	CUP	–	CUP	CUP	Section 17.66.110
Mobile home parks	–	–	–	–	–	–	–	–	Section 17.66.120
Mobile homes[2]	–	–	–	–	CUP	–	–	CUP	Section 17.66.130
Multi-family dwellings	–	CUP	CUP	–	CUP	–	–	P	Section 17.66.140
Residential accessory uses and structures	–	P	P	–	P	–	–	P	Section 17.66.030
Short-term rentals and homestays	–	P	P	P	–	–	–	P	Chapter 17.64

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	Reference
Single-family dwellings	–	–	–	–	CUP	–	–	CUP	
Supportive housing	CUP	CUP	CUP	CUP	CUP	–	CUP	CUP	
Transitional housing	CUP	CUP	CUP	CUP	CUP	–	CUP	CUP	
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	
Auto and vehicle sales/rental	–	CUP	P	–	–	–	–	–	
Auto parts sales	P	P	P	–	–	–	–	–	
Bars and night clubs	CUP	–	–	CUP	–	–	CUP	CUP	
Convenience/liquor stores	P	P	P	P	P	–	P	P	
Drive-in and drive-through sales	CUP	P	P	–	–	–	–	–	Section 17.66.080
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	–	–	–	–	–	
Outdoor dining	MUP	MUP	MUP	MUP	MUP	–	MUP	MUP	Section 17.66.150
Outdoor retail sales and storage	–	CUP	CUP	CUP	–	–	CUP	P	Section 17.66.150

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	Reference
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 17.66.210
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	–	–	–	–	–	
Child day care facilities – Child day care center	–	P	P	MUP	–	–	–	CUP	Section 17.66.070
Child day care facilities – Large family day care home	P	P	P	–	–	–	–	CUP	Section 17.66.070
Child day care facilities – Small family day care home	P	P	P	–	CUP	–	–	CUP	Section 17.66.070
Funeral parlors and interment services	–	–	CUP	–	–	–	–	–	
Drive-in and drive-through services	–	–	–	–	–	–	–	–	Section 17.66.080
Equipment rental	–	–	CUP	–	–	–	–	–	
Lodging – Hotels or motels	CUP	CUP	CUP	CUP	P	–	P	P	Section 17.66.080
Lodging – Bed and breakfast inns	CUP	CUP	CUP	CUP	P	–	P	P	
Lodging – Vacation clubs of 3 or fewer units	–	–	–	–	–	–	–	P	Section 17.66.190

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	Reference
Lodging – Vacation clubs of 4 or more units	–	–	–	–	–	–	–	CUP	Section 17.66.190
Medical services – Clinics and laboratories	P	P	P	–	–	–	–	P	
Offices (All types) – Ground floor	P	MUP	P	CUP	–	–	–	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 [3]	P [3]	P [3]	P [3]	P [3]	–	CUP	P [3]	
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	–	–	–	–	–	Section 17.66.170
Storage yards	–	CUP	CUP	–	–	–	–	–	Section 17.66.180
Storage, accessory	P	P	P	P	P	P	P	P	
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 17.66.060

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	Reference
Wireless communication facilities, minor	CUP	P	P	CUP	–	–	CUP	CUP	Section 17.66.060
Vacation rentals	–	P	P	–	P	–	P	P	
Vehicle services – Maintenance/minor repair	–	CUP	P	–	–	–	–	CUP	
Vehicle services – Major repair/body work	–	CUP	P	–	–	–	–	–	
Veterinary clinics, animal hospitals, and animal boarding	–	P	P	–	–	–	–	P	Section 17.66.200

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 Government Code 65852.3 and Section 17.66.130 (Mobile Homes).

[3] Massage establishments require a Conditional Use Permit.

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 (Allowed Uses and Permit Requirements 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

ft = 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 (ft)	– [2]	– [2]	– [2]	– [2]	75	100	–	–

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

ft = 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
Max. Density	–	1 du/ 2,000 sf	–	1 du/ 2,000 sf	1 du/ 1,450 sf [3]	–	– [2, 3]	1 du/ 1,450 sf
Min. Setbacks (ft)								
Front	10	–	– [2] Abutting res: 5		15	15	Abutting res.: 10 [4]	–
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	25	– [5]	–	– [5]	–	–	25 [6]	25
Max. Site Coverage								
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	Res: 1.25 Comm: 2.0
Max. Height (ft) [7]	35	42	42	42	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] For hotels and motels, 1 single-room unit per 500 sf, 1 multi-room suite per 800 sf.

[4] A minimum of 50% of the width of the first floor shall be located along the front property line.

[5] Additional setbacks may be required based on study.

[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, and 17.48.110, 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 Design Standards.

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

B. **Applicability.**

1. The provisions of this section shall apply to all commercial, office, and institutional projects requiring design review in compliance with Chapter 17.10 (Design Review), with the exception of:

a. Subsection 17.42.040.E (Downtown Site Planning Standards) and 17.42.040.G (Downtown Building Standards), which apply only to the CD-C and MU-C zones.

2. The review authority may exercise discretion in applying these standards 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.

C. **Objectives.**

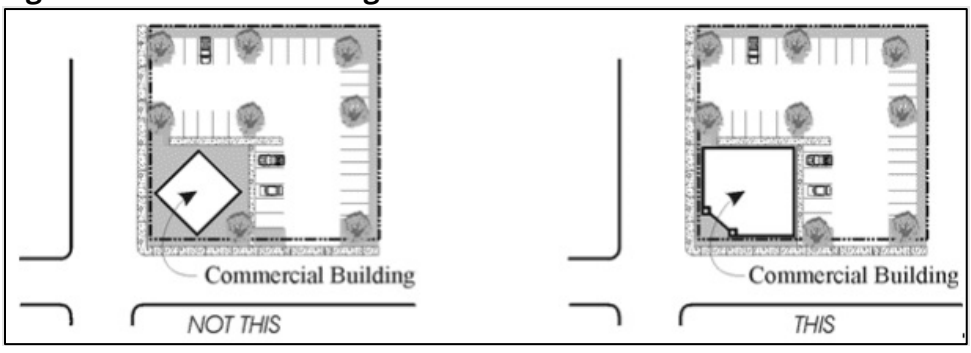
The objective of these standards is to provide development outcomes consistent with the General Plan/Local Coastal Plan.

D. **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 30 percent 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.

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 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 30 percent of the building wall area located between three and seven 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.

F. **Downtown Site Planning Standards.**
The following requirements apply to development within the CD-C and MU-C zones.

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 5,000 square feet.
   b. **Minimum Area.**
   A required pedestrian plaza shall be designed and constructed with a minimum area of 100 square feet for every 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 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 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 of the site area provided in public pedestrian plazas, the maximum allowable building floor area may be increased by two percent of the site area, provided that all other applicable zoning, building, and safety codes are met.
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.

F. **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 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.

G. **Downtown Building Design Standards.**
This subsection provides supplemental building design standards for the CD-C and MU-C zones.

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 30 percent of the building wall area located between three and seven 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 35 percent 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 30. Where tinted glass is used, the transmittance coefficient shall be greater than 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 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-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.
    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-foot vertical clearance between the sidewalk and the lower-most portion of the awning shall be maintained. An eight-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-color stripes.

Chapter 17.44 Industrial Zones

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. 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 in compliance with Subsection 17.36.040.B (Determination of Allowable Land Uses and Permit Requirements). 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			

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
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	
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 17.66.170
Recycling facilities – Reverse vending machines	P	–	Section 17.66.170
Recycling facilities – Small collection facilities	P	–	Section 17.66.170
Research and development	P	–	
Warehousing	P	P	
Wholesaling and distribution	P	P	
Residential Uses			
Accessory dwelling units	P	–	Section 17.66.020
Duplexes	P	–	
Emergency shelters	P	–	
Employee housing – 6 or fewer workers	P	–	
Employee housing – 7 or more workers	P	–	
Family care facility (All types) – 6 or fewer clients	P	–	
Family care facility (All types) – 7 or more clients	P	–	
Home occupations	P	–	Section 17.66.090

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
Mixed-use residential	P	–	Section 17.66.110
Multi-family dwellings	P	–	Section 17.66.140
Residential accessory uses and structures	P	–	Section 17.66.030
Single-family dwellings	P	–	
Supportive housing	P	–	
Transitional housing	P	–	
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	–	
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	–	

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
Public safety facilities	P	–	
Public utility facilities	CUP	–	
Storage yard	P	P	Section 17.66.180
Storage, accessory	P	P	
Storage, personal storage facility (mini-storage)	P	P	
Tattoo parlors	CUP	–	
Wireless communication facilities, major	CUP	–	Section 17.66.060
Wireless communication facilities, minor	CUP	–	Section 17.66.060
Vehicle services – Maintenance/minor repair	P	P	
Vehicle services – Major repair/body work	P	P	
Veterinary clinics, animal hospitals, and animal boarding	P	–	Section 17.66.200

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

ft = 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 (ft)	50	75	75
Max Density	–[1]	–	–

Table 17.44.030-A: Development Standards for Industrial Zones

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

Standard	I		I-C
	Residential	*Non-Residential*	
Min. Setbacks (ft)			
Front	– [1]	–	– [1] Abutting res.: 5
Side/Rear	– [1]	–	–
From Blufftop	–		–
Max. Site Coverage	–[1]		33%
Max. FAR	0.7	0.5	0.5
Max. Height (ft)	25	25	25

Notes:
[1] Determined by land use permit.

Chapter 17.46 Special Purpose Zones

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.B (Determination of Allowable Land Uses and Permit Requirements.). 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, in compliance with Section 17.36.040, (Zoning

Regulations). 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	–	–	
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	–	–	–	CUP	CUP	Section 17.66.020
Home occupations	P	–	–	CUP	CUP	Section 17.66.090
Mobile home parks	P	–	–	–	–	Section 17.66.120
Mobile homes	P	–	–	CUP	CUP	Section 17.66.130
Multi-family dwellings	–	CUP [1]	CUP [1]	–	–	Section 17.66.140
Residential accessory uses and structures	P	–	–	CUP	CUP	Section 17.66.030
Short-term rentals and homestays	–	–	–	P	CUP	Chapter 17.64
Single-family dwellings	P [2]	–	–	CUP	CUP	
Supportive housing	–	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
Transitional housing	–	CUP	CUP	–	–	
Service/Commercial Uses						
Child day care facilities (All types)	–	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 17.66.060
Wireless communication facilities, minor	–	CUP	CUP	–	–	Section 17.66.060

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 | ft = 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 (ft)	100	–			
Max. Density [2]		–	–	1 unit/parcel	
Setbacks (ft)					
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	–	25			
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 (ft)	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 60% or 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.

[3] Maximum percentage of site area that may be covered with structures. See the definition of site coverage in Chapter 17.04 (Definitions).

[4] In the Pismo Coast Village RV Resort, the maximum height for commercial retail uses shall be 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 (Riparian Habitat Protection) and the General Plan/Local Coastal Plan.

b. **Environmentally Sensitive Habitat Areas.**
Development in an environmentally sensitive habitat area (EHSA) shall only be allowed consistent with the General Plan/Local Coastal Plan, including Policy COS-3.2 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 17.48 Overlay Zones

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 17.48.040
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, poverty, 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). (IP)

A. **Purpose.**
The Hazards and Protection (H) Overlay Zone is intended to provide standards for proposed development and new land uses on parcels which border the ocean, where careful design and development practices are necessary to preserve significant coastal features, implement applicable provisions of the General Plan/Local Coastal Plan, and comply with the Coastal Act.

B. **Applicability.**
The provisions of this section apply to all development and new land uses proposed on parcels adjacent to the ocean. In the event of any perceived conflict between the provisions of this section and any other provision of this Zoning Code, this chapter shall control.

C. **Bluffs Setbacks.**
Development proposed on ocean fronting parcels shall comply with the setback requirements of the applicable base zone established in this Zoning Code, except where a side or rear lot line is adjacent to a coastal bluff, or where public access and/or recreational areas are required in compliance with Section 17.48.060 (Coastal Access Overlay (AC)). Proposed development shall be set back from the top of the bluff as provided by this subsection.

1. New structures shall be set back a sufficient distance from the top of the bluff in order to retain the structures over the anticipated lifespan of the development, and to neither create nor contribute significantly to erosion, geologic instability, or destruction of the site, or require construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The City shall determine the setback based on the results of a site-specific analysis required per General Plan/Local Coastal Plan Safety Element Policy 2.4.
2. Exceptions to the bluffs setback include:
    a. Minor development and accessory structures consistent with General Plan/Local Coastal Plan Safety Element Policy 2.4;
    b. Fencing consistent with Subsection 17.50.040.E;
    c. Engineered staircases or accessways consistent with General Plan/Local Coastal Plan Safety Element Policy 3.2; and
    d. Temporary landscaping.

D. **Shoreline Protection.**

1. **Erosion Control.**
   Proposed blufftop development shall be designed and constructed to incorporate appropriate erosion control measures in compliance with the City's grading standards (Chapter 15.16 (Post Disaster Regulations)) and the Erosion Control Handbook in Appendix 2 of the General Plan/Local Coastal Plan.
2. **Drainage Devices.**
   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 so that drainage water will not spill over or onto the bluff face. Drainpipes shall be allowed only where no other less environmentally damaging drain system is feasible, and drainpipes are designed and placed to minimize impacts to the bluff face, toe of bluff, and beach.
3. **Shoreline Protective Structures.**
   Shoreline protective structures including seawalls, caissons, revetments, groins, breakwaters, and riprap may be allowed only when the review authority determines: that the structure is necessary to protect existing primary structures, coastal dependent uses, public beaches, and parks in danger of erosion in conformance with California Coastal Act Section 30235 and the General Plan/Local Coastal Plan; or when necessary for coastal-dependent development and there is no feasible alternative that avoids the need for a shoreline protective device. All shoreline protective devices shall comply with the General Plan/Local Coastal Plan, including Safety Element Policy 3.1.
4. **Structures on Sandy Beaches.**
   No permanent structures shall be permitted on the dry sandy beach except facilities necessary for public health and safety, including lifeguard towers, the pier, and boardwalk.
5. **Offshore Oil Operations.**
   Offshore oil drilling or any other activity that may endanger the Pismo Clam or the recreational value of the beach shall be prohibited within the City's jurisdiction and discouraged in adjacent outside ocean areas.

6. **Sand Mining.**
   Offshore sand mining shall be prohibited within the City's jurisdiction.

E. **Requirements in Coastal Hazard Areas.**
A Coastal Development Permit for new development, including substantial redevelopment, in a coastal hazard area shall be conditioned to require the property owner to record a deed restriction that acknowledges and agrees:

1. That the site may be subject to hazards, including those identified on General Plan/Local Coastal Plan Figures S-2 to S-9 and/or identified pursuant to the site-specific hazard analysis required per the General Plan/Local Coastal Plan;
2. To assume all such hazard risks;
3. To unconditionally waive and indemnify any claim of damage or liability against the City, its officers, agents, and employees for injury or damage from such hazards.
4. That the development shall be removed and the affected area restored to its previous or natural condition if:
   a. The City has issued a final order that the development is not to be occupied currently and permanently due to the imminent threat from coastal hazards or sea level rise to the health and safety of its occupants;
   b. The City has determined that services to the site can no longer be maintained (e.g., utilities, roads) due to coastal hazards or sea level rise;
   c. The development requires new and/or augmented shoreline protective devices that conflict with General Plan/Local Coastal Plan or relevant California Coastal Act policies;
   d. The development becomes unstable, loses structural integrity, or becomes threatened by coastal hazards or sea level rise; and/or
   e. The development becomes located on public trust lands and authorization to retain the development is not obtained.

17.48.050 Coastal Access Overlay (AC). (IP)

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, 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 10 feet to any residence or five 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 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 limited to those areas with sandy beaches.
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.
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. **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 Chapter 17.48.040 (Hazard and Protection Overlay (H)).
16. 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.

17. 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). (IP)

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 Plan applications are described in Chapter 17.12 (Coastal Development Permits). The coastal appeal overlay zone is to be used in conjunction with other overlay zones and pertinent sections of this Zoning Code.

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). (IP)

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.

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 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 100-year flood plain.
    2. When base flood elevation data has not been provided in accordance with Subsection 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 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 100-year base flood elevation before consideration of the preliminary plan for development.

3. Development in the 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 100-year floodplain zone shall be elevated to a minimum level of two feet above the 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 foot at any point within the community; or establish a setback front the stream bank equal to five times the width of the stream at the top of the bank or 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 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 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 15 pounds per square foot and uplift forces of nine 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. For areas within the floodplain but outside of the floodway, the following standards are required for:
    a. Mobile homes not placed in mobile home parks or subdivisions;
    b. New mobile home parks or subdivisions;
    c. Expansions to existing mobile home parks or subdivisions; and
    d. Repair, reconstruction, or improvements to existing mobile home parks or subdivisions that equals or exceeds 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced:
        i. Adequate surface drainage and access for a hauler shall be provided.
        ii. All mobile homes shall be placed on pads or lots elevated on compacted fill or on pilings so that the lowest floor of the mobile home is a minimum of one foot above the base flood level. If elevated on pilings:
            (a.) The lots shall be large enough to permit steps, pilings, parking, and other necessary accessory uses;
            (b.) The pilings shall be placed in stable soil no more than 10 feet apart; and
            (c.) Reinforcement shall be provided for pilings more than six feet above ground level.
19. No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.
20. 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.
21. All actions taken under this overlay zone shall be consistent with the relevant goals, policies, and programs of the General Plan/Local Coastal Plan.
22. All applicable criteria contained in Title 44, Emergency Management and Assistance, Chapter 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). (IP)

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 17.48.090-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).

Table 17.48.080-A: Height Limitation Overlay Zone Standards

Height Limitation District	Height Limit
HL-1	15 ft. from highest point on the roof to highest point of site grade; 25 ft. from the center point of the building footprint at site grade. See Figure 17.48.080-1.
HL-2	15 ft. from center of finished building pad grade.
HL-3	Up to 2 stories, provided ocean views from Highway 101 are not substantially blocked; 25 ft or 15 ft. from the center point of the building footprint on ocean fronting sites.
HL-4	The height for new park structures shall not significantly block ocean views from Highway 101.
HL-5	25 ft. from existing grade as of January 23, 1981, or 3 stories above site grade, whichever is less; and structures shall not detract from views of coastal landforms.
HL-6	25 ft. from site grade, and not to appear to be more than 2 stories from the exterior.
HL-7	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 story facades no higher than 12 feet in height above site grade (including roofs) shall be permitted immediately adjacent to the boardwalk. Additional story facades beyond the first level shall maintain the following minimum setbacks from the inland extent of the public boardwalk:

Level	*Min. Setback from Boardwalk*
1st	None required
2nd	7-10 ft.
3rd	14-20 ft.
4th	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 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 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). (IP)

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 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 Commission in areas designated by the General Plan/Local Coastal Plan for required visitor parking. Other visitor parking may be required by the 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 55 years.

D. **Density.**
Development within the RVHD overlay zone shall provide a minimum density of 20 residential units per acre and shall not exceed a maximum density of 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 35 feet in height above site grade except as provided below.
      a. **Height Exception.**
         Buildings may be up to 45 feet in height where the 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 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 10 percent 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 vehicles shall be placed one 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 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 feet. Private open space located above ground level (e.g., balconies) shall have no dimension less than six feet.

b. **Common Amenity Space.**
Common amenity space, whether provided as outdoor or indoor space, shall have minimum horizontal dimensions of 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 10 percent.
   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 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). (IP)

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, and then superimposing the proposed structures against the vertical

view plane. This method will provide a two-dimensional illustration of the extent of view blockage relative to the amount of view corridor and overview required by Subsection E.2.

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 accurately prepared using computerized photo montage techniques, and/or story poles placed on the site at the locations of proposed building corners. 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. **Sunset Palisades Area Requirements.**
      All development shall be constructed on or into existing grades.
   b. **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.

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 and/or planned development 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 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 20 feet or more in width;
      ii. Forty percent scenic overviews, measured in compliance with Subsection C; or
      iii. A combination of open scenic view corridors and overview totaling 40 percent 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 of the property frontage width in open scenic view corridor (of 30 feet or more);
      ii. Fifty percent scenic overviews; or
      iii. A combination of open scenic view corridors and overviews totaling 50 percent 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.

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Chapter 17.50 General Site Regulations

17.50.010 Contiguous Parcel Development.

When a single development is proposed over two 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 Commission may exempt parcels from this requirement if the 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.

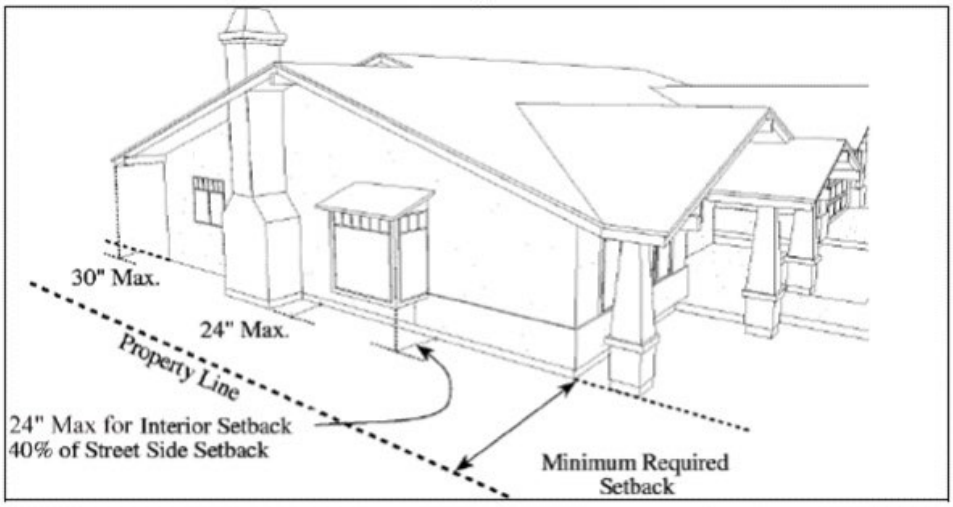
17.50.030 Exceptions to Required Setbacks.

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.
    1. Bay windows and similar projecting windows may extend a distance not more than two feet into the required front, side, and rear yard setbacks; shall not extend to ceiling; and shall not be closer than three feet from any property line
    2. Cornices, eaves, canopies, and similar structures shall not extend more than 30 inches into any required front, side, or rear yard, but in no case closer than two feet to any side property line.
    3. Fireplaces and chimneys not exceeding six feet in breadth may extend two feet into any required front, side, or rear yard, but in no case closer than three 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 20 percent into the required rear or interior side yard setbacks and not more than 30 inches above the existing grade. Street side yard extensions may be a distance not to exceed 40 percent of the required street setback.
    5. Cantilevered balconies and decks that are open, uncovered, and raised 30 inches or more above the existing grade may extend a distance of not more than 20 percent 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 feet into any required front, side, or rear yard, but in no case closer than three 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 30 inches into side and rear yards, but to no closer than 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 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 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 feet from side and rear property lines, or any larger blufftop setback requirement.
   3. **Retaining Walls.**
      a. Retaining walls four feet or less in height may be located within a required setback.
      b. Retaining walls greater than four feet but less than six 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 feet in height where the exposed side of the wall faces out from the property, and all walls greater than six 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 Plan 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 17.50.040.E (Coastal Blufftop Fences).

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 design review (Chapter 17.10 (Design Review)), except where exempted from land use permit requirements by Subsection B.

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 E, 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. 42 inches when located within a front setback or street side setback; or
    b. Six 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 30 inches in height with no surcharge and are not required by Chapter 17.56 (Hillside Development) to have a grading permit.
3. **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, including temporary construction fencing.

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 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 adjoining parcels of less than two 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 adjoining parcels of two 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 42 inches.
4. **Retaining Walls.**
   Individual retaining walls shall not exceed a height of six feet unless otherwise approved by the Director. All retained slopes should be terraced and landscaped/screened.

D. **Fence Design.**
Perimeter fences/walls adjacent to public rights-of-way shall be articulated by providing a minimum of one, two-foot deep by five-foot long landscaped recession for every 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)**
Fences are not allowed in bluff retreat setbacks except within the R-1-C zone. Fences proposed in the R-1-C zone within bluff retreat setbacks (Subsection 17.48.040.C (Bluff Setbacks)) shall comply with the following requirements.

1. **Height Limit and Opacity.**
   Fences shall not exceed 42 inches in height and shall be constructed so that 90 percent of the fence surface area is transparent.
2. **Readily Removable Fences Required.**
   Fences shall be designed and sited to allow their easy removal or relocation in order to continually maintain a 10-foot 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.
3. **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.

4. **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. **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.

G. **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 10 feet above the allowed building height permitted on the property or a 20-foot pole, whichever is greater.
B. On residential lots only, the setbacks for flagpoles shall be a minimum of 10 percent of the lot depth in the front yard setback, five percent of the lot width in the side yard setback, and five percent 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 10 feet by 15 feet.
E. Flagpoles shall not interfere with line of sight from vehicles on adjacent public streets.

17.50.060 Height and Height Exceptions.

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 the vertical distance from the average site grade to an imaginary plane located the allowed number of feet above and parallel to the grade.

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 15 percent,

subject to architectural review, 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 feet at their base may exceed the height limits of the applicable zone by a maximum of five feet.

17.50.070 Outdoor Lighting and Glare.

All exterior lighting on private property within the City shall comply with the requirements of this section.

A. **Application Materials.**
   Applications for land use permit approval for multi-family dwellings, non-residential uses, and outdoor recreation and athletic facilities including sport courts shall include complete photometric plans in addition to all other information and materials required by the Department.

B. **Lighting Standards.**
   All new exterior lighting shall comply with the following requirements.
   1. Lighting shall be energy-efficient and shielded or recessed so that direct glare and reflections are confined to the maximum extent feasible within the boundaries of the site and shall be directed downward and away from adjoining properties and public rights-of-way.
   2. No permanently installed lighting shall blink or flash.
   3. All lighting fixtures shall be appropriate in scale, intensity, and height to the use they are serving.
   4. Security lighting shall be provided at all entrances/exits, except in the residential zones.
   5. Exterior lighting within the V Overlay Zone shall be limited to that necessary for safety and security, as determined by the Director.

17.50.080 Performance Standards.

A. **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.

B. **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.

C. **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.

D. **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.

E. **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.

F. **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.

G. **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.

H. **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.

I. **Vibration.**
   No vibration shall be permitted to as to cause a noticeable tremor measurable without instruments at the lot line.

17.50.090 Portable Structures.

Portable structures, but not including accessory structures defined in Section 17.66.030 (Accessory Residential Uses and Structures), 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: 80 square feet with any one wall length not to exceed 10 feet.
B. Maximum structure height: Eight feet.
C. Structure is located behind any required front yard setbacks.
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 Plan.

17.50.100 Riparian Habitat Protection. (IP)

A. **Application Requirements - Resource Management Plan.**
   A land use permit application for any site which is traversed by, includes any portion of, or is within 100 feet of Pismo Creek, Pismo Marsh, or any other watercourse shown as a blue line on a USGS topographic quadrangle map shall include a biotic resources management plan. The plan shall include standards for project development to avoid habitat disturbance. The standards specified in the plan will be utilized to determine the scope of development.

B. **General Habitat Protection Standards.**
   1. The minimum standards that may be specified in a biotic resources management plan shall include the following.
      a. Provisions for the preservation of groupings of trees in which at least 10 trees with a minimum six-inch diameter (measured four- and one-half 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. Plants removed for these reasons must be replaced with at least four minimum 15-gallon specimens of each species.
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;
    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 biotic resources management plan, 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.

C. **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. 100 feet from Cypress Street northward to City limits;
        ii. 25 feet from Cypress Street to the ocean.
    b. **East Bank.**
        i. 100 from U.S. 101 northward to City limits;
        ii. 50 feet from U.S. 101 to Dolliver Street;
        iii. 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 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-3.5d.

D. **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-foot high, solid decorative masonry wall along any interior property line abutting a residential zone or existing residential use, unless modified by the Commission.
   2. Multi-family residential development shall provide a six-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 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 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 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 20 percent 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.

Existing and proposed new above ground 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 50 percent 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 City shall mitigate the loss with the order of priority being onsite replacement, offsite replacement, and then in-lieu fees.

Chapter 17.52 Inclusionary Housing

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 (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 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 10 residential units provide one affordable unit; or

b. For five or more residential units provide in-lieu fees equal to or more than five percent of building permit value; or
c. For each 10 residential units dedicate one 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 10 percent 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 20 units shall be required to either provide affordable units on the same percentage bases specified in Subsection 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 5,000 square feet of commercial area, provide one affordable unit;
    2. For a commercial building 5,000 square feet or greater, provide in-lieu fees equal to or more than two percent of building permit value;
    3. For each 5,000 square feet of commercial building provide one 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 or less lots or new dwelling units;
B. New commercial projects consisting of less than 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 or more units or result in an increase in gross floor area of 5,000 square feet or more in a commercial project;
D. Residential conversions of less than 10 dwelling units to condominiums within any five-year period;
E. Commercial condominium conversions which do not result in the creation of new spaces exceeding 5,000 square feet;

F. Affordable housing projects;
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 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 his/her 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 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 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 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. 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 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 Affordable Housing Project Application.

A. **Method of Application.**
An applicant proposing a development project for which affordable housing is required shall submit a statement with a standard planning application, describing the affordable 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 an affordable housing project 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. Priority for purchase or rent of affordable housing units shall be offered to applicants who have been employed in or have been residents of the City for the previous two years and are first time home buyers.

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 30 years, or as otherwise required by state law (affordable housing units shall also be subject to a 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 17.54 Affordable Housing Density Bonus

17.54.010 Purpose.

The purpose and intent of this chapter is to promote and incentivize the development of affordable housing in compliance with Government Code Section 65915 et seq.

17.54.020 Adoption of State Law by Reference.

To implement the requirements of state law, the provisions of Government Code Section 65915 et seq., as may be amended, are adopted in their entirety.

17.54.030 Other Incentives.

A qualifying housing development shall be entitled to at least one of the concessions or incentives identified by Government Code Section 65915(b). The Commission shall approve one or more of the incentives, notwithstanding the other provisions of state law, unless it makes a written finding that the additional concession or incentive is not required in order for rents for the targeted units to be set in compliance with Government Code Section 65915(c).

In addition, a qualifying housing development may also be eligible for the following incentives:

A. A reduction in the site development standards of this Zoning Code, including, but not limited to setback, coverage, and/or parking requirements;
B. Approval of mixed-use zoning in conjunction with the housing project if non-residential land uses will reduce the cost of the housing project, and the non-residential land uses are compatible with the housing project and surrounding development; or
C. Other regulatory incentives or concessions proposed by the developer or the City that will result in identifiable cost reductions.

Chapter 17.56 Hillside Development

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 15 percent or more, or sites where proposed access will cross an area with a slope of 15 percent 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 15 percent or more, but where the portion of the lot that would be under the building footprint has an average slope of less than 15 percent.

17.56.030 Permit Requirements.

A. **Permit Required.**
Approval of a development permit or a Coastal Development Permit by the 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 40 percent, or as approved by the 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 200-foot contour shall be required to be dedicated to the City as a condition of approval of any development below the 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 30 percent except that this provision shall not apply to lots existing as of October 21, 2003 with average slopes of 30 percent or greater zoned for development.

B. Grading Standards.

1. The overall shape, height, and grade of any cut or fill shall be designed and constructed to blend with the existing natural contours and character of the site terrain.
2. All cut and fill slopes with a vertical height of more than 10 feet 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.

3. Where two cut or fill slopes intersect, the ends of each slope shall be horizontally rounded and blended with a minimum radius of 25 feet.
4. Where cut or fill slopes meet natural grade, the ends of each slope shall be vertically and/or horizontally rounded and blended with the natural contours to create the appearance of a natural slope.
5. The horizontal contours of any cut or fill slope in excess of 100 feet in horizontal length shall be curved in a continuous, undulating fashion.
6. The top and toe of each slope with a vertical height of more than 10 feet shall be vertically rounded and designed in proportion to the total height of the slope, except the toe of any slope within 25 feet of a dwelling.
7. 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.
8. 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.
9. 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.

17.56.060 Criteria and Standards for Drainage, Runoff, Erosion, and Slopes. (IP)

All development in those areas of the City with 15 percent or greater slopes shall meet the following standards and criteria:

A. All determinations required under this section shall be made by the City Engineer except that all landscaping plans shall be approved by the review authority.
B. The building inspector shall verify the installation of approved landscaping improvements.
C. Development on easily erodible areas shall be prohibited unless acceptable mitigation measures are established and required.
D. Development occurring in hillsides and environmentally sensitive areas shall preserve native flora and fauna to minimize erosion hazards and loss of wildlife.
E. A runoff control plan shall be submitted to the City Engineer for review and approval prior to the issuance of a building permit. 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):
    1. 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;
    2. For permitted grading all permanent erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities;

3. 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 5 below and that any variation from the schedule shall be promptly reported to the City Engineer;
4. 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 this subsection, such planting shall be made prior to November 1. 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 90 percent coverage within 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;
5. 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 1st to March 31st of each year, except that the following grading activities may be permitted outside the above time constraints:
    a. Grading on slopes if they do not drain into an environmentally sensitive habitat area,
    b. Grading on slopes less than 15 percent, if the amount to be graded does not exceed 50 cubic yards,
    c. 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 1st and there is adequate bonding to assure maintenance of all erosion control facilities.

F. Permits shall not be issued for developments that significantly alter the hydrological character of the surrounding area.
G. New development shall include storm drainage studies as part of their project application requirements.
H. 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.
I. 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.
J. Construction on areas known to be prone to landslides or severe land slippage is prohibited without specific slope stability engineering studies proving that safe construction is feasible.
K. 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.

Chapter 17.58 Landscaping

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 17.65.040-A (Minimum Landscape 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 and A.3. 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 17.66.120 (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 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 architectural review in compliance with Chapter 17.10 (Design Review) 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.

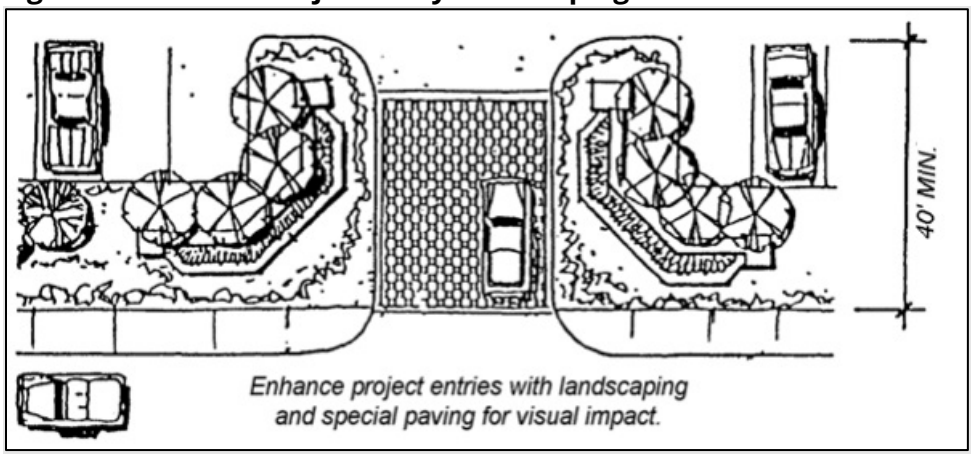
C. **General Guidelines.**

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-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 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. In residential areas, hardscape (both impervious and pervious) should be limited to a maximum of 50 percent 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.

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 to five 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 25 feet from the property corner at a street intersection to the center of the first tree or large shrub;
b. A minimum of 15 feet between the center of trees and large shrubs to light standards and fire hydrants; and
c. A minimum of 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 50 percent of the front setback.
2. The review authority may allow up to a 20 percent 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 Material.**
1. Artificial turf may be installed, provided it has a permeable base consistent with City standards (e.g., infiltration requirements).
2. Artificial turf may be installed in the front yard setback area, provided it does not compose greater than 50 percent of total required front yard landscaping.
3. Artificial turf may be installed in the back or side yard setback areas with no restrictions.

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 inches in circumference at four and one-half 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 his/her 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) 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 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 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 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.D (Performance Guarantees).
3. **Replacement.**
Replacement or placement of additional trees, 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 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 17.60 Parking and Loading

17.60.010 Purpose.

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.

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.

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 all

required parking spaces will be within 300 feet of the use requiring the parking; and

2. Off-site parking may also be authorized in compliance with Section 17.60.050 (Reduction of Off-Street Parking Requirements).

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 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.

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. **Expansion of Existing Structure, Change in Use.**
When a structure is enlarged or increased in capacity, or when a change in use is required by this section to have more parking than the former use, the additional off-street parking spaces required by this section shall be provided on the site, except where a reduction in parking space requirements is approved in compliance with Section 17.60.050 (Reduction of Off-Street Parking Requirements).

B. **Alteration of Existing Structure, Change in Use – CD-C and MU-C Zones.**
The use of any structure which existed within the CD-C and MU-C zones as of December 14, 1983, may be changed without providing the parking spaces required by this section, except as follows.

1. **Change of Use from Residential to Commercial.**
Additional parking spaces shall be provided where a change of use from residential to commercial is proposed, and the commercial use would be required by this section to have more than 50 percent more parking spaces than the former residential use. The number of spaces provided shall be the number required by this section for the new use, minus two spaces, and minus the number of spaces required for the residential use.
2. **Reconstruction or Structural Alteration.**
Reconstructions or major structural alterations (not including seismic retrofitting) which exceed 50 percent of the assessed value of the existing improvements, and do not increase floor area shall provide one-half of the number of spaces required by this section for all uses within the structure and on the parcel.
3. **Additions Within CD-C and MU-C Zones.**
Additions to structures within the CD-C and MU-C zones shall be required to provide parking in compliance with this section for the area of the addition only.

B. **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-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).

C. **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.

D. **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 17.60.040-A 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.
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**
Manufacturing and Processing Uses	
Electronics, equipment, and appliance manufacturing Fabric product manufacturing Food and beverage product manufacturing 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	1 space for each 500 sf of gross floor area plus 1 space for each vehicle operated in connection with each on-site use.
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 10 customers at any one 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 employee parking space shall be provided on-site for each commercial vehicle operated by the facility.
Research and development	1 space for each 300 sf of gross floor area.
Recreation, Education, and Public Assembly Uses	
Child day care facilities	
Child day care center	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	1 space for every 4 fixed seats; 1 space per each 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**
Golf courses/country clubs	2 spaces per tee; plus clubhouse spaces as required for restaurants, bars, health/fitness clubs, and similar accessory uses.
Health/fitness facilities	1 space for each 150 sf of gross floor area.
Indoor commercial recreation facilities	
Arcades	1 space for each 200 sf of gross floor area.
Bowling alleys	4 spaces per lane.
Dance halls	1 space for each 100 sf of gross floor area.
Pool and billiard rooms	2 spaces per table.
Libraries and museums	1 space for each 500 sf of gross floor area.
Outdoor commercial recreation facilities	Determined by review authority.
Public safety facilities Public utility facilities	1 space per employee; plus 1 space per 400 sf of gross floor area.
Schools	
Elementary/junior high school	1 space for each classroom; plus 1 space per 5 fixed seats in an auditorium; plus 1 space for each 35 sf of floor area in meeting/multipurpose rooms without fixed seats.
High schools	5 spaces for each classroom; plus 1 space per 5 fixed seats in an auditorium; plus 1 space for each 35 sf of floor area in meeting/multipurpose rooms without fixed seats.
Studios – Art, photography, etc.	1 space for each 2 students.
Theaters, motion picture	1 space for every 4 fixed seats; 1 space per each 30 sf of meeting/multipurpose room floor area without fixed seats.
Residential Uses	
Accessory dwelling units	See 17.66.020 (Accessory Dwelling Units)
Boarding houses	1 space per sleeping room, or 1 space per 100 sf of actual sleeping area, whichever is greater.

Table 17.60.040-A: Required Number of Parking Spaces	
Land Use	**Number of Parking Spaces Required**
Condominiums	See "Multi-family dwellings."
Duplexes	2 spaces; both within a garage on parcels larger than 3,000 sf, one within a garage on parcels 3,000 sf or smaller. Carports shall not be allowed for single-family dwellings.
Emergency shelters	1 space for every 4 beds plus 1 space per employee and agency vehicle.
Employee housing	None beyond what is required for the residential housing type.
Family care facilities (All types)	
6 or fewer clients	None beyond what is required for the residential housing type.
7 or more clients	1 space for each nonresident employee plus parking required for the residential use.
Mobile home parks	2 spaces per unit, 1 covered; plus 1 space for each 4 units, for guest and RV parking.
Mobile or manufactured homes	2 spaces, 1 within a garage or carport.
Multi-family dwellings	Studio and 1-bedroom units of less than 600 sf--1 space per unit. Units of 2 or more bedrooms and/or 600 sf or more--2 spaces per unit. Guest parking – None required for projects of 8 units or less;1 space per 4 units for projects of 9-50 units; 1 space per 2 units for projects of more than 50 units. (Spaces may be within garages, carports, or open parking courts; parking courts require design review.)
Single-family dwellings	2 spaces; both within a garage on parcels larger than 2,700 sf, one within a garage on parcels 2,700 sf or smaller. Carports shall not be allowed for single-family dwellings.
Retail Trade Uses	
Auto and vehicles sales/rental Auto parts sales Mobile home, recreational vehicle, and boat sales	1 space for each 450 sf of gross floor area for showroom and office; plus 1 space for each 2,000 sf of outdoor display area; plus 1 space for each 500 sf of gross floor area for vehicle repair; plus 1 space for

Table 17.60.040-A: Required Number of Parking Spaces	
Land Use	**Number of Parking Spaces Required**
	each 300 sf of gross floor area for the parts department.
Bars and night clubs	1 space for each 200 sf of gross floor area.
Furniture, furnishings, and appliance stores	1 space for each 600 sf of gross floor area.
General retail stores (All types)	1 space for each 300 sf of gross floor area.
Plant nurseries and garden supply stores	1 space for each 300 sf of indoor display area; plus 1 space for each 1,000 sf of outdoor display area.
Restaurants	1 space for each 200 sf of gross floor area.
Shopping centers	1 space for each 250 sf of gross floor area.
Warehouse retail stores	1 space for each 165 sf of gross floor area.
Service/Commercial Uses	
Car washes	12 spaces, plus adequate queuing and drying area. If self-service, 2.5 spaces per washing stall, plus adequate queuing and drying area.
Lodging – Hotels and motels	1 space for each guest room, and 1.5 spaces for each multi-room suite; plus 1 space for each 20 guest rooms. See 17.66.100 (Hotels and Motels) for additional parking requirements.
Medical services	
Clinics and laboratories	1 space for each 150 sf of gross floor area.
Extended care	1 space for each 3 beds.
Hospitals	1 space for each patient bed.
Offices (All types)	1 space for each 300 sf of gross floor area.
Personal services	
Barber/beauty shops	2.5 spaces for each service chair.
Laundromats	1 space for every 3 washing machines.
Other personal service uses	1 space for each 300 sf of gross floor area.

Table 17.60.040-A: Required Number of Parking Spaces	
Land Use	**Number of Parking Spaces Required**
Service stations	1 space for each 180 sf of gross building floor area; plus 1 space for each service bay; plus 1 space for each 300 sf of convenience retail.
Storage, personal storage facility (mini-storage)	1 space for each 5,000 sf of gross floor area plus 2 spaces for any resident manager.
Vehicle services (All types)	5 spaces, plus 1 space for each 200 sf of gross floor area. For establishments that provide an on-site waiting area, 4 additional spaces per service bay are required.
Veterinary clinics, animal hospitals, and animal boarding	1 space per 400 sf of gross floor area.

17.60.050 Reduction of Off-Street Parking Requirements.

The number of off-street parking spaces required by Section 17.60.040 (Number of Parking Spaces Required) may be reduced as provided by this section.

A. **General Shared Parking Reduction.**
The total number of parking spaces required for multiple non-residential uses sharing a single parking facility may be reduced by the Commission through design review or Conditional Use Permit approval.
   1. **Allowed Reduction.**
   The Commission may reduce the number of parking spaces required by up to 15 percent of the sum of all parking requirements computed separately.
   2. **Required Findings.**
   The granting of a parking reduction shall require that the Commission first find that:
      a. Some of the uses sharing the parking facility generate parking demands primarily during hours when the remaining uses are not in operation (e.g., if one use operates during evenings or weekdays only); or
      b. The parking demands for the individual uses vary substantially during a typical day; or
      c. Patrons are likely to visit more than one business establishment on a single trip.

B. **Downtown Area Parking Reductions.**
Within the CD-C and MU-C zones, the number of parking spaces required may be reduced as follows.
   1. **Multiple Use Shared Parking.**
   The total number of parking spaces required for multiple non-residential uses

sharing a single parking facility may be reduced by the Commission through Conditional Use Permit approval. The aggregate total number of parking spaces required for each use by Section 17.60.040 (Number of Parking Spaces Required) may be reduced by 25 percent for the first 5,000 square feet of building area on the site, and by two percent for each additional 1,000 square feet of building area, up to a maximum reduction of 60 percent.

2. **Off-Site Shared Parking.**
   Where approved by the Commission, parking required for a use proposed within the CD-C and MU-C zones may be located in a common or shared parking facility away from the site of the proposed use, including outside of the CD-C and MU-C zones. In reviewing a request for shared off-site parking, the Commission shall consider how the distance between the parking area and the proposed use may affect whether the off-site facility will satisfy the parking needs of the proposed use.
3. **Joint Use of Existing Parking Facilities.**
   The joint use of existing parking facilities by multiple uses may be authorized through Conditional Use Permit approval as provided by this subsection.
   a. **Applicability.**
      If a parcel or building has more on-site parking spaces than the number required by Table 17.60.040-A (Required Number of Parking Spaces), the number of excess spaces may be made available to serve a use on another site, provided that the parking site is within 500 feet of the use to be served.
   b. **Allowed Parking Reduction.**
      Up to 70 percent of the parking spaces required by Table 17.60.040-A (Required Number of Parking Spaces) for a use determined by the review authority to be primarily a daytime use may be provided by the parking facilities of a use determined to be primarily a nighttime use, in compliance with the following standards.
      i. Typical daytime uses include: banks, business offices, retail stores, personal service shops, and similar uses. Typical nighttime uses include theaters, restaurants, bars, and night clubs.
      ii. The applicant shall be required to show that:
         (a.) There is no substantial conflict in the principal operating hours of the building or uses for which the joint use of off-street parking facilities is proposed; and
         (b.) The proposed joint use parking area is conveniently located to serve both uses, and generally not a greater distance from those uses than 500 feet.
   c. **Required Agreement or Covenant.**
      A parking agreement or covenant in a form approved by the City shall be recorded against the property which is the site of the parking referenced in Subsections B.3.a and B.3.b. The agreement or covenant shall contain the following stipulations:

i. The owner of the parking facility shall continue to maintain and make the parking facility available to the use as long as the use continues;
ii. The owner of the business or use receiving the parking shall discontinue the use requiring the parking upon revocation of the agreement or covenant;
iii. The agreement or covenant shall not be revoked without the prior notification and approval of the City; and
iv. If the parking site is owned by the developer of the proposed uses, the covenant shall stipulate that the title to and right to use the site upon which the parking is to be provided will be subservient to the title to the site upon which the building is to be developed, and that it is warranted that the site is not and will not be made subject to any other covenant or contract for use without prior written consent of the City.

4. **Payment of Fees In Lieu of Providing Parking.**
The parking space requirements of Table 17.60.040-A (Required Number of Parking Spaces) may be satisfied through the payment of an "in-lieu" parking fee subject to the following requirements:

a. **Applicability.**
This provision shall apply to commercial uses and development within the CD-C and MU-C zones, as follows:
i. Within the CD-C and MU-C zones, up to 100 percent of the parking requirement for new development, additions or renovations may be satisfied by the payment of in-lieu fees.
ii. Within the CD-C and MU-C zones, up to 100 percent of the parking requirement generated by new development, additions, or renovations on sites of less than 4,000 square feet may be satisfied by the payment of in-lieu fees, and up to 50 percent for parcels or sites larger than 4,000 square feet.
iii. The payment of in-lieu parking fees shall not be used to satisfy the parking requirements of any transient lodging or residential use.

b. **Establishment of 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. The amounts of the fees shall be based on the following, which shall be included in the resolution:
i. The estimated total cost of providing one off-street parking space in a surface parking lot located within the downtown, including the costs of land and all improvements.
ii. Within the CD-C and MU-C zones and on sites smaller than 4,000 square feet in other CD-C and MU-C zones, the amount of the in-lieu fee for parking requirements caused by additions or renovations to existing buildings shall be 60 percent of the total cost established in compliance with Subsection B.4.b.

iii. Within the CD-C and MU-C zones, the amount of the in-lieu fee for parking requirements caused by new development, other than additions, shall be 80 percent of the total cost established in compliance with Subsection B.4.b.

iv. In all other instances, the amount of the in-lieu fee shall be 100 percent of the total amount per space established in compliance with Subsection B.4.b.

c. **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 Commission.

d. **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.

e. **Deposit and Use of Funds.**

i. The City shall establish a special restricted fund within which all in-lieu parking fees collected by the City shall be deposited.

ii. 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 CD-C and MU-C zones.

C. Transit Center Proximity.
The Commission may reduce the number of parking spaces required by up to 20 percent for any use within one-half mile of the transit center.

D. Bicycle Parking.
For each 10 bicycle parking stalls provided, there shall be a reduction of one required automobile parking space up to a maximum of 15 percent of the required automobile parking spaces.

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 Uniform Building Code (UBC) Section 1129B, 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 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. **Parking Space Location.**
      For multi-family developments, no parking space shall be located so that a vehicle will maneuver within 20 feet of a vehicular entrance to the site, measured from the property line.
   4. **Residential Garage Location.**
      For multi-family developments, residential garage entrances shall be set back a minimum of 20 feet from any public or private street right-of-way.
   5. **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 spaces in tandem are under the control of one person or group living together.
      b. **CD-C and MU-C Zones.**
         Tandem parking may be permitted to satisfy off-street parking requirements within the CD-C and MU-C zones, 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), and as illustrated by Figure 17.60.070-1.
2. **Compact Car Spaces.**
A maximum of 33 percent 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	1 car	2 cars	3 cars
Width	10 ft.	20 ft.	30 ft.
Depth	20 ft.	20 ft.	20 ft.
Door/access width	8 ft.	16 ft.	–

4. **Parallel Parking Spaces.**
Parallel parking spaces shall have a minimum width of nine feet and a minimum length of 24 feet.
5. **RV Spaces.**
Parking spaces for recreational vehicles shall be a minimum of 12 feet wide by 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 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 30 percent 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-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 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 of this section.
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 feet wide. Adequate pedestrian paths shall be provided throughout the landscaped areas. The planting strips shall include at least one 24-inch box shade tree for every five 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 15 parking spaces shall include projecting islands to accommodate additional trees and other landscape materials. Islands shall be provided between every 10 parking spaces and shall be a minimum of six feet wide.
   c. **Bumper Overhang Areas.**
      To increase the parking lot landscaped area, a maximum of two 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 inches high and six 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. 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.**
   1. All required parking spaces shall be located on the same parcel as the primary structure or use, unless approved otherwise by the Director. The Director may approve a portion or all of the required off-street spaces to be located on an adjacent parcel; or on a non-contiguous parcel, provided that all required parking spaces will be within 300 feet of the use requiring the parking.
   2. The applicant shall provide evidence, to the satisfaction of the Director, that a suitable long-term lease or other binding agreement can be executed and recorded which would guarantee that the parcel containing the primary structure or use has an irrevocable right to utilize the adjacent parcel for parking.

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-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-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 inches high and six 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 site plan and design review process as criteria against which to review projects requiring design approval.
   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

site plan and design review approval in compliance with Chapter 17.10 (Design Review) 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 design 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 (48-inch box or larger) should be used to generate visual interest at entry points to commercial centers.
2. Entry drives on larger projects (200 or more parking stalls) should include a minimum five-foot-wide landscaped median to separate incoming and out-going traffic.
3. The first parking stall that is perpendicular to an entry driveway or the first aisle juncture that is perpendicular, should be a minimum of 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).

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 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 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 100 cars, they should be broken up into segments or modules of less than 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 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 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 10 feet from the end of curb returns for single-family residential developments. For all other developments, this distance shall not be less than 150 feet. Where the lot size does not permit the access to be located 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-foot transition or wing sections on each side of the driveway.
    2. **Driveway Spacing.**
    Two or more driveway access points on a public street shall be separated as follows.
        a. **Single-Family Residential Development.**
        Where two or more accesses serve adjacent single-family residential parcels, the minimum distance between the nearest points of the two accesses shall be at least 20 feet, unless a shared, single driveway access is approved by the Director. The 20-foot separation does not include the three-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 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 200 feet on streets with design speeds below 30 mph and 300 feet on streets with design speeds above 30 mph.
        c. **Corner and Double Frontage Lots.**
        For corner and double frontage residential lots, one access on each frontage may be permitted if it is determined by the City Engineer that two 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.

When redevelopment or rehabilitation occurs, existing driveways shall be modified or eliminated to conform to these standards.

2. **Driveway Length – R-1 and R-2 Zones.**
    a. The minimum length of a single-family driveway shall be 20 feet measured from back of the sidewalk to the front of the garage to permit vehicle parking in the driveway without projecting into the sidewalk, except as provided in Subsection 2.b. Where access to a garage, carport, or open parking space is perpendicular (90 degrees) to the driveway, a minimum 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 20 percent 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 50 percent 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 be comply with the standards provided Subsection 2.a.

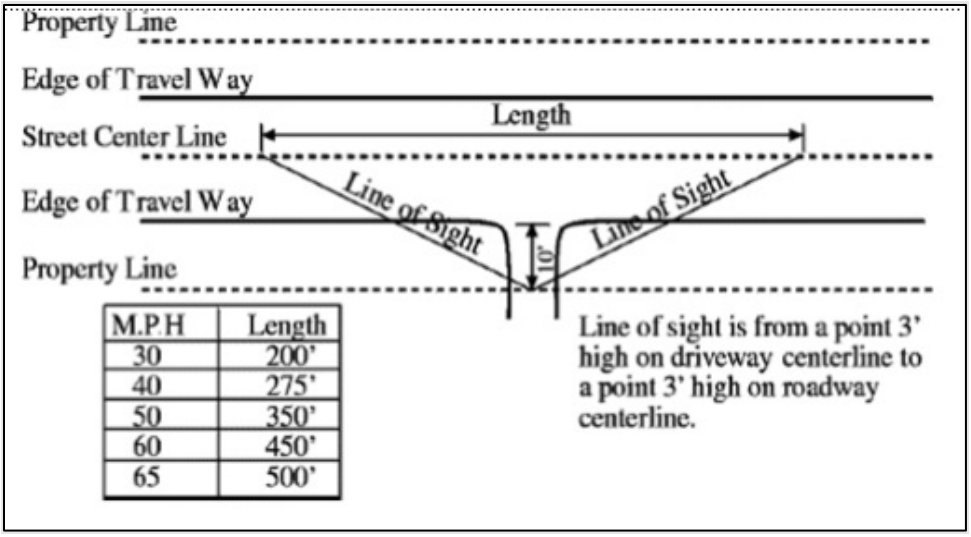
D. **Driveway Alignments – Commercial Development.**
Where commercial parcels are not large enough to allow accesses on opposite sides of the street to be aligned, the center of driveways not in alignment will normally be offset a minimum of 150 feet on all collector roads, and 300 feet on all major 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 20 percent. For commercial development and multi-family development, entrance and exit areas shall not exceed three percent within the first 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 feet from the nearest property line (except where the review authority has approved a shared driveway between two 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 feet from the nearest projection of the installation. Street trees shall be a minimum of 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 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.

Figure 17.60.090-1: Sight Distance at Driveways



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 in compliance with Chapter 17.10 (Design Review), 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).

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 15 feet in width, 45 feet in length, with 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 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 17.62 Signs [to be updated at a later date]

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.

The City encourages:

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, cause visual clutter that conflicts with the ordered design of coastal communities, 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; and
G. The protection of historical signs.

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 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 c below. The Director shall review, and approve or disapprove all sign permits, including minor exceptions (see Chapter 17.16 (Minor Exceptions)) 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 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 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 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).

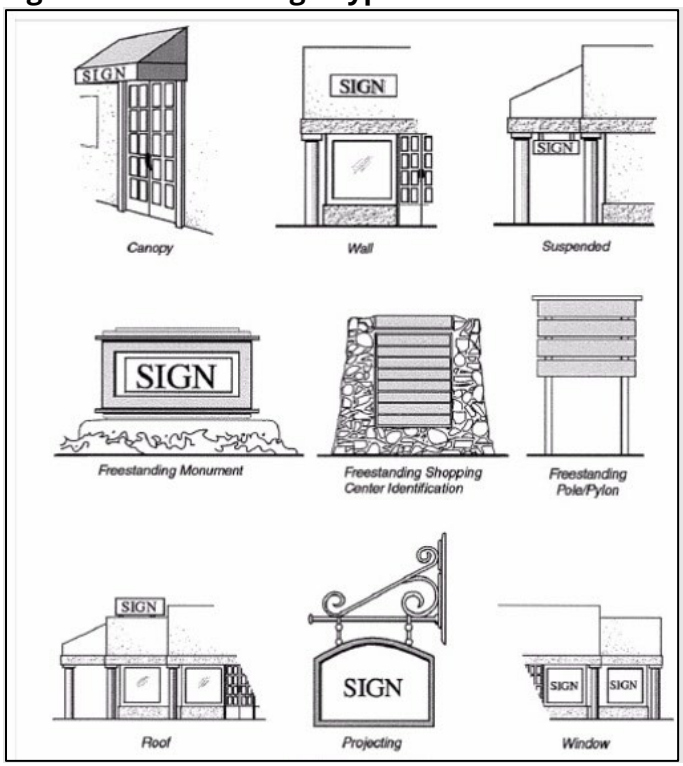
iv. **More Than Three Signs.**
Proposed signs on a site with more than three signs.

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. **Commission Hearing.**
The 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 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 Commission may impose any conditions or modifications it determines are necessary or appropriate to secure compliance with the provisions of this chapter.

D. **Changes to an Approved Sign Permit.**
Changes to an approved sign permit may be approved in compliance with Section 17.08.080 (Changes to an Approved Project).

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 60 days in any one 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 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) through Chapter 17.48 (Overlay Zones) and Chapter 17.50.060 (Height and Height Exceptions).

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 sign per property, no larger than six square feet, four 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 times per year, additional temporary noncommercial signs are permitted, with increases in sign size of no larger than 16 square feet, limited to 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 square feet, pertaining only to the

site on which the sign is located. Four 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 day, where the balloons are tethered no higher than eight feet above the ground and at least eight 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 14 days after the holiday.
    4. **Special Event Signs.**
    One temporary special event sign per business, provided that the sign does not exceed 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 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 30 days with sign permit approval.

H. **Time and Temperature Signs.**
Time and temperature signs which contain no advertising, do not exceed 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 feet above the right-of-way (sidewalk), that are less than two feet from the street curb, and that exceed 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;

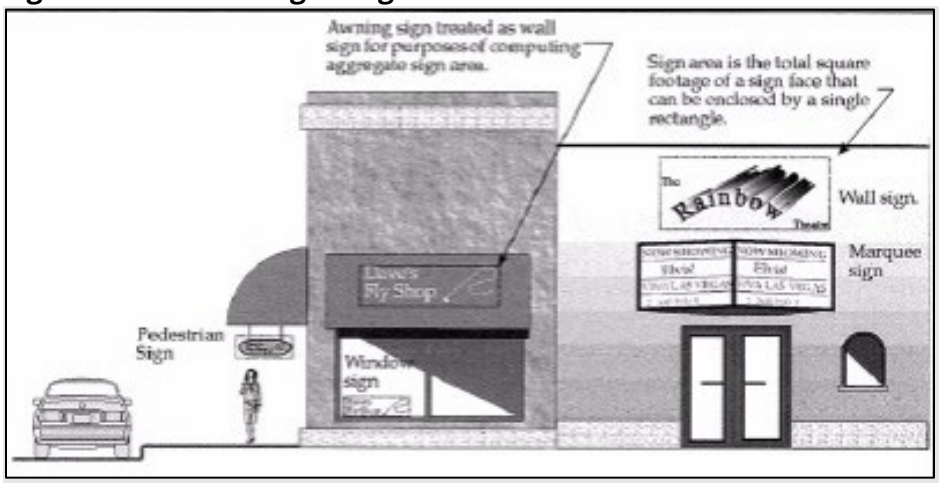
G. Signs that simulate in color or design a traffic sign or signal, or which make use of words, symbols, or characters in a manner to interfere with, mislead or confuse pedestrian or vehicular traffic; and
H. Pole/pylon signs, except in compliance with Section 17.62.080.C.1.d.

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 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 30 days before and not more than five days after the period during which the event takes place.

2. **Construction Sign.**
   One temporary non-illuminated sign, advertising the various construction trades participating in the project. On a site less than one acre, the sign shall not exceed 32 square feet in sign area or six feet in height. On a parcel of land of one acre or more, the sign shall not exceed 50 square feet in sign area or six 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 on-site sign shall be permitted for each street frontage;
   b. The sign area shall not exceed 50 square feet, or exceed six 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 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 or more dwelling units may be permitted one identification sign with a maximum area of eight square feet and a maximum height of five feet;
   2. **Planned Residential Developments.**
      A planned residential development 25 or more units may be permitted one sign larger than that allowed by subsection B.1.a above, provided that the aggregate sign area does not exceed 30 square feet, and the sign does not exceed five feet in height;
   3. **Multi-Family Projects and Mobile Home Parks.**
      Multi-family dwelling projects and mobile home parks may be permitted one identification sign for each major street entrance to the project, with a maximum area of 12 square feet and a maximum height of four feet.

C. **Commercial Zone Signs.**
   The following signs may be allowed with sign permit approval within the commercial zones.
   4. **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 and 17.62.080-2, except that a monument sign shall not exceed one-half the height allowed for other freestanding signs.

Figure 17.62.080-1: Maximum Sign Area for Attached and Wall Signs on Commercial Structures

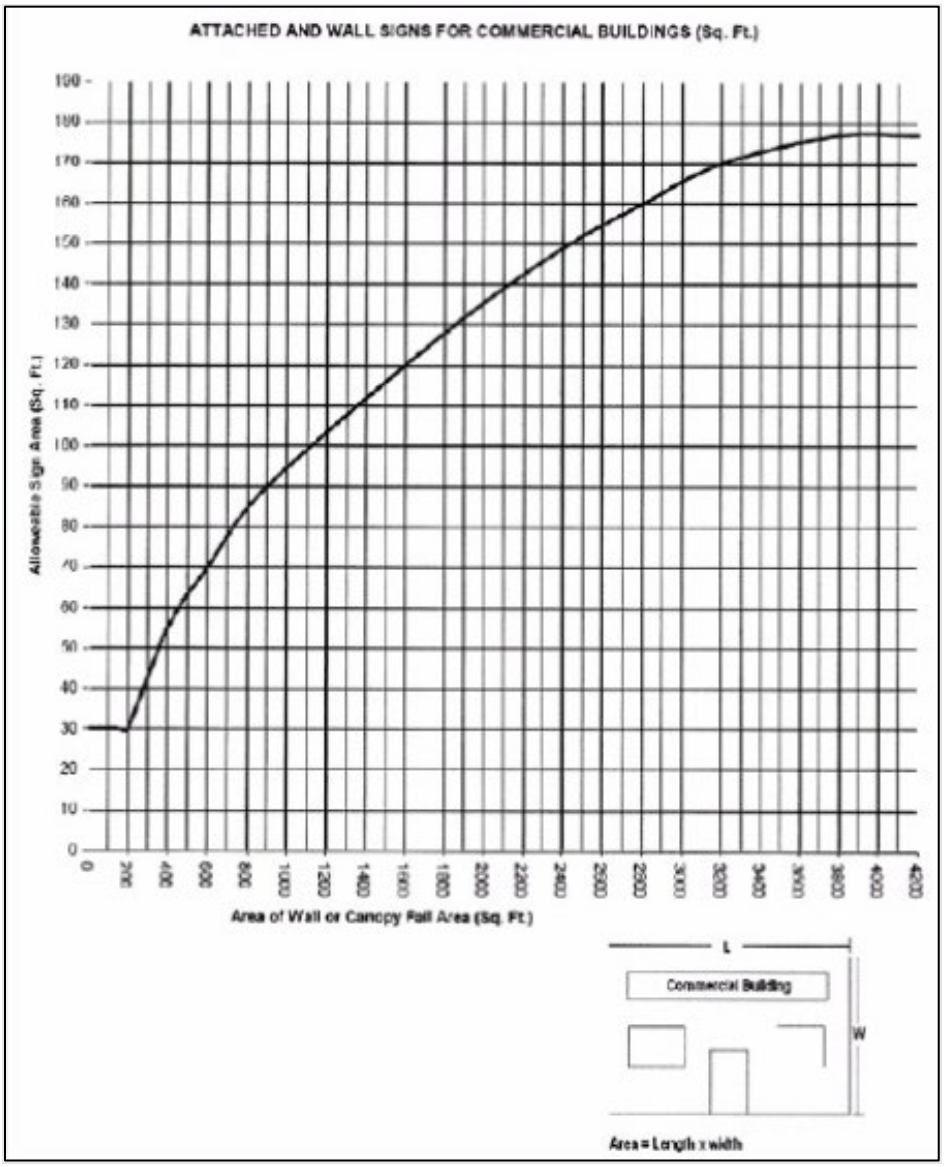
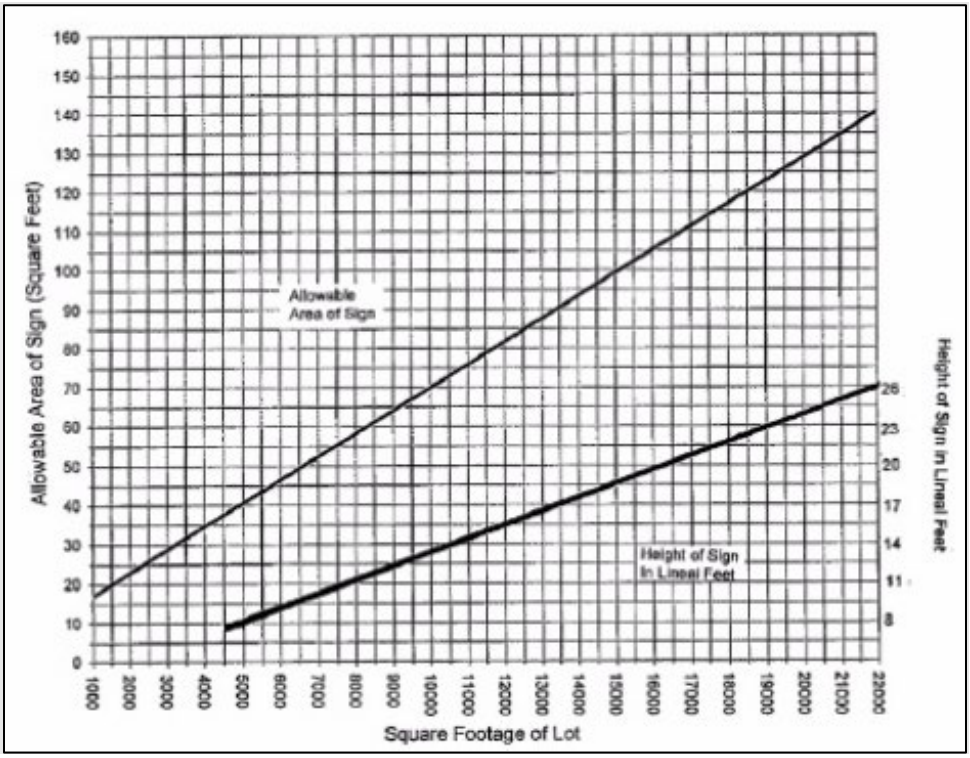


Figure 17.62.080-2: Maximum Sign Area for Freestanding Monument Signs for Commercial Uses



b. **Number of Signs.**
No more than three signs shall be allowed for each business. No more than one of the signs may be freestanding without 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 or more streets and/or a vacant lot, the total allowed sign area shall comply with Figure 17.62.080-1, and that total sign area shall be assigned to each building wall proposed to have signs at a ratio of one 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.

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 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 feet from the building nor closer than two 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 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 Commission, where the Commission determines that freeway visibility is essential for the viability of the business. If approved by the 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 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 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 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, 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 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 feet and shall not extend outward over the

sidewalk more than five feet from the building, nor closer than two 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 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 60 percent 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.
   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 above.
   1. **Pennants and Inflatables.**
      Temporary pennants and inflatable decorations may be authorized with sign permit approval for a maximum of eight 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 60 square feet;
      b. **Number of Banners.**
         No more than one 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 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-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 month before and one 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 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 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 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 80 percent 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 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 site plan and design review process as criteria to review projects requiring design 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 design review process is to attain the best possible design within reason.

C. **General Guidelines.**

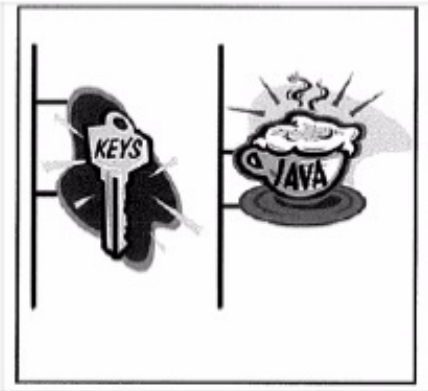
The following general design guidelines should be considered prior to developing signs for any project.

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 or three on any one 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 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.

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 75 percent of sign panel area. See Figure 17.62.100-2.

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 for small signs and up to three for larger signs. See Figure 17.62.100-1.
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 50 percent of its value, as determined by the Building Official; the methodology to determine 50 percent of the sign value requires a procedure where two separate sign companies are contracted, with funds supplied by applicant, to prepare two sets of estimates one for repair the other for replacement of subject sign. The average of one 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, 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 estimated from two sign companies.

Example: Two separate sign companies provide estimates to both repair and replace a damaged sign. Company A says that the sign can be repaired for $400 and replaced for $600. Company B says that the sign can be repaired for $450 and replaced for $500. Therefore, the average cost to repair the sign is $425 and the average cost to replace the sign is $575. 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 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 50 percent 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 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 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.

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Chapter 17.64 Short-Term Rentals (IP)

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 Plan, 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), 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 people per bedroom, plus two additional people. For example, a two-bedroom STR may have up to and including six 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, then no more than six 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 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 bedroom: Minimum of one on-site parking space
        ii. Two bedrooms: Minimum of two on-site parking spaces
        iii. Three–four bedrooms: Minimum of three on-site parking spaces
        iv. Five or more bedrooms: Minimum of four 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 17.66 Standards for Specific Land Uses

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) through Chapter 17.48 (Overlay Zones).

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 and junior accessory dwelling units on lots developed or proposed to be developed with single-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 accessory dwelling units and junior accessory dwelling units in a manner that is consistent with requirements set forth in Government Code Section 65852.2-65852.22, as amended from time to time.

B. **Consistency with Adopted Plans.**
Accessory dwelling units and junior accessory dwelling units designed in accordance with this section are a residential use that is consistent with the existing General Plan/Local Coastal Plan and zoning designation for the lot, in accordance with the following findings:
1. Accessory dwelling units designed in accordance with this section are consistent with the General Plan/Local Coastal Plan.
2. Accessory dwelling units designed in accordance with this section require no discretionary approval.
3. Accessory dwelling units designed in accordance with this section will be found to have no adverse effect either individually or cumulatively on environmental resources.
4. Accessory dwelling units located above the intersection of Longview Avenue and Stratford Street in the Pismo Heights planning area may increase the number of families that are in danger in emergency situations, because of the lack of secondary access in this area.

C. **Applicability.**
1. **Application.**
Where this section does not contain a particular standard or procedure, conventional zoning standards and procedures shall apply.
2. **Areas Where ADUs are Allowed.**
ADUs and JADUs are permitted on lots zoned to allow single-family or multi-family dwelling residential uses, with the exceptions noted in subsection D, on lots or parcels where there is only one existing or planned single-family residence, and where the required development standards are met.
3. **Unit Types Allowed.**
    a. **Single-Family Dwellings.**
    On lots with existing or proposed detached or semi-detached single-family dwellings, up to one ADU and one JADU per single-family dwelling are allowed.
    b. **Multi-family Dwellings.**
    On lots with existing or proposed attached multifamily developments such as apartments, condominiums, and townhomes, the following are allowed:
        i. Up to two detached ADUs; and
        ii. Conversion ADUs associated with up to 25 percent of the number of multifamily units. Conversion ADUs in multifamily developments must be converted from areas not previously used as living space including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

4. **Accessory Structure Conversion.**
   If applying to convert an existing accessory structure, an applicant shall demonstrate that the structure was erected with all required permits, or that the structure is legally nonconforming. Structures that were built without benefit of permits are not eligible for conversion under this section and must be processed as a new construction ADU.
5. **Exceptions.**
   a. ADUs and JADUs shall not be established in any mobile home subdivision, mobilehome park, or recreational vehicle park.
   b. Due to traffic flow and public safety issues, ADUs and JADUs are not permitted in the R-1 zone above the intersection of Longview Avenue and Stratford Street, in the Pismo Heights planning area.
   c. **Projects on Hillsides.**
      Development of an ADU on a slope that exceeds 20 percent is prohibited.
   d. **No Subdivision of Property.**
      No subdivision of property shall be allowed where an ADU or JADU has been established unless the subdivision meets all requirements of zoning and subdivision regulations. Additionally, while an ADU or JADU may be rented separate from the primary residence, said dwelling unit may not be sold or otherwise conveyed separate from the primary unit.

D. **Permit Requirements.**
Accessory dwelling units and junior accessory dwelling units are permitted with approval of a Coastal Development Permit consistent with Chapter 17.38 (Land Use Permit Requirements) and as otherwise provided in this section.

1. **Projects Outside Coastal Zone.**
   A building permit is required. Pursuant to Government Code Section 65852.2, applications for accessory dwelling units and junior accessory dwelling units shall be approved or denied ministerially, and no public notice or hearing shall be required.
2. **Ministerial Review Time**.
   Pursuant to Government Code Sections 65852.2 and 65852.22, applications that are subject to ministerial review must be approved, or a notice of deficiency sent, within 60 days of receipt of a completed permit application, which includes all items required for a Coastal Development Permit and for a building permit. Applications not including all required items will not be accepted for processing. Such applications resubmitted in response to a notice of deficiency must be approved or a notice of deficiency sent, within 60 days.
3. **Fees.**
   Prior to issuance of a building permit for an accessory dwelling unit or junior accessory dwelling unit, the applicant shall pay all applicable fees.
   a. No impact fees shall be imposed on an accessory dwelling unit or junior accessory dwelling unit less than 750 square feet in size.
   b. Impact fees charged for accessory dwelling units greater than or equal to 750 square feet shall be charged proportionately in relation to the square footage of the primary unit.

c. For the purposes of this section, "impact fee" includes "fees" as defined in Government Code Section 66000(b) and fees specified in Government Code Section 66477. Impact fees do not include utility connection fees or capacity charges.

E. **Density**.
For purposes of calculating the density on a lot, an accessory dwelling unit and/or junior accessory dwelling unit shall not be counted toward overall density for the lot. Only one primary and one accessory dwelling unit and/or junior accessory dwelling unit are permitted per legal lot or parcel on applicable parcels identified in Subsection C.

F. **Parking.**
1. **All Areas.**
The following parking provisions apply to all accessory dwelling units in all areas in the City. No additional parking is required for JADUs.
a. **Required Parking in Addition to Primary Residence.**
Parking spaces required for an accessory dwelling unit are in addition to parking required for the primary unit.
b. **Tandem Spaces.**
Required off-street parking may be provided as tandem parking on an existing driveway.
c. **Within Setback Areas.**
Required off-street parking may be located within minimum required setback areas unless findings are made that parking in setback areas is not feasible based upon specific site conditions or regional topographical or fire and life safety conditions. Additionally, the following standards must be met:
i. Each space shall have minimum dimensions of 10 feet by 20 feet.
ii. All parking spaces shall be located behind existing or future sidewalk, or other public right-of-way.
iii. Parking spaces shall be located on an all-weather surface as approved by the City Engineer (e.g., hardscape, gravel) and accessed by a driveway apron or curb cut.
2. **Outside the Coastal Zone.**
In addition to the requirements of Subsection A, for ADUs outside the Coastal Zone, one parking space per accessory dwelling unit is required.
3. **Exceptions.**
Additional parking for ADUs shall not be required for units meeting any of the following standards:
a. The ADU is located within one-half mile walking distance of public transit.
b. The ADU is located within an architecturally and historically significant historic district.
c. The ADU is part of the proposed or existing primary residence or accessory structure.
d. When on-street parking permits are required but not offered to the occupant of the ADU.
e. When there is a car share vehicle located within one block of the ADU.

G. **Development Standards for New Construction Accessory Dwelling Units.**

1. **Occupancy.**
   The following occupancy standards shall be applied to every ADU and JADU in the City:
   a. **Short-Term Rental Use Prohibited.**
      In no case shall a short-term rental use of less than 30 days be permitted in JADUs or ADUs and these units shall be occupied for terms longer than 30 days.
   b. **Sale.**
      ADUs and JADUS shall not be sold separately from the primary unit, with the following exception:
      i. An ADU can be sold or conveyed separately from the primary residence to a qualified buyer if the property was built or developed by a qualified nonprofit corporation and all provisions of Government Code Section 65852.26 are met.
   c. **Owner Residency.**
      The following requirements apply to all JADUs. Additionally, the following requirements apply to all ADUs except those permitted between January 1, 2020 and January 1, 2025.
      i. Unless owned by a government agency, land trust, or public or nonprofit housing organization, the property owner shall permanently reside, as evidenced by a homeowner's property tax exemption, on the parcel in either the primary unit, ADU, or JADU.
      ii. A deed restriction shall be recorded against the title of the property that contains the ADU or JADU, prior to issuance of a building permit. Such deed restriction shall stipulate the owner residency requirement and that the ADU or JADU cannot be sold separately.
2. **Minimum Parcel Size.**
   No minimum parcel size shall be required to establish an ADU or JADU.
3. **Unit Size.**
   a. Minimum unit size, JADU or ADU: 150 square feet ("efficiency unit" per Health and Safety Code Section 17958.1).
   b. Maximum unit size, JADU: 500 square feet.
   c. Maximum unit size, ADU:
      i. Conversion ADU: 50 percent of primary unit size.
      ii. New construction ADU: 850 square feet (studio or one bedroom), 1,000 square feet (two bedrooms), or 50 percent of the primary unit, whichever is smaller.
      iii. Regardless of Subsections i.-ii. of this section and other site standards such as private open space or vegetation, an ADU must be allowed to be at least 800 square feet.
4. **Setbacks.**
   a. **JADUs and Conversion ADUs.**
      Setbacks shall be sufficient for fire safety in conformance with the

Building Code and Fire Code. Additions up to 150 square feet shall meet setback requirements for new construction ADUs.

b. **New Construction ADUs.**
ADUs shall comply with front and street side setbacks for the applicable zone. Minimum side and rear setbacks shall be four feet or the setback for the applicable zone, whichever is less, with the following exceptions:
    i. No setback shall be required for an existing living area or accessory structure, or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU or to a portion of an ADU.

5. **Height.**
    a. **JADUs and Conversion ADUs.**
    Additions of up to 150 square feet shall meet height requirements for new construction ADUs.
    b. **New Construction ADUs.**
    Height shall be no greater than permitted in the applicable zone height standards, dependent upon ADU configuration, but not less than 16 feet.
6. **Lot Coverage and Maximum Building Area.**
    a. **JADUs and Conversion ADUs.**
    Additions of up to 150 square feet shall meet lot coverage and maximum building area requirements for new construction ADUs.
    b. **New Construction ADUs.**
    Lot coverage and maximum building area shall comply with the standard for the applicable zone, except that an ADU of up to 800 square feet shall be allowed, regardless of lot coverage and maximum building area.
7. **Design.**
The design, materials, and color of a new construction ADU shall be compatible with that of the primary unit.
8. **Number of Bedrooms.**
There is no maximum number of bedrooms for an ADU or JADU.
9. **Utility Services.**
The primary unit, ADU, and JADU may be served from the same gas, electricity, and water lines, at the discretion of the property owner. No development shall be approved that would exceed the capacity of the municipal utility systems. Specifically, all applications received for ADUs and JADUs shall be accompanied by evidence provided by the municipal utility provider that there are adequate services/capacities to serve the proposed development.
10. **Water Conservation.**
All plumbing fixtures in the primary unit, an ADU, and a JADU must meet current Title 24 requirements for water conservation.
11. **Consistency with Codes.**
New development shall comply with all local, state, or federal regulations that apply to the property, including the applicable requirements of the General Plan/Local Coastal Plan and this Zoning Code.

H. **Fire Sprinkler Requirements**.
ADUs and JADUs shall not be required to include fire sprinklers if they are not required for the primary unit.

I. **Illegal Accessory Dwelling Unit**.
The establishment of an ADU or JADU in the Coastal Zone without a Coastal Development Permit is declared to be unlawful and shall constitute a misdemeanor and a public nuisance.

17.66.030 Accessory Residential Uses and Structures.

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 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. 20 feet from the front property line; five feet from side property lines
    b. 10 feet from the rear property line; and
    c. Six feet from any other structure on the site.

    Accessory structures shall also comply with the blufftop setback requirements of Chapter 17.40 (Residential Zones) through Chapter 17.48 (Overlay Zones).

3. **Accessory Structure Height Limits.**
Accessory structures shall not exceed a height of 15 feet.

B. **Antennas.**
Antennas are subject to the provisions of Section 17.66.060 (Telecommunications Facilities).

C. **Decks.**
Decks are subject to the setback requirements of Section 17.50.030 (Exceptions to Required Setbacks).

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 times per year per property, for a maximum of three 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 20 feet from the front property line on parcels of 4,000 square feet or more, and 15 feet on parcels less than 4,000 square feet.
3. **Floor Area.**
   A detached accessory garage shall not occupy more than 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 through design review. The floor area of an accessory garage that is attached to a primary structure is not limited, except as may be required by the Uniform 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 17.66.090 (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 Uniform Building Code, Appendix Chapter 12, Division III.

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 17.66.180 (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 17.66.090 (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) through Chapter 17.48 (Overlay Zones), 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. [To be revised per legal review]

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 17.04 (Definitions) 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 17.04 (Definitions), 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. 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. 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 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 design review, 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 17.04 (Definitions), 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 his or her agent or employee is in violation of the provisions of this section if he or she refuses 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 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 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 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 Telecommunications Facilities. [To be revised per legal review]

A. **Purpose.**
This section provides regulations to control the installation of wireless telecommunication facilities. It is recognized that unrestricted installations are contrary to the City's efforts to stabilize neighborhood character, and the City's efforts to promote safety and aesthetic considerations, and an overall scenic character within the City. It is the intent of this section to permit wireless telecommunication facilities where they can be installed without creating an adverse economic, safety and aesthetic impacts on neighboring property owners and the overall community.

B. **Applicability.**
This section applies to all proposed wireless telecommunications facilities.

C. **Standards for Wireless Communication Facilities.**
These standards are designed to comply with the Telecommunications Act of 1996. The provisions of this section are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting personal wireless services. This section shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services. All wireless communication facilities shall comply with the following requirements.

1. **Permit Requirements.**
No wireless communication facility shall be installed without first having obtained a building permit and a Conditional Use Permit. In reviewing any application to provide wireless service or to install personal wireless service facilities, the City shall act within a reasonable period of time, taking into account the nature and scope of the application. Any decision to deny an application shall be in writing, supported by substantial evidence contained in a written record. The City shall approve, approve with conditions, or deny the application in accordance with this Zoning Code and in accordance with the general purpose of the General Plan/Local Coastal Plan and other applicable ordinances.
2. **Application Content.**
Applications for the approval of wireless communication facilities shall include the following information, in addition to all other information required by the City for a Conditional Use Permit application:
    a. Written documentation demonstrating a good faith effort in locating facilities in accordance with the location requirements in Subsection D.3;
    b. Visual simulations showing the proposed facilities superimposed on photographs of the site and surroundings, to assist the review authority and the public in assessing the visual impacts of the proposed facility and its compliance with the provisions of this section;

c. A diagram or map showing the viewshed of the proposed facility. Photo-simulations of the proposed facility from effected residential properties and public rights-of-way at varying distances;
d. A map showing the service area of the proposed wireless communication facility and an explanation of the need for that facility.
e. A map showing the locations and service areas of other wireless communication facility sites operated by the applicant and those that are proposed by the applicant which are close enough to impact service within the City; and
f. A site/landscaping plan showing the specific placement of the wireless communication facility on the site; showing the location of existing structures, trees, and other significant site features and indicating type and locations of plant materials used to screen wireless communication facility components and the proposed color(s) for the wireless communication facility.

3. **Location Requirements.**
Site location shall preserve the pre-existing character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques must be evaluated by the City, in the City's sole discretion. The placement of all communication facilities shall comply with the following standards.

a. **General Requirement.**
All facilities shall be located to minimize their aesthetic/visual impact on the surrounding community. Ground-mounted non-stealth facilities shall be located only in proximity to existing aboveground utility poles (which are not scheduled for eventual undergrounding), light poles, or trees of comparable height.

b. **Restricted Locations.**
No wireless communication facility shall be established in any of the following locations, except for a stealth facility determined by the review authority to be sufficiently integrated with and/or screened by a non-antenna support structure (e.g., a street light, utility pole, building feature, landscape feature), that the facility will be substantially indistinguishable from its support structure:
    i. Within any residential zone;
    ii. Within any nonresidential zone on a site that contains a legally established residential use; or
    iii. Within a V (Visual Considerations) Overlay Zone.

c. **Ridgelines.**
No major wireless communication facility shall be placed on or near a ridgeline so that it appears silhouetted against the sky when viewed from any point on a roadway designated as a scenic highway by the General Plan/Local Coastal Plan.

d. **Co-location.**
A permittee shall cooperate with other wireless communication facility providers in co-locating additionally antennas on support structures and/or on existing buildings provided said proposed co-locators have received a special use permit for such use at said site from the City. A permittee shall exercise good faith in co-locating with other providers and sharing the permitted site, provided such shared use does not give rise to a substantial technical level impairment of the ability to provide the permitted use (i.e., a significant interference in broadcast or reception capabilities as opposed to a competitive conflict of financial burden). Such good faith shall include sharing technical information to evaluate the feasibility of co-location. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the City may require a third-party technical study at the expense of either or both the applicant and permittee. All applicants shall demonstrate reasonable efforts in developing a co-location alternative for their proposal. Failure to comply with the co-location requirements of this section may result in the denial of a permit request or revocation of an existing permit.

e. **Residential.**
No facility shall be located on a parcel within a residential zone unless the parcel is owned by a public utility or public agency or would otherwise prohibit personal wireless service.

4. **Guidelines for Placement on Structures.**
The methods preferred by the City for mounting an antenna on a structure are as follows, in order of preference:
    a. Place antennas and towers on public property if practical.
    b. Place antennas and towers east of Highway 101 outside the Pacific Ocean view corridors and the City Center area.
    c. Mounted on an existing structure on the facade, roof or co-located tower;
    d. Mounted on an existing steel or concrete pole (e.g., a light standard); or
    e. Mounted on a new steel or concrete monopole.
5. **Design and Development Standards.**
Wireless communication facilities shall be architecturally compatible with surrounding land uses and screened, or otherwise integrated, and designed and maintained as follows:
    a. The facilities shall have subdued colors and non-reflective materials which blend with the materials and colors of the surrounding area.
    b. Building-mounted facilities shall be designed and/or screened in a manner be compatible with the existing architecture in color, texture and type of material of the building.
    c. The facilities shall not bear any signs or advertising devices other than certification, warning or other required seals or signage.
    d. All accessory equipment associated with the operation of the wireless facility shall be located within a building, enclosure or underground vault

that complies with the development standards of the zone in which the accessory equipment is located.

e. As provided above, new facilities shall be designated to accommodate co-location, unless the applicant demonstrates why such design is not feasible for economic, technical or physical reasons.
f. Support structures shall be set back from all residential property lines a distance equal to the height of the support structure plus the height of any antennas and shall comply with all required setbacks of the zone in which it is located.
g. Support structures shall be designed and placed on the site in a manner that takes maximum advantage of existing trees, mature vegetation, and structures:
h. Landscaping shall be required to screen wireless communication facilities as much as possible, to soften the appearance of the cell site. The City may permit any combination of existing vegetation, topography, walls, decorative fences or the features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted flush on an existing building or camouflaged as part of the building and other equipment is housed inside an existing structure, landscaping shall not be required.

6. **View Corridors.**
   Due consideration shall be given so that placement of towers, antenna, and personal wireless service facilities do not obstruct or significantly diminish views of the Pacific Ocean.
7. **Fees.**
   It is the policy of the City that applicants pay the full cost associated with processing an application. The City Manager shall establish a base application fee for all wireless communication applications. This base application fee shall include the cost of preparing this Code and administering it on an ongoing basis. In addition to the application fee, the applicant shall, reimburse the City for costs of professional engineers and other consultants hired by the City to review and inspect the applicant's proposal when the City is unable to do so with existing in-house staff. These professional services may include but are not limited to: engineering, technical reviews, legal, planning; hearing examiner, environmental review, critical areas of review, financial, accounting, soils, mechanical and structural engineering. In the event that project requires special staff analysis beyond that which is included in the base fee, the applicant shall reimburse the City for this staff time. The City may require the applicant to deposit an amount with the City to cover anticipated costs of retaining professional consultants or performing special staff analysis.
8. **Validation of Proper Operation**.
   Within 90 days of commencement of operations, the applicants for the wireless communication facility shall provide the Director a preliminary report and field report prepared by a qualified engineer, verifying that the operation of the facility is in conformance with the standards established by the American

National Standards Institute (ANSI) and the Institute of Electrical and Electronic Engineers (IEEE) for sage human exposure to electromagnetic field (EMF) and radio frequency radiation (RFR).

9. **Monitoring Requirements.**
   Each major wireless communication facility approved shall be subject to review by the Commission at the end of five years from the date of approval. At any time, the Commission may modify existing conditions or impose new conditions to protect the public health and safety and general welfare, as deemed necessary by the review authority.
10. **Expiration.**
    A Conditional Use Permit for a wireless communication facility shall expire five years after the effective date of the permit approval. A permittee wishing to continue the use of a specific wireless communication facility at the end of the five-year period must apply for a Conditional Use Permit renewal application to continue that use at least six months prior to its expiration. In ruling on said renewal the Commission shall apply all then existing regulations effecting the application.
11. **Abandonment.**
    a. Wireless communication facilities that were lawfully installed and are no longer operating shall be removed from the property no later than 90 days after the discontinuation of use. Removal shall comply with applicable health and safety regulations.
    b. A written notice of the determination of abandonment shall be sent or delivered to operator of the wireless communication facility. The operator shall have 30 days to remove the facility or provide the Director with evidence that the use has not been discontinued. All facilities not removed within the required 30-day period shall be in violation of this Zoning Code, and operators of the facility and the owners of the property shall be subject to penalties for violations under the enforcement and penalties provisions of this section.
12. **Violations.**
    Operators violating any of the provisions of this section regarding wireless communication facilities are guilty of a misdemeanor. Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The penalty for a misdemeanor is a fine not to exceed $1,000 or imprisonment for a term not to exceed six months, or by both fine and imprisonment.

D. **Standards for Satellite Antennas.**
   Satellite antennas, including portable units and dish antennas, shall be designed, installed, and maintained in compliance with the regulations of the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC).
   Satellite antennas with a diameter larger than one meter shall also comply with the following requirements, when these provisions are not in conflict with applicable state

and federal regulations. Home satellite antennas with a maximum diameter of one meter or less are not regulated by this section.

1. **Permit Requirement.**
   Zone clearance shall be required for antennas with a diameter of 72 inches or less; Minor Use Permit approval shall be required for larger antennas.
2. **Application, Plans.**
   Plans for antennas shall be submitted with each application for a building permit and shall include a site plan and elevation drawings indicating the height, diameter, color, setbacks, foundation details, landscaping, and method of screening. The plans shall be subject to the approval of the Director.
3. **Location.**
   No antenna shall be located within any required front or street side yard setbacks in any zone. In addition, no portion of an antenna shall extend beyond the property lines.
4. **Color.**
   The antennas and supporting structure shall be painted a single, neutral, non-glossy color (e.g., earth-tones, gray, black) and, to the extent possible, compatible with the appearance and character of the surrounding neighborhood.
5. **Wiring.**
   All electrical and antenna wiring shall be placed underground whenever possible.
6. **Residential Zones.**
   In any residential zone, all antennas shall be subject to the following standards:
   a. Only ground-mounted antennas shall be permitted. Ground-mounted antennas shall be located in the rear yard of the site;
   b. The height of the antennas shall not exceed 15 feet;
   c. Only one antenna may be permitted on any site;
   d. The antenna shall be separated from adjacent properties by at least a six-foot high solid wall or fence or by plants or trees of equal minimum height;
   e. Any antenna that is taller than adjacent property line fences shall be located away from the side or rear property line at a distance equal to or greater than the height of the antenna;
   f. The diameter of the antenna shall not exceed 10 feet. This provision may be modified by the Director if strict compliance would result in no/poor satellite reception; and
   g. The antenna shall be used for private, noncommercial, purposes only.
7. **Nonresidential Zones.**
   In any non-residential zone, antennas may be roof or ground-mounted. These antennas shall be subject to the following standards:
   a. If roof-mounted, the antennas shall be screened from ground view by a parapet or other type of screening. The minimum height and design of the parapet, wall, or screening shall be subject to approval of the Director;

b. If ground-mounted, the antennas shall not be located between a structure and an adjacent street and shall be screened from public view and neighboring properties;
c. The location and height of the antennas shall comply with all requirements of the underlying zone; and
d. If the subject site abuts a residential zone, all antennas shall be set back a minimum distance from the property line equal to the height of the antenna, unless otherwise screened from view.

E. **Standards for Microwave Dish Antennas.**
Microwave dish antenna are allowed in all zones provided that the antenna is mounted on the ground and not on the roof of any structure; that the height of the antenna does not exceed 12 feet above the natural grade of the site; that the antenna is not located in the required setback areas, in the front yard or in the street side yard unless screened from view, and the property owner secures building permit or Building Division clearance.

F. **Standards for Amateur Radio Antennas.**
All single pole/tower amateur radio antennas shall be designed, constructed, maintained, and permitted in the following manner:

1. **Setbacks.**
   a. Amateur radio antennas, antenna arrays, support structures, and guy wires shall be located outside all front and side yard setbacks.
   b. A minimum setback of five feet from the rear property line shall be maintained for all amateur radio antennas, antenna arrays, support structures, and guy wires.
   c. Amateur radio antennas, antenna arrays, support structures and guy wires shall be located outside the bluff top setback area for all lots located within the Coastal Zone.
2. **Height.**
   a. Amateur radio antennas shall be limited to the maximum height permitted for structures (excluding the architectural features set forth in Section 17.50.060 (Height and Height Exceptions) within the zone where they are located, plus an additional 15 feet.
   b. Antennas that are proposed to exceed the maximum height identified in Subsection 2.a shall require approval of a Conditional Use Permit. Antenna applications submitted under this requirement shall be accompanied by technical information that provides justification for the proposed height. The applicant shall be required to fund any expert evaluation required by either the Director or review authority.
   c. Antennas that exceed the maximum height identified in Subsection 2.a shall be designed such that they can be easily lowered, either by motorized or manual means, to a height not to exceed the maximum height permitted in the zone when not in use, and shall include a physical stop limiting the antenna height to that which the review authority approves.

3. **Safety.**
    a. All amateur radio antennas shall be located within a fenced yard/enclosure or on a structure that is otherwise inaccessible to the general public.
    b. Sufficient anti-climbing measures shall be incorporated into the design of all amateur radio antennas and support structures to reduce the potential for possible trespass and injury.

G. **Effects of Development on Antenna Reception.**
The City shall not be liable if development within the city after installation of the antenna impairs antenna reception.

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) through Chapter 17.48 (Overlay Zones), this section, and the following standards:
    1. **Spacing/Concentration.**
    No residential property shall be bordered on more than one 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 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).
    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 12 feet and minimum interior radius at all curves of 15 feet. Each drive-through and drive-in aisle entrance/exist shall be located at least 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 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 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 14 children or instruction of more than three 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 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.

17.66.100 Hotels and Motels.

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 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 per each 500 square feet of site area; and
   b. Multi-room suites: One per each 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 within the CD zones 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.**
   The review authority shall adopt conditions of approval which will assure that the occupancy of the lodging is limited to short-term stays by tourists and coastal visitors.
3. **Subdivision.**
   The subdivision of hotels into airspace condominium units may be permitted with the approval of a Conditional Use Permit by the Council, 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 any individual to a maximum of 30 calendar days per year, cumulative, 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 in the Coastal Zone shall provide a portion of the units as a lower-cost 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 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).

17.66.110 Mixed-Use Residential.

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 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.

17.66.120 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 acres.

2. Density: A maximum of eight 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: 30 feet.
   b. Exterior park lot lines not abutting streets: 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 15 feet wide, except where cut by access driveways. Landscaping shall occupy a minimum of 60 percent 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 street tree of 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 20 percent of the total site area for each mobile home, and a minimum of 45 percent 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-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 500 square feet for each 50 mobile homes or fraction.

C. **Use of Mobile Home Lots.**
No more than one occupied mobile home shall be allowed on any one 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 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 Government Code Section 65863.8, at least 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.

17.66.130 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 17.66.120 (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 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 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.

17.66.140 Multi-Family Dwellings.

Multi-family housing projects outside of the Coastal Zone shall comply with the following requirements, in addition to all other applicable provisions of this Zoning Code. The requirements of this section may be reduced by the review authority based on unique site conditions, innovative design, or similar factors.

A. **Common Outdoor Space.**
   Common outdoor space, not including required front or street side setback areas, and usable for passive and/or active recreation, shall be provided at a ratio of 200 square feet per housing unit.

B. **Private Outdoor Space.**
Each multi-family housing unit shall be provided with private outdoor open space in the form of patios, decks, fenced yard areas, and similar spaces, with the following minimum areas:
1. Studio and one-bedroom units: 50 square feet.
2. Two-bedroom units: 100 square feet.
3. Three bedroom and larger units: 200 square feet.

The minimum dimension of private outdoor open space shall be six feet.

17.66.150 Outdoor Retail Sales and Storage; Outdoor Dining.

Permanent outdoor sales and rental establishments including autos, other vehicles and equipment, service stations, and other uses where the business is not conducted entirely within a structure shall comply with the following standards. Temporary outdoor sales are subject to Chapter 17.24 (Temporary Use Permits).

A. **Outdoor Merchandise Display.**
The outdoor display of merchandise shall comply with the following standards, except where the review authority authorizes alternate requirements consistent with permit approval.
1. **Screening Required.**
Except for automobile sales, an outdoor sales/activity area shall be screened from adjacent streets by decorative solid walls, fences, or landscaped berms, a minimum of 36 inches high, in a 10-foot landscaped area adjacent to the street property line.
2. **Location of Merchandise on Private Property.**
Displayed merchandise shall occupy a fixed, specifically approved and defined location that does not disrupt the normal function of the site or its circulation, and does not encroach upon required parking spaces, driveways, pedestrian walkways, or required landscape areas. These displays shall also not obstruct sight distance or otherwise create hazards for vehicle or pedestrian traffic.
3. **Display of Merchandise within a Public Right-of-Way.**
The display of merchandise within a public right-of-way may be allowed only with the approval of an encroachment permit in compliance with Chapter 12.32 (Encroachments). The location of displayed merchandise authorized by an encroachment permit shall maintain a clear pathway for pedestrian travel at all times, with a minimum width of five feet.

B. **Outdoor Storage Areas.**
Where permitted by this Zoning Code, all outdoor storage areas shall be entirely enclosed and screened by a solid wall or fence at least six feet in height.

C. **Vehicles for Sale.**
No vehicles may be stored or displayed for sale on any vacant site or at any vacant commercial/industrial location except in compliance with the land use permit requirements of this Zoning Code.

D. **Outdoor Dining.**
Where permitted by this Zoning Code, outdoor dining on private property adjacent to a

public right-of-way shall provide for proper access and circulation and any necessary separation from the public right-of-way for public health, safety, and welfare.

17.66.160 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 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 50 square feet for each installation, including any protective enclosure, and shall be no more than eight feet in height.
    d. **Signs.**
    The machines shall have a maximum sign area of four-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 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 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 30 feet from any property zoned or occupied for residential use.

b. **Maximum Size.**
Shall be no larger than 350 square feet and occupy no more than three 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 design 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 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 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).

17.66.170 Service Stations.

Service stations shall comply with the provisions of this section.

A. **General Standards.**
The following standards apply to all service stations.
1. **Service Bays.**
Service bay entrances shall be oriented away, or screened from, adjacent streets where determined by the review authority to be feasible.
2. **Merchandise.**
All merchandise shall be stored and displayed within the service station or garage building or be otherwise screened from public view as approved by the review authority, except for tires, batteries, and lubrication items which shall be maintained or stored in an orderly manner.
3. **Used/Discarded Parts.**
No used or discarded automotive parts or equipment, or disabled, junked, or wrecked vehicles shall be located outside the service station building or garage, unless located entirely within an approved screened storage area. No house trailers, RVs, or boats shall be stored on the premises.
4. **Service Activities.**
All hydraulic hoists and pits and all lubrication, greasing, and permitted repair shall be located and occur entirely within an enclosed structure. No repair activities other than the installation of small parts which do not require the disassembly of any other parts shall occur outside of the structure.
5. **Parking/Storage of Vehicles.**
All vehicles being repaired or waiting for repair shall be parked on-site. No unsightly storage of vehicles shall be allowed.

B. **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.G (Noise).

17.66.180 Storage Yards and Storage Containers.

A. **Screening Required**.
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 17.24 (Temporary Use Permits).

17.66.190 Vacation Clubs.

The following standards and requirements shall apply to vacation clubs.

A. **Ownership Limitation.**
Vacation club members may have an ownership interest in the club entity, but a divided or undivided interest in a specific property which is in the form of a timeshare is specifically prohibited.

B. **Location.**
Vacation clubs shall not be allowed on any oceanfront parcel or site.

C. **Maximum Number of Units.**
A vacation club shall not exceed a maximum of 25 sleeping rooms or 12 multi-room suites.

D. **Development Standards.**
All development standards applicable to hotels and motels shall also apply to vacation clubs, except as otherwise provided in this section.

E. **Availability to Public Required.**
The conditions of approval shall provide that, when not fully occupied by members, vacation club facilities shall be made available to the general public. This requirement may be satisfied by:
    1. Providing priority status to members to reserve rooms or suites up to 48 hours in advance of a stay;
    2. Within 48 hours in advance of a stay, making all unreserved rooms or suites available on a confirmed reservation basis to the general public;
    3. Allowing the general public to make tentative reservations at any time in advance of a stay for up to 25 percent of the rooms or suites, subject to confirmation within 48 hours prior to the stay; or
    4. Other means as may be acceptable to the review authority.

F. **Fee Requirements.**
Vacation clubs shall be subject to the following fees in addition to all other fees required by the City.
    1. The conditions of approval shall require the recordation of an enforceable agreement, to be approved by the Council, which provides that the vacation club shall pay a service fee to the City for stays by members. The fees shall be paid to the City on a monthly basis. The amount of the fees shall be calculated as follows: the annual member assessment generated by the unit used on a per day basis multiplied by 10 percent, multiplied by the number of unit/days of occupancy by members.
    2. For units rented to the general public, the club shall be subject to the provisions of Chapter 3.20 (Transient Occupancy Tax) requiring the payment of transient occupancy taxes.

17.66.200 Veterinary Clinics, Animal Hospitals, and Animal Boarding.

Veterinary clinics, animal hospitals, and animal boarding shall be located at least 500 feet from any residential zone, and all facilities for keeping animals during diagnosis or treatment shall be located entirely within a structure.

17.66.210 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 17.68 Nonconforming Uses, Structures, and Parcels

17.68.010 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.

17.68.020 Restrictions on Nonconforming Uses and Structures.

Nonconformities may be continued subject to the following provisions, except as otherwise provided by 17.68.030 (Loss of Nonconforming 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.

B. **Nonconforming Structures.**
   A nonconforming structure may continue to be used as follows.
   1. **Review Authority.**
      a. In the R-1-C and R-2-C zones, minor additions and the reconstruction of an existing building of 20 percent or less shall be approved by the Director.
      b. For all other zones, approval by the Commission shall be required.
   2. **Changes to Structure.**
      The enlargement, extension, reconstruction, or structural alteration of a nonconforming structure may be allowed if:
      a. The additions or improvements conform to all other applicable provisions of this Zoning Code;
      b. The exterior limits of new construction do not exceed the applicable height limit or encroach any further into the setbacks than the comparable portions of the existing structure;
      c. Changes involving the replacement/reconstruction do not include the replacement of more than 50 percent of the original floor area, or more than 50 percent of the total length of all exterior walls of the original structure;
      d. The enlargement of the structure will not accommodate the expansion or enlargement of a nonconforming use of land; and
      e. A Conditional Use Permit is approved.
   3. **Maintenance and Repair.**
      A nonconforming structure may undergo normal maintenance and repairs, provided no structural alterations are made (exception: see Subsection B.3), and the work does not exceed 50 percent of the appraised value of the structure determined by a qualified appraiser in any one-year period, unless the

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.3.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 50 percent 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 50 percent of its appraised value shall only be reconstructed in compliance with all applicable provisions of this Zoning Code.
   1. **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, in compliance with Government Code Section 65852.25.
   2. **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 year from the time of destruction, regardless of the extent/percentage of destruction.
   3. **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.

17.68.030 Loss of Nonconforming Use Status.

If a nonconforming use is discontinued for a continuous period of one 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.

17.68.040 Nonconforming Signs.

Requirements for nonconforming signs are provided by Section 17.62.110 (Nonconforming Signs).

17.68.050 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 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 20 percent and the setback facing any public right-of-way was decreased not more than 50 percent.

B. **Limitations on Use of Nonconforming Parcels.**
Nonconforming parcels shall be developed and used only as follows.
    1. **Design Review Required.**
    Design review shall be required for any development proposed on nonconforming parcels (see Chapter 17.10 (Design Review)).
    2. **Use of Contiguous Parcels, Non-Coastal Zone.**
    Until such time as contiguous nonconforming parcels are merged, no structure shall be constructed on any nonconforming contiguously owned, residentially-zoned parcels located outside of the Coastal Zone that are less than 30 feet wide, or less than 5,000 square feet in area, or on slopes more than 20 percent, if the

current owner(s) acquired or were transferred the parcels after October 12, 1976.

3. **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.

17.68.060 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.

17.68.070 Nonconforming Coastal Bluff or Shoreline Structures. (IP)

The provisions of this chapter apply to all nonconforming coastal bluffs and shoreline structures 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. Additions and improvements to such structures that are not considered a substantial redevelopment may be permitted provided that such additions or improvements do not increase the size or the degree of the nonconformity and comply with the current policies and standards of the General Plan/Local Coastal Plan, and the remaining portion of the structure complies with the laws and regulations in effect when the structure was established. Complete demolition and reconstruction or substantial redevelopment shall require the entire structure to be brought into conformance with the policies and standards of the General Plan/Local Coastal Plan, including any requirement for a Coastal Development Permit. 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, all nonconforming accessory development and/or unpermitted development shall be removed.

City of Pismo Beach Zoning Code/Implementation Plan Update
Code Consolidation - Working Draft
March 23, 2022

2022 Draft Consolidated Code		1983 Zoning Code/Implementation Plan		1998 Zoning Code	
Chapter #	**Chapter Name**	**Chapter #**	**Chapter Name**	**Chapter #**	**Chapter Name**
17.01	**Title and Purpose**	17.003	General	17.010	Purpose and Effect of Zoning
17.02	**Interpretation of the Zoning Code**	17.130 17.105.020	Interpretation Ambiguity in classification.	17.02.020	Rules of interpretation
17.04	**Definitions**	17.006	Definitions	17.62	Definitions
17.06	**Administrative Authorities**			17.50	Administrative Responsibility
17.08	**Common Procedures**				
17.08.010 17.08.020 17.08.030 17.08.040	Purpose Permit Filing and Processing Conceptual Review Review of Applications	17.121.200	Application for permit	17.40	Applications - Filing and Processing
17.08.050	Public Hearings and Noticing	17.121.210	Notice of public hearing procedures	17.58	Public Hearings
17.08.060	Permit Decision	17.121.005 17.121.220 17.121.160	Permit approvals Permit issuance Expiration of permits	17.42	Permit Approval or Disapproval
17.08.070	Permit Implementation, Time Limits, and Extensions	17.121.170 17.121.225 17.121.230	Applicability of ordinance of general plan local coastal plan changes Growth management allocation procedures	17.44	Permit Implementation, Time Limits, Extensions
17.08.080	Changes to an Approved Permit	17.121.060	Modifications to permits	17.44.060	Changes to an approved project
17.08.090	Revocation of Permits	17.121.180 17.121.190	Revocation of permits Revocation of permit hearing	17.60.090	Permit revocation or modification
17.08.100	Appeals	17.121.240 17.121.250	Appeals of staff decisions Appeals of Planning Commission decisions	17.54	Appeals
17.10	**Design Review**	17.105.120 17.105.130 17.121.070	Applications subject to architectural review Architectural review Architectural review permits	17.42.030	Site plan and architectural review
17.12	**Coastal Development Permits**	17.121.050 17.124	Coastal development permits Coastal Permitting Procedures	17.32.040	Application content
17.14	**Use Permits**	17.121.020	Conditional use permits	17.42.050	Conditional use permits and minor use permits
17.16	**Minor Exception**				
17.18	**Planned Development Permit**	17.121.035	Planned development permit	17.42.060	Planned development permit
17.20	**Variances**	17.121.030 17.121.040	Variances Non-allowable: variances	17.42.070	Variances
17.22	**Reasonable Accomodations**	17.100	Reasonable Accommodations	17.040	Reasonable Accommodations
17.24	**Temporary Use Permits**	17.121.110 17.121.120 17.121.130 17.121.140 17.121.150 17.121.155	Permits for temporary structures Temporary real estate office and/or temporary model home complex Temporary circuses and Christmas tree lots Temporary sidewalk sales Temporary/continuing outdoor art shows and sales Prohibition of off-site vending	17.42.040 17.38.150.D	Temporary use permits Garage/Yard Sales [include as exempt from Temporary Use Permit]
17.26	**Specific Plans**			17.46	Specific Plans
17.28	**Development Agreements**			17.48	Development Agreements
17.30	**Amendments to Zoning Code, Zoning Map, and General Plan**			17.56	General Plan, Zoning Code/Map, and Local Coastal Program Amendments
17.32	**Amendments to the Local Coastal Plan**	17.127	Amendments	17.56	General Plan, Zoning Code/Map, and Local Coastal Program Amendments
17.34	**Enforcement**	17.133	Enforcement Procedure and Penalties	17.60	Enforcement of Zoning Code Provisions

17.36	**Establishment of Zones**	17.009 17.136	Establishment and Designation of Districts Zoning Map	17.06	Establishment of Zoning Districts, Adoption of Zoning Map
17.38	**Land Use Permit Requirements**			17.03	Land Use Permit Requirements
17.40	**Residential Zones**				
17.40.010	Purpose				
17.40.020	Residential Land Use Regulations	17.018 17.021 17.024	Single Family Residential (R-1) Zone Two and Three-Family Residential (R-2) Zone Multi-Family Residential (R-3) Zone	17.08	Residential Zoning Districts (RSL, RSM, RR-L, RR-H Districts; Specific Planning Area Standards)
17.40.030	Residential Development Standards	17.102	General Provisions: Building Heights, Yard, Area, Coverage and Construction Requirements		
17.40.040	Residential Design Standards	17.105.135	Development and design standards applicable to single-family dwellings in certain zones.	17.10 Shell Beach Design Guidelines	Residential Design Standards Shell Beach Design Guidelines
17.42	**Commercial and Mixed-Use Zones**				
17.42.010	Purpose				
17.42.020	Commercial and Mixed-Use Land Use Regulations	17.027 17.030 17.036	Hotel-Motel and Visitor Serving (R-4) Zone Resort Residential (R-R) Zone Commercial Recreation (C-R) Zone	17.12	Commercial Zoning Districts
17.42.030	Commercial and Mixed-Use Development Standards	17.042 17.045	Retail Commercial (C-1) Zone General Commercial (C-2) Zone		
17.42.040	Commercial Design Standards			17.14 Shell Beach Design Guidelines	Commercial Design Standards Shell Beach Design Guidelines
17.44	**Industrial Zones**				
17.44.010	Purpose				
17.44.020	Industrial Land Use Regulations	17.048	Commercial Manufacturing (C-M) Zone	17.12	Commercial Zoning Districts (CS District)
17.44.030	Industrial Development Standards				
17.46	**Special Purpose Zones**				
17.46.010	Purpose				
17.46.020	Special Purpose Land Use Regulations	17.039 17.051 17.054	Mobile Home (M-H) Zone Open Space - Natural Resources Protection (OS-1) Zone Open Space - Recreational Use (OS-R) Zone	17.16 17.18	Special Purpose Zoning Districts (OS District) Special Purpose Zoning Districts (PF District)
17.46.030	Special Purpose Development Standards	17.057	Government (G) Zone		
17.48	**Overlay Zones**				
17.48.010	Purpose	17.060	Establishment and Designation of Overlay Zones	17.18.010	Overlay Zoning Districts - Purpose of chapter
17.48.020	Applicability				
17.48.030	Archaeology - Historic Sites Overlay (A)	17.063	Archaeology – Historic Sites (A) Overlay Zone	17.24.020 17.32.030	Archaeological, historical, and paleotological resources Limitations on development
17.48.040	Hazards and Protection Overlay (H)	17.078	Hazards and Protection (H) Overlay Zone	17.32.050 17.32.070	Site planning and project design Shoreline protection
17.48.050	Coastal Access Overlay (AC)	17.066	Coastal Access (AC) Overlay Zone	17.32.060	Public access
17.48.060	Coastal Appeal Overlay (CA)	17.072	Coastal Appeal (CA) Overlay Zone	17.18.030	Coastal appeal (CA) overlay district
17.48.070	Floodplain Overlay (F)	17.075	Floodplain (F) Overlay Zone	17.24.070	Flood hazard areas
17.48.080	Height Limitations Overlay (HL)	17.081	Height Limitations (HL) Overlay Zone	17.18.040	Height limitation (HL) overlay district
17.48.090	Public or Visitor Parking Overlay (P)	17.090	Public or Visitor Parking (P) Overlay Zone		
17.48.100	Residential Very High Density Overlay (RVHD)			17.18.055	Residential very high density (RVHD) overlay district
17.48.110	View Considerations Overlay (VC)	17.096	View Considerations (V) Overlay Zone	17.18.060	View considerations (V) overlay district

17.50	**General Site Regulations**				
17.50.010	Contiguous Parcel Development			17.24.040	Contiguous parcel development
17.50.020	Design Considerations			17.24.050	Design considerations
		17.102.050	Exceptions to minimum side or rear yard setback requirements for coastal blufftop developments	17.22.040	Exemptions from setback requirements
17.50.030	Exceptions to Required Setbacks			17.22.060	Allowed projections into setbacks
		17.102.150	Architectural features, regulations and restrictions		
17.50.040	Fences, Walls, and Hedges			17.24.060	Fences, walls, and hedges
17.50.050	Flagpoles	17.102.142	Flagpoles		
17.50.060	Height and Height Exceptions	17.102.010	Building heights	17.20	Height Measurement and Exceptions
17.50.070	Outdoor Lighting and Glare			17.24.100	Outdoor lights, glare
				17.24.080	Hazardous materials
17.50.080	Performance Standards			17.24.090	Noise
				17.24.110	Radioactivity or electric disturbance
17.50.090	Portable Structures	17.102.145	Portable structures		
17.50.100	Riparian Habitat Protection			17.24.120	Riparian habitat protection
17.50.110	Screening			17.24.130	Screening
		17.105.140	Solar energy		
17.50.120	Solar Energy Systems	17.105.143	Solar protection		
17.50.130	Underground Utilities	17.105.040	Existing and new above ground utility lines		
17.50.140	Visitor Serving Commercial Conversions	17.105.115	Visitor serving commercial conversions		
17.52	**Inclusionary Housing**			17.26	Inclusionary Housing Requirements and Affordable Housing Incentives
17.54	**Affordable Housing Density Bonus**			17.26	Inclusionary Housing Requirements and Affordable Housing Incentives
17.56	**Hillside Development**	17.078.030.F.7	Hillside Regulation	17.28	Hillside Development
17.58	**Landscaping**	17.102.095	Minimum planting and vegetation area (as a percentage of total lot area)	17.30	Landscaping
17.60	**Parking and Loading**	17.108	Off-Street Parking and Loading Requirements	17.34	Parking and Loading
17.62	**Signs**	17.111	Sign Regulations	17.36	Signs
17.64	**Short-Term Rentals**	17.113	Short-Term Rentals	17.09	Short-Term Rentals
17.66	**Standards for Specific Land Uses**				
17.66.010	Purpose and Applicability				
17.66.020	Accessory Dwelling Units	17.117	Accessory Dwelling Units	17.38.155	Accessory dwelling units
17.66.030	Accessory Residential Uses and Structures				
17.66.040	Accessory Retail Uses			17.38.020	Accessory retail uses
17.66.050	Adult Entertainment Establishments			17.38.030	Adult entertainment establishments
17.66.060	Telecommunications Facilities			17.38.040	Antennas, wireless communications facilities
17.66.070	Child Day Care Facilities			17.38.050	Child day care facilities
17.66.080	Drive-Through and Drive-In Sales and Service Facilities			17.38.060	Drive-through and drive-in sales and service facilities.
17.66.090	Home Occupations	17.115	Home Occupations (replace with 1998 text)	17.38.070	Home occupations
17.66.100	Hotels and Motels			17.38.080	Hotels and motels
17.66.110	Mixed-Use Residential			17.38.090	Mixed use projects.
17.66.120	Mobile Home Parks and Subdivisions			17.38.100	Mobile home parks/subdivisions
17.66.130	Mobile Homes	17.106	Standards for Placing Mobile Home on Single Family Residential Lots	17.38.110	Mobile homes
17.66.140	Multi-Family Dwellings			17.38.120	Multi-family housing
17.66.150	Outdoor Retail Sales and Storage; Outdoor Dining			17.38.130	Outdoor retail sales and other activities
17.66.160	Recycling Facilities			17.38.140	Recycling facilities
17.66.170	Service Stations	17.105.100	Service stations and garages.	17.38.160	Service stations--Retail sales
17.66.180	Storage Yards and Storage Containers			17.38.170	Storage, outdoor
17.66.190	Vacation Clubs			17.38.180	Vacation clubs
17.66.200	Veterinary Clinics, Animal Hospitals, and Animal Boarding			17.38.190	Veterinary clinics and animal hospitals
17.66.210	Warehouse Retail Stores			17.38.200	Warehouse retail stores
17.68	**Nonconforming Uses, Structures, and Parcels**	17.118	Nonconforming Uses and Structures	17.52	Nonconforming Uses, Structures and Parcels