STATE OF CALIFORNIA – THE RESOURCES AGENCY PETE WILSON, *Governor*

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November 20, 1996

DAL 11/20/96

TO: Commissioners and Interested Persons

FROM: Tami Grove, Deputy Director
Diane Landry, District Legal Counsel
Lee Otter, District Chief Planner
Steven Guiney, Coastal Planner

SUBJECT: **CITY OF MORRO BAY: LOCAL COASTAL PROGRAM MAJOR AMENDMENT NO. 3-95.** For public hearing and Commission action at its meeting of December 10 - 13, 1996, to be held at the Holiday Inn - Union Square, 480 Sutter Street, San Francisco, tel. (415) 273-4000.

SYNOPSIS

The City of Morro Bay is proposing to amend its Implementation Plan text and maps (zoning ordinance and zone district maps), including the North Main Street and Beach Street Specific Plans, and its Land Use Plan maps. The City wishes to amend the text of the zoning ordinance through miscellaneous revisions, clarifications, additions, deletions, and rearrangements. The City wishes to amend the zone district maps and the Land Use Plan maps by making 53 changes in 16 areas of the City. This is the first major "overhaul" revision to the City's zoning ordinance since it was first certified by the Commission in 1984.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission approve the proposed changes **with modifications,** for the reasons given in this report.

PROPOSED MAJOR AMENDMENTS		
Amendment Component (page notations following each component refer to the findings section where a discussion of the proposed amendment can be found)	Recommendation	Basis For Recommendation Of Modification Or Denial
1. Change Environmentally Sensitive Habitat (ESH) zone district to an overlay and assign currently mapped ESH areas to adjoining primary zone district (p.21).	Denial as submitted; Approval if modified.	While proposed change won't adversely affect ESH areas because proposed ESH overlay takes precedence over primary zone district, Land Use Plan (LUP) map must be changed to allow extension of primary zones.
2. Rezone and redesignate old Navy jet fuel storage site from M-1/Industrial to R-1/ Low/Medium Density Residential (p.21) .	Approval as submitted.	
3. Rezone and redesignate 17 lots along Zanzibar, Yerba Buena, and Whidbey Streets between Main Street and Tide Avenue from R-4/High Density Residential to R-1/Medium Density Residential (p. 21).	Approval as Submitted.	
4. Rezone and redesignate area of dunes at Beachcomber Dr. and Java St. from OA-2 to OA-1 (p. 21).	Approval as submitted.	
5. Rezone and redesignate lots bounded by Highway 41, Ironwood St., Ponderosa St., and City limits from R-4/High Density to R-A/Low Density Residential (p. 24).	Approval as submitted.	
6. Rezone and redesignate area bounded by Embarcadero Rd., Morro Creek, and City corporation yard from M-1/Industrial to C-VS/Open Space/Recreation (p. 25).	Approval as submitted.	
7. Add H/Harbor zone district to the area of the Pacific Ocean near Morro Rock and outside of the harbor mouth which currently is not zoned (p.26).	Denial; Approval if modified.	City hasn't proposed a land use designation. New zoning should have an ESH combining overlay attached to it as other H/Harbor zoned areas do. Suggested modification: add Harbor/Navigational Ways land use designation to the Land Use Plan (LUP) map for the area and add ESH combining overlay to the zoning. Note: area is CCC original jurisdiction; zoning and LUP are advisory only.

8. Redesignate area between Highway 1 and Quintana Rd. opposite Kennedy Way from C-2/Service Commercial to C-2/Mixed Use Area F (p. 27).	Approval as submitted.	
9. Rezone and redesignate Vons shopping center, west of Kennedy Way, south of Quintana Rd., and north of Morro Bay Elementary School, from C-1/District Commercial to C-1,C-2/ Mixed Use Area F (p.27).	Approval as submitted.	
10. Rezone third lot on Scott Ave. north of Beach St. from C-VS to C-2 (p.28).	Approval as submitted.	
11. Redesignate the lots fronting on Quintana Rd. between La Loma Ave. and Butte Ave. from Service Commercial to Mixed Use Area F (p.29).	Approval as submitted.	
12. Rezone and redesignate lots lying north of Marengo Ave. and on north side of Allesandro Rd./Las Tunas St. between La Loma Ave. and fourth lot east of Las Tunas and Quintana from C-2/Service Commercial to MCR/Mixed Use Area (p.29).	Approval as submitted.	
13. Rezone and redesignate lots fronting on Butte Ave. between Las Tunas and Balboa from R-1/Low /Medium Density Residential to R-3/High Density Residential (p. 29).	Approval as submitted.	
14. Rezone and redesignate lots lying between South Bay Blvd., Quintana Rd., and Highway 1 from C-2/Service Commercial to C-1/District Commercial (p. 30).	Approval as submitted.	
15. Rezone and redesignate 4 lots fronting on Monterey Ave. at Harbor St. (2 north of Harbor St. and 2 south of Harbor St.) from G-O/MUE to C-1/district Commercial (p. 31).	Approval as submitted.	
16. Rezone lots fronting on Main St. between Olive St. and Anchor St. from C-VS to C-VS/R-2 (p. 30).	Denial.	Proposed change is inconsistent with Land Use Plan priority for visitor-serving and commercial uses.
17. Definition of Bluff Top Edge, Zoning Ordinance Section 17.12.066 (p. 32).	Denial; Approval if modified	Proposed language is almost verbatim from Coastal Commission Regulations Section 13577(h)(2), but contains a typographical error which makes it confusing.

18. Definition of Coastal Development Permit Appeal Area, Zoning Ordinance Section 17.12.176 (p. 32)	Denial; Approval if modified	Needs clarification of what is appealable and what the appeal area is.
19. Definition of Coastal Related Development of Use, Zoning Ordinance Section 17.12.177 (p. 32)	Denial; Approval if modified	Adds types of development not found in the statutory definition.
20. Definition of Demolition, Zoning Ordinance Section 17.12.197 (p. 32)	Denial; Approval if modified	As submitted, this definition of demolition includes only residential structures; needs to include any structure to be consistent with Zoning Ordinance Section 17.12.199, definition of development, the Land Use Plan (LUP), and the Coastal Act definition of development.
21. Definition of Regular Coastal Development Permit, Zoning Ordinance Section 17.12.502 (p. 32)	Denial: Approval if modified	Definition needs clarification of what is defined as a regular coastal development permit.
22. Definition of Stream Corridors, Zoning Ordinance Section 17.12.587 (p. 32)	Denial: Approval if modified	Definition needs more specificity about stream designation to be consistent with the LUP.
23. Addition of Granny Units as a new use allowed in the following zone districts: AG, R-A, R-1, R-2, R-3, R-4, MCR, and G-O (p. 32)	Approval as submitted	
24. Addition of Guest Houses as a new allowed use in the following zone districts: R-2, R-3, R-4. (p. 33)	Approval as submitted	
25. Deletion of findings for permitting commercial uses on nonprime agricultural land (p.33)	Denial; Approval if modified	Standards are not retained for development on non-prime AG land. Zoning ordinance sections proposed to be deleted, 17.39.130 and 17.39.135, implement several LUP policies and therefore may not be deleted.
26. Deletion of reference to section 17.24.020B, which provides special agriculture standards and retention of reference to section 17.39.130, which is existing section providing for required findings for development on nonprime agricultural land (p. 34).	Denial; Approval if modified	This is apparently a typographical error, but one which could cause considerable confusion because the revised zoning ordinance has no section 17.39.130; modification is to retain reference to section 17.24.020B and delete reference to section 17.39.130
27. Delete the Neighborhood Commercial (C-1-N) zone district. (p. 34)	Approval as submitted	

28. Addition of Apartment units/Bed and Breakfasts in the R-2 zone district (p. 33)	Approval as submitted	
29. Addition of Apartment units in the R-3 and R-4 zone districts (p.33)	Approval as submitted	
30. Central Business (C-1) zone district: Add Elderly Housing, Daycare facilities, Tattoo parlors, multi-story parking garages, and minor auto repair. Delete requirement for nurseries, home improvement centers, and tire shops/auto repair to be part of a planned development shopping center of five acres or greater; and deletion of the two-employee limit for fabrication of items sold on the premises (p. 34)	Approval as submitted	
31. General Commercial (C-2) zone district: Add liquor stores and convenience stores. Delete requirement that boat building and repair be limited to boats under 65 feet long and delete limit of 6 or fewer employees for light fabrication (p. 35)	Approval as submitted	
32. Visitor Serving Commercial (C-VS) zone district: Addition of car washes (p. 35)	Approval as submitted	
33. General Office (G-O) zone district: Addition of plant nurseries, coffee shops and personal services such as barber shops, beauty shops, and shoe repair (p. 36)	Approval as submitted	
34. Light Industrial (M-1) zone district: Addition of aquaculture (p. 36)	Approval as submitted	
35. Coastal Dependent Industrial (M-2) zone district: Addition of aquaculture and fish processing and "Uses allowed in the M-1 Zone if coastal related, such as, but not limited to: boat construction, marine supply and repair, Recreational Vehicle service and other Coastal Related manufacturing uses." (p. 36)	Denial as submitted; Approval if modified	Only those uses that are coastal dependent should be allowed. Coastal related uses should not be allowed to displace coastal dependent uses. The listed coastal related uses should be stricken.

36. Waterfront (WF) zone district: Deletion of language requiring preservation and enhancement of views to and along the coast and specifically to the ocean, bay, sand spit and Morro Rock and deletion of language requiring structures to be subordinate to the character of the setting (p. 37)	Denial as submitted; Approval if modified.	This language implements Policies 12.01 and 12.02 of the LUP and therefore must be retained.
37. Waterfront (WF) zone district: Reference in the WF Table to allowed visitor-serving uses in the WF zone district excludes service stations, parking structures and overnight R-V camping (p. 37).	Denial as submitted; Approval if modified	City is proposing to add car washes to the Visitor Serving Commercial (C-VS) zone district. That use is inappropriate in the WF district and needs to be listed as one of the excluded visitor serving uses
38. Waterfront (WF) zone district: Deletion of language in the WF Table allowing new commercial fishing facilities on an interim basis until adequate facilities are provided north of the WF zone in the Commercial Fishing (CF) zone district (p. 37).	Approval as submitted	
39. Commercial/Recreational Fishing (CF) zone district: Deletion of language requiring structures to be subordinate to the character of the setting (p. 38)	Denial as submitted; Approval if modified	This language implements Policies 12.01 and 12.02A of the LUP and therefore must be retained.
40. Golf Course (GC) zone district: Deletion of text of height limit subsection (p. 38).	Denial as submitted; Approval if modified	This is apparently a typographical error, but one which could cause considerable confusion; modification is to retain the first sentence.
41. Section 17.40.040C.2.b.: Revise text to add "Non governmental agencies." (p. 38)	Denial as submitted; Approval if modified	This is a typographical error which is confusing and needs to be deleted.
42. Section 17.40.040D.4.c.: Revise text to require minimum buffer around sand dunes to be "100 feet, <u>fifty feet if fenced</u>," rather than the existing zoning ordinance and land use plan text which requires the buffer to be 100 feet in rural areas and fifty feet in urban areas (p. 38)	Denial	The Land Use Plan (LUP) text is not proposed to be changed; the proposed change to the zoning ordinance text would therefore be inconsistent with the LUP. Since the LUP is the standard of review for the zoning ordinance, a change in the zoning ordinance that would make it inconsistent with the LUP is not allowed. Additionally, there are no criteria by which to judge the benefits of fencing in such a situation.

43. Section 17.40.040D.6.b. Revise text to allow for a reduction of the environmentally sensitive habitat (ESH) buffer on lots of 4,000 square feet or less to 25% of the average depth of the lot in consultation with the Dept. of Fish and Game (p. 38)	Denial	LUP policy 11.14, not proposed to be amended, allows the reduction of the buffer in no case to be *"less than 50 feet for rural areas and 25 feet for urban areas."* the proposed revision to the zoning text would allow the buffer to be reduced to less than 25 feet on any lot that was less than 4,000 square feet in size and less than 100 feet deep. This is inconsistent with the text of the LUP and is therefor not allowed.
44. Section 17.40.040D.7.b(1) and (2): Revise text to allow b) open uncovered decks (including cantilevered); d) at grade level patios; and e) vegetation, in environmentally sensitive habitat (ESH) buffer areas in residential areas and, f) vegetation in (ESH) buffer areas in other zone districts (p. 39)	Denial	Decks, patios, and vegetation (unless native vegetation), are inherently disruptive to the ESH buffer.
45. Section 17.40.070B. Deletion of Mixed Use Overlay Zone Standards and addition of reference to General Plan policies as development standards. (p. 39)	Denial as submitted: Approval if modified	Referenced General Plan policies conflict with LCP policies, therefore, existing standards ought to be retained and reference to General Plan policies deleted.
46. Section 17.48.320C.: Proposed text to read "A granny second unit shall not exceed the maximum lot coverage allowed for the District that it is located in." (p. 32)	Denial as submitted; Approval if modified	Modification needed to clarify that the granny unit and existing residence together will not exceed the maximum lot coverage allowed by the appropriate zoning district
47. Section 17.58.020I.: Proposed text to read "For properties located outside of the Appeal Jurisdiction and/or an ESH Zone, Coastal Permits are not required for demolition of existing single family residential structures and accessory buildings." (p. 39)	Denial	Demolition is included in the LUP definition of development and the City does not have a categorical exclusion covering demolition. A coastal development permit therefor is needed for demolition.
48. Section 17.58.040A.7, Administrative Coastal Development Permits: Proposed text to allow for administrative coastal development permits for certain developments not located in the mapped appeal area, including for additions or improvements to existing public works facilities (p. 40).	Denial as submitted; Approval if modified	All public works facilities are appealable, whether or not they are in the Commission's mapped appeal jurisdiction. Therefore the portion of the sentence referring to public works facilities should be stricken.

49. Section 17.58.040H., Administrative Coastal Development Permits: Proposed text to read "Administrative Permits shall become effective upon completion of the Notice of Final Action to the California Coastal Commission." (p. 40)	Denial as submitted; Approval if modified	Administrative coastal development permits become effective after receipt of an adequate Notice of Final Local Action by the appropriate Commission District office. The sentence should be revised accordingly.
50. Section 17.58.040I., Administrative Coastal Development Permits: Proposed revised text indicates that an administrative coastal development permit may be appealed to the Commission. (p. 40)	Denial as submitted: Approval if modified	Administrative permits are not appealable to the Commission; sentence should be modified accordingly.
51. Section 17.58.050E.: Exception to requirement to obtain an emergency permit incorporates the emergency waiver procedure of Coastal Act Section 30611 (p. 40)	Denial	The emergency waiver procedure of Coastal Act Section 30611 is available only to the Executive Director of the Commission; it is not available to local governments; the section should be stricken.
52. Section 17.58.100, titled "Appeals to the Coastal Commission for Projects in the coastal development permit appeal area" (p. 40)	Denial as submitted; Approval if modified	Certain types of development, such as major public works facilities, can be appealed to the Commission even if they are not in the mapped appeal area. Modification needed to recognize this.
53. Section 17.58.100B., Appeal by Coastal Commission: Provision that City may enact ordinance that would operate to suspend appeals by two member of the Coastal Commission pending a hearing by the local appellate body, if all local appeals have not been exhausted. (p. 40)	Denial.	The City does not have such an ordinance and it is confusing to keep this language in the zoning ordinance. Modification to simply state that two members of the Coastal Commission may appeal City approvals.
54. Section 17.58.110B., Delegation of authority to local government to process recordation of open space easements and public access documents. (p. 41)	Denial as submitted; Approval if modified	Similarly to the preceding section, this is confusing since the City has not requested such authority and the procedure need not be in the zoning ordinance.
55. Section 17.58.120, Amendments to permits: states that amendments to coastal development permits issued by the city shall be heard by the Planning Commission. (p. 41)	Approval if modified	This is simply a clarification that amendments to coastal development permits issued by the Coastal Commission must be submitted to the Coastal Commission for review and action.
56. Section 17.60.050E.: Exception to requirement to obtain an emergency permit incorporates the emergency waiver procedure of Coastal Act Section 30611 (p. 41)	Denial	The emergency waiver procedure of Coastal Act Section 30611 is available only to the Executive Director of the Commission; it is not available to local governments; the section should be stricken.

57. Section 17.64.050A., notice of hearing for proposed amendments to the zoning ordinance: The proposed language does not contain a requirement that the notice of public hearings on proposed amendments indicate that the amendment is to the Local Coastal Program (p. 41)	Denial as submitted; Approval if modified	The Coastal Act and Commission Regulations require that notices of public hearings on proposed amendments to the Local Coastal Program identify the proposal as such. Therefore, language should be added stating that requirement.
58. Coastal Commission staff recommended addition of new section 17.64.080, Coastal Commission Certification, indicating that no amendment of the zoning ordinance will be effective until it is certified by the Commission (p. 41)	Approval as modified.	Clarification that the Commission must certify changes to the zoning ordinance before they are legally effective in the coastal zone.

ANALYSIS CRITERIA

The relationship between the Coastal Act and a local government's Local Coastal Program (LCP) can be described as a three-tiered hierarchy with the Coastal Act setting generally broad statewide policies. The Land Use Plan (LUP) portion of an LCP incorporates and refines the Coastal Act policies for the local jurisdiction, giving local guidance as to the kinds, locations, and intensities of coastal development. The Implementation Plan (IP), or zoning, portion of an LCP typically sets out the various zone districts and site regulations which are the final refinement specifying how coastal development is to proceed on a particular parcel. The IP must be consistent with and adequate to carry out the policies of the LUP and the LUP must be consistent with the Coastal Act. The procedures for processing coastal development permits, amendments and other regulatory activities are also typically part of an implementation plan. These local procedures must be consistent with applicable requirements in the Coastal Act and Administrative Regulations.

In order to approve the City's proposed zoning changes (both to the text and map), the Commission must find that the proposed changes are consistent with the LUP, as proposed to be amended. In order to approve the proposed LUP map changes the Commission must find that the LUP, as proposed to be amended, is consistent with the Coastal Act.

ADDITIONAL INFORMATION

For further information about this report or the amendment process, please contact Steven Guiney or Diane Landry, Coastal Commission, 725 Front Street, Suite 300, Santa Cruz, CA 95060; Tel. (408) 427-4863.

EXHIBITS

1. Resolution No. 101-95, City of Morro Bay
2. Ordinance No. 445, City of Morro Bay
3. Map of proposed zoning and land use designation changes
4. Text of existing sections 17.39.130 and 17.39.135
5. Figure 31 from LUP

Under separate cover to Commissioners: City of Morro Bay Title 17, Zoning Ordinance, showing City-proposed deletions ~~struck through~~ and City-proposed additions underlined.

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I. STAFF RECOMMENDATION

A. LAND USE PLAN MOTIONS AND RESOLUTIONS

Staff recommends adoption of the following four Resolutions:

1. DENIAL OF LAND USE PLAN AMENDMENT AS SUBMITTED

MOTION 1:

"I move that the Commission certify amendment # 3-95 to the City of Morro Bay Land Use Plan as submitted by the City."

Staff recommends a NO vote. An affirmative vote by a majority of the appointed commissioners is needed to pass the motion.

RESOLUTION 1:

The Commission hereby rejects the amendment to the Land Use Plan of the City of Morro Bay as submitted for the specific reasons discussed in the findings on the grounds that, as submitted, the amendment and the LUP as thereby amended do not meet the requirements of the Coastal Act. The amendment is not consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 30625(c) and approval will not have significant adverse environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

2. APPROVAL OF LAND USE PLAN AMENDMENT IF MODIFIED

MOTION 2:

"I move that the Commission certify amendment # 3-95 to the City of Morro Bay Land Use Plan if it is modified as suggested."

Staff recommends a YES vote. An affirmative vote by a majority of the appointed commissioners is needed to pass the motion.

RESOLUTION 2:

The Commission hereby certifies Amendment # 3-95 to the Land Use Plan of the City of Morro Bay Local Coastal Program for the specific reasons discussed in the following findings on the ground that, as modified, these amendments and the LUP as thereby amended meet the requirements of Chapter 3 of the Coastal Act. These amendments, as modified, are consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 30625(c) and approval will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the Californian Environmental Quality Act.

B. IMPLEMENTATION PLAN (ZONING ORDINANCE) MOTIONS AND RESOLUTIONS

3. DENIAL OF IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

MOTION 3:

I move that the Commission reject amendment #3-95 to the Implementation Plan of the City of Morro Bay LCP as submitted by the City.

Staff recommends a YES vote which would deny the amendment as submitted. An affirmative vote by a majority of the Commissioners present is needed to uphold the motion according to the staff recommendation (otherwise the amendments are approved as submitted)

RESOLUTION 3:

The Commission hereby rejects amendment #3-95 to the Implementation Plan of the City of Morro Bay LCP for the specific reasons discussed in the following findings on the grounds that it does not conform with and is inadequate to carry out the provisions of the certified Land Use Plan. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval of the amendment would have on the environment.

4. APPROVAL OF IMPLEMENTATION PLAN AMENDMENT #3-95 IF MODIFIED AS SUGGESTED

MOTION 4:

I move that the Commission certify amendment #3-95 to the Implementation Plan of the City of Morro Bay LCP if it is modified as suggested.

Staff recommends a YES vote. An affirmative vote by a majority of the commissioners present is needed to pass the motion.

RESOLUTION 4.

The Commission hereby certifies amendment #3-95 to the Implementation Plan of the City of Morro Bay LCP as modified, for the specific reasons discussed in the following findings, on the grounds that, as modified, the amendment conforms with and is adequate to carry out the certified Land use Plan; and approval of the amendment as modified will not cause significant adverse environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

KEY FOR MODIFICATIONS TO CITY LANGUAGE:

Unaltered *italicized* text represents City-proposed language. **Bold, underscored** is language suggested by Coastal Commission. ~~*Struck through, italicized text*~~ represents deletions suggested by Coastal Commission.

Note: Page notations following a suggested modification refer to page numbers in the findings section of this report.

C. SUGGESTED MODIFICATIONS

Land Use Plan

1. To maintain consistency with the Land Use Plan (LUP) and to allow for the removal of the ESH primary zone district and the re-mapping of that zone district to the adjoining primary zone district, modify the LUP map to remove the ESH designation and re-map to the appropriate designation. (p. 21)

2. To ensure that the proposed new H/Harbor zone district for the area outside of the harbor is effective, add Harbor/Navigational Ways land use designation to the Land Use Plan map for the area. (p.26)

Implementation Plan

1. To ensure consistency with other areas currently in the H/Harbor zone district, add the Environmentally Sensitive Habitat (ESH) combining overlay to the proposed H/Harbor zone designation outside of the harbor mouth. (p.26)

2. To ensure clarity in the definition of Bluff Top Edge (Section 17.12.066), which is almost verbatim from Coastal Commission Regulations section 13577(h)(2), modify the definition as follows:

   "Bluff Top Edge means 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 ~~where the ground below~~ beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the bluff...." (p.32)

3. To ensure clarity of what is appealable and what the appeal area is (Section 17.12.176), modify the definition of Coastal Development Permit Appeal Area as follows:

   17.12.176(1): *"Developments* **approved by the City** *between the sea and the first public road paralleling the sea...."*

   17.12.176(2) *"Developments* **approved by the City** *located on tidelands, submerged lands, public trust lands...."*

   17.12.176(3) *"Any development* **approved or denied by the City** *which constitutes a major public works project as defined by California ~~Administrative~~ Code* **of Regulations** *13012...."*

   17.12.176(4) *"Any major energy facility as defined by Public Resources Code Section 30107* **approved or denied by the City** *...."*

   17.12.176(5) *"~~Any development proposed by any state agency.~~"* (p.32)

4. To ensure clarity of what is coastal related development or use (Section 17.12.177), modify the definition of Coastal Related Development Or Use as follows:

   "'Coastal Related Development' means any use that is dependent on a coastal dependent development **or use** *~~or other uses that are enhanced by proximity to the coast, such as restaurants, motels, gift stores, or fishing related activities~~."* (p.32)

5. To ensure that the definition of demolition (Section 17.12.197) is consistent with the definition of development in the zoning ordinance, the Land Use Plan, and the Coastal Act, modify the definition of demolition as follows:

   "Demolition means the intentional destruction and removal of **any structure, including** *a residential dwelling,...."* (p.32)

6. To ensure clarity that some regular coastal development permits may be non-appealable, modify the definition of Regular Coastal Development Permit (Section 17.12.502) as follows:

   "Regular Coastal Development Permit means all coastal development permits issued by the City **which are appealable to the Coastal Commission** *and* **which are** *not defined as Administrative or Emergency permits* ~~*which are appealable to the State Coastal Commission.*~~*"* (p.32)

7. To ensure that the definition of Stream Corridors (Section 17.12.587) is consistent with the definition in the Land Use Plan, modify as follows:

   "'Stream Corridors' means a natural water course as designated **by a solid line or dash and three dots symbol as shown** *on the most recently published United States Geological Survey map,...."* (p.32)

8. To ensure consistency with the Land Use Plan, retain the language of existing sections 17.39.130 and 17.39.135 and renumber them 17.24.020B.4 and 5, respectively, and renumber proposed sections 17.24.020B.4, 5, and 6 to 17.24.020B.6, 7, and 8, respectively:

   Please see Exhibit 4 for a reproduction of the existing text of sections 17.39.130 and 17.39.135. (p. 33)

9. To eliminate confusion, correct the typographical error in the Agricultural District Table by deleting the reference to section 17.39.130 and retain the reference to section 17.24.020B. (p. 34)

10. To ensure consistency with the Land Use Plan, modify the proposed uses in the Coastal Dependent Industrial (M-2) zone district (Section 17.24.150) to reflect the Land Use Plan language, by inserting that language into the M-2 use chart, as follows:

    ~~*"Uses allowed in the M-1 Zone if coastal related, such as, but not limited to: boat construction , marine supply and repair, Recreational Vehicle service and other Coastal related manufacturing uses."*~~ **Interim uses shall be allowed in areas designated coastal-dependent industrial uses until the existing owners have an approved coastal-dependent industrial development. Interim uses limited to projects which**

have relocatable (not permanent) structures, are subordinate to the visual setting, and are limited to the following uses: Visitor access, paths, lookout points, etc.; RV parks; parking; picnic areas; campgrounds; restrooms and service facilities; playgrounds; temporary boat storage; temporary boat repair area; ancillary uses for the preceding; and other uses serving visitors or commercial fishing which do not require permanent structures. (p.36)

11. To ensure consistency with the Land Use Plan, modify the proposed change to view corridors in the Waterfront zone district (Section 17.24.170B.3), as follows:

    "Permitted development including structures, landscaping, parking and signs shall be designed and sited so as to preserve and enhance views ~~corridors~~ **to and along the coast and specifically to the ocean, bay, sand spit and Morro Rock.** *Consideration shall be given to view corridors from adjacent public roadways and from bluff top areas.* **Structures shall be subordinate to the character of the setting.** (p. 37)

12. To ensure internal consistency and to not allow inappropriate uses in the Waterfront zone district, modify the visitor-serving uses allowed in the Waterfront zone district as shown in Waterfront Table I as follows:

    "Visitor-serving commercial and recreational uses. . .but excluding service stations, **car washes,** *parking structures and overnight R-V camping;"* (p. 37)

13. To ensure consistency with the Land Use Plan, modify the proposed change to view corridors in the Commercial/Recreational Fishing zone district (Section 17.24.180B.3), as follows:

    "Permitted development, including. . . .Structures shall be consistent with the character of a working fishing village **and shall be subordinate to the setting."** (p. 38)

14. To eliminate confusion, correct the typographical error in Section 17.24.220B.1., as follows:

    "The height limit for structures shall be fourteen feet except in areas where there are public viewshed corridors defined in the LCP Land Use Plan within which the height limit shall not exceed four feet. ~~An exception is the public restrooms which may be higher.~~" (p. 38)

15. To eliminate confusion, correct typographical error in Section 17.40.040C.2.b., as follows:

    "~~Non governmental agencies~~ maintaining existing, or restoring, previously dredged depths. . . ." (p. 38)

16. To ensure consistency with the Land Use Plan, modify the proposed change to the buffer for sand dunes (Section 17.40.040D.4.c), as follows:

"The minimum buffer for sand dunes shall be one hundred (100) feet, ~~fifty feet if fenced~~ **in non-urban areas and fifty (50) feet in urban areas."** (p.38)

17. To ensure consistency with the Land Use Plan, modify the instances when a buffer around an Environmentally Sensitive Habitat may be reduced (Section 17.40.040D6.b.), as follows:

~~*"For lots of 4,000 square feet or less in aggregate area, the Director may approve a reduction of the buffer to 25% of the average depth of the lot in consultation with the Department of Fish and Game for said reduction."*~~ (p.38)

18 To reduce the likelihood that an Environmentally Sensitive Habitat buffer will be compromised, modify the kinds of permanent structures that may be allowed in buffers (Section 17.40.040D.7., as follows:

17.12.040D.7.b.(1) *"In residential areas: a) fences; ~~b) open uncovered decks (including cantilevered);~~ c) eaves; ~~d) at grade level patios; e) vegetation~~ "*

17.12.040D.7.b.(2) *"In other districts: a) at grade improvements for pedestrian or equestrian trails; b) instructional or informational signs; c) designated observation areas, or other public access or educational facilities; d) fences; e) eaves; ~~and f) vegetation.~~"* (p.39)

19. Because of conflict between referenced General Plan policies and Land Use Plan policies, modify the Mixed Use Overlay Zone Standards (Section 17.40.070B), as follows:

"In those areas of the City where the ~~General Plan~~ **Land Use Plan** *has indicated that combinations of different, but compatible, uses may be appropriate, two or more zoning districts may be applied to the same property. ~~The standards contained in General Plan policies LU-69 through LU-76 shall apply to the approval of new uses and development in the Mixed Use Overlay Zone.~~* **In such cases, new developments may be permitted in accordance with the zoning districts and with the following provisions:**

1. **In mixed use areas combining two or more commercial designations, the area shall be devoted to approximately equal areas of the uses permitted in the respective commercial designations.**
2. **In mixed use areas combining commercial and residential designations, the commercial District shall be the primary District and at least fifty percent of the gross floor area of the project shall be devoted to commercial or office uses. An exception is for those areas in which the Coastal Land Use Plan text specifically describes the mixed use relationship that shall be allowed.**
3. **Residential uses may be permitted in conjunction with the primary use, and shall be located on upper stories or to the rear of the primary use, but may be**

placed in separate buildings as part of an overall integrated plan for large parcels.

4. All residential uses shall be subject to a Conditional Use Permit as provided in Chapter 17.60 of this Title. The following criteria shall be considered in review of Conditional Use Permit applications for such developments:

a. Provisions of private outdoor space for residences

b. Provisions of separate access for residences

c. Compatibility of the commercial use component with the residential use and the surrounding neighborhood" (p. 39)

20. To ensure that total allowed lot coverage will not be exceeded when a Granny Second Unit is developed, modify the standards for those units (Section 17.48.320C) as follows:

*"***The total coverage of the** *~~A~~ granny second unit* **and the existing residence on the site** *shall not exceed the maximum lot coverage for the District that* **they are** *it is located in."* (p.32)

21. To ensure consistency with the definition of development in the zoning ordinance and the Land Use Plan, and because the City does not have a categorical exclusion covering demolition, modify the Applicability of Procedures For Coastal Development Permits (Section 17.58.020I), by deleting as follows:

~~*"For properties located outside of the Appeal Jurisdiction and/or ESH zone, Coastal Permits are not required for demolition of existing single family residential structures and accessory buildings."*~~ (p.39)

22. To clarify that permits for major public works facilities are appealable, regardless of whether or not they are in the mapped appeal area, modify Administrative Coastal Development Permits (Section 17.58.040A.7) as follows:

17.58.040A.7.: *"Any 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.** ~~*such as pumps, lift stations,....or create any environmental impacts."*~~ (p. 40)

23. To clarify the effective date of administrative coastal development permits, modify Administrative Coastal Development Permits (Section 17.58.040H) as follows:

17.58.040H.: *"Administrative Permits shall become effective upon* ~~*completion*~~ **receipt** *of* **an adequate** *Notice of Final Action* ~~*to*~~ **by** *the California Coastal Commission."* (p. 40)

24. To clarify that administrative coastal permits are not appealable to the Coastal Commission, modify Administrative Coastal Development Permits (Section 17.58.040l) as follows:

    17.58.040l.: *"Any aggrieved person, including the applicant, may appeal the decision of the Director to the Planning Commission within ten (10) days of the Director's decision. Further appeals to the City Council ~~and to the Coastal Commission~~ may also be pursued in accordance with Sections 17.58.070 ~~and 17.58.100~~."* (p.40)

25. To clarify that the emergency permit waiver provision of Coastal Act Section 30611 is not available to local governments, but only to the Executive Director of the Commission, modify Emergency Coastal Development Permits (Section 17.58.050E) by deleting, as follows:

    ~~*"An exception shall be granted only when immediate action by a person or public agency performing a public service is required to protect life and public property from imminent danger, or to restore, repair or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency. The requirement of obtaining any permit under this Chapter may only be waived upon notification of the Director of the type and location of the work within three (3) days of the disaster or discovery of the danger, whichever occurs first. Nothing in this Section authorizes permanent erection of structures valued at more than twenty five thousand dollars."*~~ (p.40)

26. To not limit appeals to the Coastal Commission to only development in the mapped appeal area, modify the title of Section 17.58.100 as follows:

    "Appeals to the Coastal Commission ~~for Projects in the Coastal Development Permit Appeal Area~~" (p. 40)

27. To eliminate confusing language in appeals to Coastal Commission section (Section 17.58.100B), modify as follows:

    "City action on a coastal development permit may also be appealed by two members of the Coastal Commission." ~~*Where a project is appealed by any two members of the Coastal Commission. . . .If the decision of the local appellate body modifies or reverses the pervious decision, the Commissioners shall be required to file a new appeal from that decision.*~~ (p. 40)

28. To eliminate potentially confusing language about delegation of authority to process open space easements and public access documents (Section 17.58.110B), modify by deleting the entire section:

    ~~*"B. Delegation of Authority To Local Government*~~

~~*If the City so requests, the Coastal Commission shall delegate. . . .to the Executive Director of the Coastal Commission."*~~ (p. 41)

29. To identify the reviewing body for amendments to coastal development permits issued by the Coastal Commission, add the following to the beginning of Section 17.58.120:

    "Proposed amendments to coastal development permits issued by the Coastal Commission shall be submitted to the Coastal Commission for review and action." (p. 41)

30. To clarify that the emergency permit waiver provision of Coastal Act Section 30611 is not available to local governments, but only to the Executive Director of the Commission, modify Emergency Permits (Section 17.60.050E) by deleting, as follows:

    ~~*"When immediate action by a person or public agency performing a public service is required to protect life and public property from imminent danger, or to restore, repair or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency. The requirement of obtaining any permit under this Chapter may only be waived upon notification of the Director of the type and location of the work within three (3) days of the disaster or discovery of the danger, whichever occurs first. Nothing in this Section authorizes permanent erection of structures valued at more than twenty five thousand dollars."*~~ (p.41)

31. To clarify that public notices of proposed amendments to the zoning ordinance must identify the proposed amendment as an amendment to the Local Coastal Program, modify the Notice of Hearing (Section 17.64.050A.) as follows:

    "When a provision of this Title requires notice of a public hearing to be given pursuant to this Section, notice shall be published....The notice shall include the information specified in Government Code Section 65094 **and shall identify proposed amendments to this Title as amendments to the Local Coastal Program.** *In addition to the notice required by this Section, a local agency may give notice of the hearing in any other manner it deems necessary or desirable."* (p.41)

32. To clarify that amendments to the zoning ordinance require Coastal Commission certification and City acceptance of that certification prior to becoming legally effective, add a new Section as follows:

    17.64.080, Effective Date of Amendments

    No amendment to this Title shall be legally effective in the coastal zone until the following occurs: 1) the amendment is certified by the Coastal Commission, 2) the City, by action of its governing body, formally acknowledges receipt of the Commission's resolution of certification including any terms or modifications which

may have been suggested for final certification, 3) the City accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications, 4) the City agrees to issue coastal development permits for the total area included in the certified local coastal program, 5) the Executive Director of the Commission determines in writing that the local government's action and the notification procedures for appealable development are legally adequate to satisfy any specific requirements set forth in the Commission's certification order, 6) the Executive Director reports the determination to the Commission and the Commission does not object to the Executive Director's determination. (p.41)

II. FINDINGS

The Commission finds and declares the following for amendment # 3-95:

A. Amendment Submittal Description:

This amendment submittal is the culmination of over four years of work by the City. The submittal includes a reduction in the number of chapters from 34 to 19, primarily through consolidation of the individual zone district chapters into one chapter. With the expansion of the definition section and other changes, the document actually is somewhat larger than the existing ordinance. Overall, the City has created a better organized, more easily readable document.

The submittal proposes 13 changes to the Land Use Plan map and 49 changes to the zoning map. Thirty-seven of the zoning map changes involve changing the Environmental Sensitive Habitat (ESH) zone district to an overlay combining district and assigning currently mapped ESH areas to the currently adjoining primary zone districts.

Besides the proposed changes to the maps, the City is proposing numerous changes to the text of the zoning ordinance such as the consolidation of the zone district text into one chapter and the expansion of the definition chapter, as mentioned above. The vast majority of the proposed changes entail reorganizing the text to bring together related sections and make the document more coherent. For example, the North Main Street Specific Plan, which was incorporated into the document via an amendment in 1990, is proposed to be amended by moving the description of the uses and standards of the Mixed Commercial/Residential (MCR) zone district to the zone district chapter. This is not a substantive change, but is one that makes the document more streamlined and internally consistent. Another proposed change is to add headings to subsections throughout the document; this is a non-substantive change that helps to improve the readability of the document.

B. Land Use and Zoning Map Changes: Description and Analysis

The City proposes 13 changes to the Land Use Plan map in seven areas of the City; no changes are proposed to the text of the Land Use Plan (LUP). Forty-nine changes are proposed to the zoning map; 37 of those changes involve changing the Environmentally

Sensitive Habitat (ESH) zone district to an overlay combining district and re-mapping existing mapped ESH areas to the existing adjoining primary zone district. Please refer to Exhibit 3 which shows the areas where changes are proposed to the LUP and zoning maps. The following discussion is by area corresponding to the area maps of Exhibit 3.

- **Areas 1, 2, 3, 4, 5, 6, 7, 8, 13, 14, and 15 ESH Zoning Map Changes:** These 11 areas contain the mapped ESH areas in the City. The proposed ESH change from a primary zone district to an overlay district accounts for 75 percent (37 of 49) of the proposed zoning map changes in this submittal. The City is not proposing any changes to the ESH standards nor any change in the size of ESH areas. The proposed changes would simply rezone the affected land to the adjoining primary zone district and create an ESH overlay zone district covering the area that is currently mapped as ESH. In the case of streams, the existing adjoining primary zone district, unless it was on both sides of the stream, would extend to the centerline of the stream.

Some currently mapped ESH areas, such as Morro Rock, have more than one adjoining primary zone district. In that case, the proposed primary zone district is the one most appropriate for the site and most protective of the ESH. For example, the currently mapped ESH area of Morro Rock adjoins Coastal Dependent Industrial (M-2), Commercial/Recreational Fishing (CF), and two Open Area (OA-1 and OA-2) zone districts (OA-1 is the more restrictive of the two). It would be inappropriate to place a landmark feature such as Morro Rock in the M-2 or the CF zone districts. The City proposes to rezone Morro Rock to the OA-1 zone district with an ESH-R overlay (the "R" is the existing "Restricted" overlay combining zone district which prohibits <u>any</u> development on the rock).

To allow the proposal to go forward, LUP map modification 1 is required. Without also changing the land use map designation of existing ESH areas to a designation appropriate to the proposed zoning, the proposed zoning changes would be inconsistent with the LUP.

In all cases, the existing ESH protections would remain and the proposed ESH overlay would take precedence. There will be no adverse effects on environmentally sensitive habitats. Therefore, the proposed zoning changes, with the suggested modification, are consistent with the LUP.

- **Area 1, Zoning Map Changes:** Area 1 is located in the extreme northern part of the City at Highway One and Toro Creek. This is one of the 37 zoning map changes which involves changing the Environmentally Sensitive Habitat (ESH) zone district to an overlay combining district and assigning existing mapped ESH areas to the existing adjoining primary zone districts. Please see the section on ESH zoning map changes, above, for a discussion of the proposed change.

- **Area 2, Land Use and Zoning Map Changes:** The LUP map is proposed to be changed at three locations in Area 2. At two of the locations, the LUP designation is proposed to be changed from High Density Residential to Medium Density Residential to be more compatible with the residential areas next to them. The third location is the old Navy jet fuel storage site which is proposed to be redesignated from Industrial (General-Light) to Low/Medium Density Residential. This reflects the fact that the Navy has abandoned the site and that the

surrounding land use designations in the City are Low/Medium residential. Also, the site abuts the City limit, beyond which lies agricultural land in the unincorporated County area.

LUP Changes: Coastal Act sections 30231, 30240(b), and 30250(a) are applicable to the LUP map changes proposed in Area 2.

***Section 30231**: The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

***Section 30240(b)**: Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

***Section 30250(a)**: New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

All three of the proposed LUP map changes in Area 2 are within an area capable of accommodating development. All utilities are available to the undeveloped sites and City streets abut the properties. The proposed changes would result in less intense development than under the current land use designation. The two existing residential areas are surrounded by residential development of similar intensity and the two areas themselves are already mostly developed. Therefore, the proposed LUP map changes in Area 2 are consistent with Coastal Act section 30250(a)

A small creek, designated in the LUP text as an Environmentally Sensitive Habitat (ESH), lies just south of the two existing residential areas and traverses the westerly side of the old Navy jet fuel storage site. Since the two existing residential areas are already mostly developed, the proposed change would result in less intense development, and the City has regulations governing development activity near streams (setbacks, control of siltation, buffers, etc.), the change is unlikely to lead to significant, if any, degradation of the ESH or coastal waters. With respect to the Navy site, there is more of a question about the potential impacts to the ESH and coastal waters from future residential development. This is for two reasons. First, it is unknown what contaminants, such as hydrocarbons, may be in the soil at that site. If there are any such contaminants, grading and other work associated with future development could cause contaminants to enter the creek and eventually make their way to the ocean. Second, there is no development proposal at this time, so it is unknown how residential development would be situated on the site. However, the proposed change from industrial use to residential use would be from a more intense to a less intense use. Additionally, as mentioned above, the City has regulations regarding water quality and development near ESH areas which apply to

this site. The issue of contaminants would also be addressed by the County Health Department and the Regional Water Quality Control Board during review of any proposed residential development. Based on the foregoing, the proposed change in land use designation on the three sites in Area 2 is consistent with Coastal Act sections 30231 and 30240(b).

Zoning Changes: The proposed zoning changes in Area 2 are **a)** deleting ESH as a primary zone district and making it an overlay combining zone district, **b)** extending the adjoining primary zone districts into the currently zoned ESH areas, **c)** rezoning the old Navy jet fuel storage site from M-1(PD) to R-1, **d)** rezoning two small areas totaling 17 lots from R-4 to R-1, and e) changing the overlay zone from PD to S.2A on a very small area west of Highway One. **a)** and **b)**: Please see the section on ESH zoning changes, above, for a discussion about these two changes.

c) and **d)**: Rezoning the old Navy jet fuel storage site from M-1(PD) to R-1 and the 17 lots from R-4 to R-1 reflects the proposed land use designation changes from Industrial to Low/Medium Density Residential and from High Density Residential to Medium Density Residential. The R-1 zone district implements the Low/Medium and Medium Density Residential land use designations. Therefore, the proposed rezoning is consistent with the Land Use Plan, as proposed to be amended.

e): The City is not proposing a land use designation change in this area, but is only proposing to change the overlay combining district from PD, Planned Development, to S.2A. The purpose of the Planned Development overlay is to provide for detailed and substantial analysis of development on parcels which warrant special review because of size, location, public ownership, etc., and to allow for modification of standards of the primary zone district to result in better design or other public benefit, and is not specific to any one area of the City. The S.2A overlay is specific to the single story Atascadero Beach neighborhood of the City west of Highway One, north of Azure Street, which includes this area. The S.2A standards set forth minimum yards, maximum lot coverage, and maximum heights to maintain the neighborhood character. The proposed change in overlay would not affect the density or intensity of uses; it would merely attach the S.2A overlay standards to this area which is physically and logically part of the Atascadero Beach neighborhood. The primary zone district would remain R-1. The proposed change would not alter the primary zone district and would make more specific the standards applicable to the area. Therefore, it is consistent with the LUP.

- <u>Area 3 Zoning Map Changes</u>: Only zoning map changes are proposed in Area 3. The proposed zoning changes in Area 3 are **a)** deleting ESH as a primary zone district and making it an overlay combining zone district, and **b)** extending the adjoining primary zone districts into the currently zoned ESH areas. Please see the section on ESH zoning changes, above, for a discussion about these two changes.

- <u>Area 4 Zoning Map Changes</u>: Only zoning map changes are proposed in Area 4. The proposed zoning changes in Area 4 are **a)** deleting ESH as a primary zone district and making it an overlay combining zone district, and **b)** extending the adjoining primary zone districts into the currently zoned ESH areas. Please see the section on ESH zoning changes, above, for a discussion about these two changes.

- **Area 5 LUP and Zoning Map Changes**: The Land Use Plan (LUP) map is proposed to be changed at two locations in Area 5, while nine changes are proposed to the zoning map.

LUP Changes: One of the proposed changes to the LUP map is on the north side of Highway 41 between Ironwood Avenue and the easterly City limit, abutting agricultural land in the County. That site's existing LUP designation is High Density Residential. The proposed new LUP designation is Low Density Residential. The second LUP map change is also on the north side of Highway 41 between the highway and Rockview Street. It involves 13 lots extending from Sunset Avenue east for about one-half of the block, a block east of Main Street and the Highway 1 and 41 intersection. The existing LUP designation is High Density Residential. The proposed designation is Mixed Use Area "F." According to the LUP text, Mixed Use Area "F" can accommodate many uses and *"A mixture of all uses as appropriate shall be encouraged. An evaluation of appropriate uses on a parcel-by-parcel basis will be conducted during the implementation phase."*

Coastal Act sections 30250(a) and 30251 are applicable to this proposed LUP amendment.

***Section 30250(a)**: New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

***Section 30251**: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Both of the proposed LUP map changes are in an area capable of accommodating future development. They are both on a major arterial, Highway 41, and are also served by local streets. All utilities are either in or adjacent to the sites.

The change from High Density Residential to Low Density Residential on the more easterly site would recognize the pattern of development already existing, i.e., single family residences on large lots. This also is appropriate for an urban area adjacent to agricultural land. The Coastal Zone extends inland several miles around Morro Bay. Highway 41 leads inland from Morro Bay on a relatively level route with a view of the Santa Lucia Mountains directly ahead. The proposed LUP designation would reduce the intensity of development on this site, thereby reducing the potential for degradation of views from the City, along Highway 41, to the mountains. Since the site is partially developed and adjoins developed land on all sides but the east where agricultural land abuts the City, the reduced intensity development will help protect the views of the mountains. Therefore, based on the foregoing, the proposal to

redesignate the site bounded by Highway 41, Ironwood Street, Ponderosa Street and the easterly City limit is consistent with Coastal Act sections 30250(a) and 30251.

The change on the westerly site from High Density Residential to Mixed Use Area "F" recognizes this site's location across the highway from and adjacent to commercial uses a block east of the Main Street-Highway 41-Highway 1 intersection. The proposal grew out of a property owner request to allow commercial uses on the site. As mentioned above, Mixed Use Area "F" can include a very broad range of uses. Here, the City is proposing rezoning to the Central Business (C-1)/General Commercial(C-2) zone districts, which include not only commercial uses, but residential uses when secondary to the commercial use. This site is able to accommodate both residential and commercial uses due to its location on both an arterial and local streets. The scenic view of the mountains to the east would be little affected, if at all, by the proposed LUP designation change. If the City's existing regulations are applied and enforced at the time of development, there will be no adverse impacts on coastal resources. Therefore, based on the foregoing, the proposal to redesignate the site bounded by Highway 41, Sunset Avenue and Rockview Street is consistent with Coastal Act sections 30250(a) and 30251.

Zoning Changes: The nine changes to the zoning map include six changes involving the change from ESH to the adjoining primary zone district. Please see the discussion on page 20 about this type of change.

Two of the changes are on the two sites on which the LUP designation is proposed to be changed. On the easterly site the change would be from R-4 to R-A which reflects the LUP change from High Density Residential to Low Density Residential. R-A implements the Low Density Residential LUP designation, with one house per lot. Therefore, the proposed zoning change is consistent with the LUP as amended.

On the westerly site, zoning is proposed to be changed from R-4 to C-1/C-2, which reflects the proposed LUP change from High Density Residential to Mixed Use Area "F." Several zone districts can implement the Mixed Use Area "F" LUP designation. Here, it is appropriate to have commercial zoning (which also allows residential uses) since the site is opposite and adjacent to other commercial uses along Highway 41. Therefore, the proposed zoning change is consistent with the LUP as amended.

The final zoning change proposed in Area 5 is from Single Family Residential (R-1) to Light Industrial M-1(PD/I/SP). The site currently has an LUP designation of Industrial. The change will make the zoning consistent with the LUP designation and recognize the existing tow truck/storage/wrecking yard. Therefore, the change is consistent with the LUP.

- <u>Area 6 LUP and Zoning Map Changes</u>: One LUP change and six zoning changes are proposed in this area.

The LUP change is to an area fronting on Embarcadero Road on the north side of Morro Creek. Immediately west of Embarcadero Road is the beach. Embarcadero Road here is effectively an extension of Atascadero Road (the westerly extension of Highway 41) since there is no crossing of Morro Creek to connect with the longer section of Embarcadero Road

that runs along most of the length of the City's waterfront to the south. The site has been used for many years as a privately operated RV park and campground. The existing LUP designation is Industrial (General - Light). The proposed designation is Open Space/Recreation.

LUP Change: Coastal Act sections 30211, 30221, and 30222 are applicable to this proposed change.

***Section 30211**: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

***Section 30221**: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

***Section 30222**: The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

The site is currently utilized as a visitor-serving RV park and campground. Being on the landward side of Embarcadero Road, the development does not interfere with the public's right of access to the sea. The development enhances public access in that it provides lower cost overnight accommodation across the street from the beach. The proposed change will recognize the existing recreational use and ensure that it will be a conforming use. therefore, the proposal is consistent with Coastal Act sections 30211, 30221, and 30222.

Zoning Changes: Five of the six proposed zoning changes involve the change from ESH as a primary zone district to an overlay and the extension of the adjacent primary zone districts. Please see the discussion this topic on page 20.

The one other zoning change in Area 6 concerns the RV park and campground. The current zoning is Light Industrial (M-1). The proposed zoning is Visitor Serving Commercial (C-VS). this reflects the current use and is therefore consistent with the LUP as amended.

- **Area 7 Zoning Map Changes:** The City is proposing four zoning changes in Area 7. Three of them involve the change from ESH as a primary zone district to an overlay and the extension of the adjacent primary zone districts. Please see the discussion on this topic on page 20. The fourth zoning change is to add the Harbor and Navigable Ways (H) zone district to the ocean offshore of the City. This would make the "H" zone district continuous over all the ocean and estuary areas of the City. Currently the "H" zone district applies only to the harbor itself.

The proposed zoning change cannot be approved as submitted since there is no existing LUP designation for the waters offshore of the City. Therefore, suggested modification 2 to the LUP is necessary. Also, to be consistent with the existing "H" zone district in the harbor and to recognize the ocean as an environmentally sensitive habitat, the ESH overlay zone ought to be applied to the primary "H" zone district. Therefore Implementation Plan (zoning)

modification 1 is necessary. With these suggested modification, the LUP and Zoning Map changes will be consistent, both internally, and with the Coastal Act. The foregoing notwithstanding, since the offshore waters are in the Coastal Commission's original permit jurisdiction, the City's proposed change as modified, is only advisory to the Commission in any future development.

- **Area 8 LUP and Zoning Map Changes:** The City is proposing two LUP and two zoning changes in Area 8 which is located in a commercial retail area. The LUP changes are from District Commercial to Mixed Use Area "F" on one site and from Service Commercial to Mixed Use Area "F" on the other site. The zoning changes are from Central Business (C-1) to Central Business/General Commercial (C-1/C-2) and to add ESH as an overlay to General Commercial (C-2).

LUP Changes: One of the sites is a shopping center. The proposal there is to encourage additional business and commercial uses by changing the designation from District Commercial to Mixed Use Area "F" which allows a greater variety of uses than District Commercial. The other LUP change applies to a narrow, degraded riparian area between Highway 1 and Quintana Road and would change the LUP designation from Service Commercial to Mixed Use Area "F." Coastal Act sections 30231, 30240(b), and 30250(a) are applicable.

***Section 30231**: The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

***Section 30240(b)**: Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

***Section 30250(a)**: New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

The shopping center is bounded by the riparian area and commercial uses to the northwest, another shopping center to the southeast, a school to the southwest and a residential area to the west. The proposed change from district Commercial to Mixed Use Area"F" would allow for additional and/or different uses. The area is able to accommodate additional and/or different uses since it is in a developed part of the City. The uses that might be allowed are limited by the proposed zoning, which adds the General Commercial (C-2) zone district to the site's

existing Central Business (C-1) zone district. Changes in use within existing buildings and/or development of new buildings are both possibilities on this site as is the development of more intense uses than are allowed by the existing C-1 zone district. The commercial area adjoining this site on the northwest is currently zoned C-2, so this proposed change would not be out of character with the existing adjoining designation and zoning. Any proposed new development would have to meet the City's existing regulations relating to runoff and prevention of sediments and hydrocarbons from reaching the stream across Quintana Road and the ocean. control. Therefore, for the foregoing reasons, the proposed LUP change on the shopping center site is consistent with Coastal Act sections 30231, 30240(b), and 30250(a).

The second site is the degraded riparian area between Highway 1 and Quintana Road. The City proposes to change the designation from Service Commercial, the most intense f the commercial uses, to Mixed Use Area "F" which allows a wide variety of uses. In reality, there is not enough width between the highway and the street to develop this area unless the stream were culvert and filled. The City is proposing that the ESH overlay be placed on this area, which would recognize the riparian corridor. Since no development will take place in this area, the proposed LUP change is consistent with Coastal Act sections 30231, 30240(b), and 30250(a).

Zoning Map Changes: The shopping center site is currently zoned Central Business (C-1) and is proposed to go to Central Business(C-1)/General Commercial(C-2). For the reasons discussed above under LUP changes, this would be reasonable change and reflects the proposed LUP change. The riparian area is proposed to be rezoned from General Commercial (C-2) to General Commercial, Environmentally Sensitive Habitat (C-2(ESH)). This reflects the proposed LUP change and recognizes the riparian corridor. Therefore, for these reasons and those in the LUP change discussion, the proposed rezonings are consistent with the LUP as amended.

- **Area 9 Zoning Map Change:** Only one change is proposed for this area involving only one lot on Scott Street. The existing zoning is Visitor Serving Commercial (C-VS). The proposal is to change that to General Commercial (C-2). The existing LUP designation is Service Commercial, which allows for C-2 uses, so no LUP change is necessary. The proposal would reduce the visitor serving area in the City by approximately 2,300 square feet, the size of the lot. However, there currently are about 68 acres of land in the City zoned C-VS, with about 18 acres currently vacant. The subject lot comprises approximately five percent of one acre, or approximately three-tenths of one percent of the vacant C-VS land in the City. Rezoning the property would not significantly affect the amount of land available for visitor serving uses. There are several obstacles to the use of the lot for visitor serving purposes. Its small size would only allow for a very small visitor serving use and Scott Street is a narrow street with limited parking. Additionally, the lot is the third one in from Beach Street and therefore has limited visibility to visitors traveling to and from the waterfront on Beach Street. A better use for the lot would be a commercial one perhaps associated with commercial fishing or general marine supply, as are several other sites in the area. Therefore, the proposed rezoning is consistent with the LUP designation.

- **Area 10 LUP and Zoning Changes:** Area 10 lies south of the main southern entrance to the City at the intersection of Highway 1, Morro Bay Boulevard, and Quintana Road. Two LUP changes and two zoning changes are proposed. All of the lots bounded by Quintana Road, Las Tunas Street, Allesandro Road, Marengo Drive, and La Loma Avenue are proposed to change from an LUP designation of Service Commercial to Mixed Use Area "F." Four lots on Butte Avenue, Las Tunas, and Balboa are proposed to change from Low/Medium Residential to High Density Residential.

For those lots fronting on Quintana Road between Butte Avenue and La Loma Avenue and the four lots with double frontage on Quintana Road and Las Tunas Street, the zoning would remain the same, General Commercial (C-2). For those lots which share a rear property line with the Quintana Road parcels and which front on Las Tunas Street and Allesandro Road and for those parcels having double frontage on Allesandro Road and Marengo Drive, the zoning would change from General Commercial (C-2) to Mixed Commercial/Residential (MCR). The four lots on Butte, Las Tunas, and Balboa would be changed from Single Family Residential (R-1) to Multiple Family Residential (R-3).

LUP Changes: The lots bounded by Quintana Road, Las, Tunas, Allesandro, Marengo, and La Loma are all proposed to change from Service Commercial to Mixed Use Area "F." As mentioned in previous LUP change discussions, Mixed Use Area "F" allows for a wide variety of uses. Since that LUP designation is so broad, the zoning plays a perhaps more determining role in setting the type of development than in most other LUP designations. Commercial development characterizes the lots fronting on Quintana Road, while those fronting on Las Tunas, Allesandro, and Marengo are characterized by commercial and residential development. The City's proposed LUP change on those lots allows for flexibility in locating uses. The proposed zoning changes are more specific to and reflective of the preponderance of actual uses.

The four lots on Butte, Las Tunas, and Balboa would change from Low/Medium Residential to High Density Residential, giving them the same density as the lots diagonally to the southwest across Butte Avenue.

Coastal Act section 30250 is applicable to these proposed LUP changes.

***Section 30250(a)**: New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

Area 10 is a mostly developed area with all utilities and access available. The proposed LUP changes essentially recognize existing land use patterns and do not adversely affect coastal resources. Therefore, the proposal is consistent with Coastal Act section 30250.

Zoning Map Changes: The zoning on the lots fronting on Las Tunas, Allesandro, and Marengo is currently General Commercial (C-2). It is proposed to be changed to Mixed Commercial/Residential (MCR). This is consistent with the proposed LUP change and reflects existing development. the MCR zone district is an implementing district for the LUP designation Mixed Use Area "F." Therefore, the proposed zoning change is consistent with the LUP as amended.

The four lots on Butte, Las Tunas, and Balboa are zoned Single Family Residential (R-1) and are proposed to be changed to Multiple Family Residential (R-3). This implements the proposed LUP change and so is consistent with the LUP as amended.

- **Area 11 Proposed Zoning Map Change:** The City is proposing one zoning change in this area, from Visitor Serving Commercial (C-VS (S.3/S.4)) to Visitor Serving Commercial/Duplex Residential (C-VS/R-2 (S.3/S/4)). The proposed change would allow visitor serving uses or residential uses. LUP policies 2.03 and 7.06A state that the *"Embarcadero between Beach Street on the north, Main Street on the east, Olive Street on the South and the waterfront area on the west, shall be considered a mixed commercial fishing and visitor-serving recreational use area."* Area 11 falls into this area. The LUP designation is Mixed Use Area A which states *"Vacant lots or major redevelopments. . .shall have priority for visitor-serving uses. . . .In Mixed Use area A, the primary permitted use is visitor-serving recreational/commercial. The secondary permitted use is residential, however, the number of individual residential and office units or office space floor area within Mixed Use Area A, shall at no time exceed the amount existing at the time of the certification of the LUP."* The LUP as it exists would allow some residential development in this area, but only as a secondary use. The S.3 suffix in the C-VS(S.3/S.4) zone district abbreviation indicates special mixed use overlay zone standards which allow residential uses along with visitor-serving uses. Therefore, for the foregoing reasons, there is no need to add the R-2 zone district and the proposal is **inconsistent** with the certified LUP. If the City wishes to rezone this property, and that may be appropriate, then the effect of removing the potential for visitor-serving uses on this site in relation to existing and potential visitor serving sites must be addressed as part of a future amendment submittal.

- **Area 12 Proposed LUP and Zoning Map Changes:** In Area 12 the City is proposing one LUP change and one Zoning change. The LUP change is from Service Commercial to District Commercial, while the zoning change is from General Commercial (C-2) to Central Business (C-1). The existing uses in Area 12 include a church and mortuary. The proposed changes will restrict the uses allowed to those that would be compatible with the existing uses and not allow more intense commercial uses which would not be compatible with the existing uses, nor with the highly visible nature of the site from Highway One.

Coastal Act section 30250 is applicable to the proposed LUP change.

***Section 30250(a)**: New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the*

area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

The area is developed and has all utilities and infrastructure and could accommodate new development that was consistent with the proposed LUP designation and zoning. There would be on adverse effect on coastal resources. Therefore the proposed LUP change is consistent with Coastal Act section 30250(a).

The proposed zoning change will simply make the zoning consistent with the proposed LUP designation and is therefore consistent with the LUP as amended.

- **Area 13 Proposed Zoning Map Changes:** The three changes to the zoning map involve the change from ESH to the adjoining primary zone district. Please see the discussion on page 20 about this type of change.

- **Area 14 Proposed Zoning Map Changes:** The two proposed changes to the zoning map involve the change from ESH to the adjoining primary zone district. Please see the discussion on page 20 about this type of change.

- **Area 15 Proposed LUP and Zoning Map Change:** The City is proposing one LUP change and one zoning change in Area 15. The LUP change would be from Mixed Use Area "E" to District Commercial. The zoning change would be from the General Office (G-O) to Central Business (C-1) district.

LUP Change: The description of Mixed Use Area "E" in the LUP states *"Professional offices and public/quasi-public uses shall be encouraged in this area."* Mixed Use Area "E" currently extends from the middle of the block between Main Street and Monterey Avenue east along Harbor Street for about five blocks. This proposed change would remove one-half block (four lots) from Mixed Use Area "E" and place it in the District Commercial LUP designation. Area 15 is surrounded by the following LUP designations: District Commercial to the west and south, Mixed Use Area "E" to the east, and High Density Residential to the north. Coastal Act section 30250(a) is applicable.

Section 30250(a): *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

Area 15 is in the heart of downtown Morro Bay. Most of the City offices are in this area, although they would not be affected by the proposed change. The LUP designation to the west of this area is District Commercial so the proposed change would simply extend the District Commercial LUP designation one-half block east. District Commercial is the least

intense of the LUP commercial designations. Conceivably, the City could have chosen another LUP commercial designation, but given the surrounding existing LUP designations (District Commercial, Mixed Use Area "E," and High Density Residential), District Commercial is the most appropriate designation of possible new commercial designations. All utilities are available, the surrounding area is developed and the proposed change would have no adverse effects on coastal resources. Therefore the proposed change is consistent with Coastal Act section 30250(a).

Zoning Change: The Government Office (G-O) zone district is intended primarily for government and other office use. The change to the Central Business (C-1) zone district would allow for a much wider variety of uses, including offices, such as restaurants and most types of retail stores. The Central Business district implements the LUP Commercial District designation and the proposed zoning change is therefore consistent with the LUP as amended.

C. Definitions: Description and Analysis

The definition section of the zoning ordinance contains six definitions which must be modified for clarity or to ensure consistency with the LUP. These are discussed as suggested modifications 2 through 7 to the Implementation Plan on pages 13 and 14 of this report. Please refer to that section.

D. Addition of Residential Uses

1. Granny Unit: The City is proposing to add granny units as a new use in the Agriculture, General Office, Mixed Commercial/Residential, and all Residential zone districts. Section 17.12.295 of the City zoning ordinance states: *"Granny Unit means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons (accessory to a single family residence in specific zones permitting such use). It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the single family dwelling."*

Section 17.48.320 lists the various provisions to which a granny unit is subject, including the requirement for a use permit and a deed restriction limiting the use to residential use only, lot coverage, design, size (1,200 square feet maximum), parking, etc. The lot coverage provision (17.48.320C) states *"A granny second unit shall not exceed the maximum lot coverage allowed for the District that it is located in."* Implementation Plan suggested modification 20 is necessary to ensure clarity that the granny unit and the existing, or concurrently proposed, main residence <u>together</u> do not exceed the maximum allowed lot coverage. With this modification, it is not necessary to modify the proposed maximum size of the unit. Smaller lots would have smaller granny units and larger lots could have the maximum of 1,200 square feet.

The use is consistent with the LUP residential policies because it is a residential use and the proposed standards, as modified, will ensure that residential area standards are adhered to.

General residential uses are allowed in the General Office and Mixed Commercial/Residential districts. Single-family residences are allowed in the agriculture zone district. Conceivably, granny units could be part of those residential uses. Granny unit approval would require approval of a use permit in all districts where they are allowed which would require the City to make findings of compatibility with surrounding uses. The standards of the individual zone districts and the proposed granny unit standards, as modified, will ensure that granny units are compatible with the primary uses. Therefore, the addition of granny units as a new use in the above identified zone districts is consistent with the LUP.

2. Guesthouses: The City proposes to add guest houses as a new use in the R-2, R-3, and R-4 zone districts. According to section 17.12.300 *"Guesthouse means 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 thereof."*

Section 17.48.315 lists the standards for guesthouses, including limitation on size (640 square feet, not to exceed 30 percent of the main residence), requirement for a use permit, and deed restriction limiting use to guests and prohibiting rental or use as a second unit.

Guest houses are proposed to be added to residential zone districts, which are logical places to have them. They would be subject to all residential district standards as well as the guesthouse standards. Therefore, the proposed addition of guesthouses to the R-2 and R-3 zone districts is consistent with the LUP.

3. Apartments: The City proposes to add apartment units to the Duplex Residential (R-2), Multiple-Family Residential (R-3), and Multi-Family Residential-Hotel-Professional (R-4) zone districts. These are all relatively to very high density residential zone districts. These districts are appropriate for apartments. There is no conflict with the LUP; therefore, the addition of apartments in the R-2, R-3, and R-4 zone districts is consistent with the LUP.

4. Bed and Breakfasts: Bed and breakfasts are already permitted in several other zone districts; this proposal would add them to the Duplex Residential (R-2) zone district. Standards exist for parking and appearance and compatibility with surrounding uses. There is no conflict with the LUP and therefore this proposed addition to the R-2 zone district is consistent with the LUP.

E. Miscellaneous Additions and Deletions To and From Various Primary Zone Districts and Overlay Zones

1. Agriculture (AG) Zone District: The City proposes to delete existing sections 17.39.130, Findings for Permitting Commercial Uses on Nonprime Agricultural Land and 17.39.135, Conditions for Permitting Commercial Uses on Nonprime Agricultural Land. These two sections implement several LUP policies which are not proposed to be deleted. In addition, the zoning sections provide important safeguards for agricultural land. If these two zoning sections were to be deleted, the zoning ordinance would be inconsistent with the LUP. Therefore, this proposed amendment of the AG zone district findings and conditions cannot be

approved. Suggested Implementation Plan modification 8 is necessary to keep the two sections in the revised zoning ordinance. Please see Exhibit 4 for the text of the two sections.

The AG district table of uses and standards contains a typographical error that must be corrected to prevent confusion. Under Conditionally Permitted Uses, the reference to the renumbered section of the zoning ordinance which contains additional standards for development on agricultural lands is struck through and the existing section number is not. To prevent confusion, Implementation Plan modification 9 is necessary.

2. Commercial Zone Districts: The City proposes numerous changes to the following zone districts: Neighborhood Commercial (C-1-N), Central Business (C-1), General Commercial (C-2), Visitor Serving Commercial (C-VS), and General Office (G-O).

- **a. Neighborhood Commercial (C-1-N):** No land in the City has this zoning, therefore the City wishes to delete it. This zone district does not implement any specific LUP policies but could implement the Neighborhood Commercial land use designation, along with the C-1 and the MCR districts. According to the current zoning ordinance, the C-1-N zone district was *"To provide centers for convenient shopping in the residential neighborhoods planned and controlled to the extent that any such center will perform a vital service to the neighborhood in which it is located and become an integral part thereof."* The pattern of commercial and residential development in the City has been such that this kind of neighborhood commercial use never really developed. There are areas away from the main downtown commercial area which have commercial uses, but they are typically strip-type developments. That type of development is provided for in the Mixed Commercial/Residential (MCR) zone district. According to the zoning ordinance, one of the purposes of the MCR district is *"To allow and regulate a mix of compatible commercial uses with residential uses in districts where a strip commercial area is in close proximity to a residential neighborhood."* That is the case in Morro Bay where there is strip commercial development along Highway One from Highway 41 north which abuts residential districts further inland. The uses allowed in the C-1-N district are also allowed in the MCR and C-1 districts. Therefore, based on the foregoing discussion, the proposal to delete the C-1-N zone district is consistent with the LUP.

- **b. Central Business (C-1) District:** The City is proposing to add several new uses and delete certain requirements and restrictions on existing allowed uses.

The C-1 district implements the District Commercial land use designation, which is described in the LUP as being *"intended to provide for commercial uses which cater to the needs of more than one neighborhood. It would provide for suitable land area, primarily in the Central Morro Bay Planning Area, for commercial businesses offering major household and personal goods and services."* New uses to be added are elderly housing, daycare facilities, tattoo parlors, multi-story parking garages, and minor auto repair. The C-1 district currently allows residential uses; various personal services such as health clubs, dance studios, and beauty parlors; parking lots; and service stations. The proposed new uses would be compatible with the existing allowed uses, would serve the needs of more than one neighborhood, and would offer additional personal services. Therefore, the proposed new uses in the C-1 zone district are consistent with the LUP.

The City proposes to delete the requirement that nurseries, home improvement centers, and tire shops/auto repair be part of a planned development of five acres or greater; and the restriction on no more than two employees in a business that fabricates items to be sold on the premises. None of these proposed changes are inconsistent with the LUP nor would they have adverse impacts on coastal resources. The City has existing regulations providing for parking, setbacks, runoff control, neighborhood compatibility, etc., that currently apply to these kinds of uses and still would with the proposed changes. Therefore, the proposed deletion of these requirements and restriction are consistent with the LUP.

- **c. General Commercial (C-2) District:** The City is proposing to add two new uses and delete two restrictions on existing uses.

The C-2 district implements the Service Commercial land use designation, which according to the LUP *"is intended to accommodate some forms of light industrial/manufacturing uses particularly relating to commercial fishing needs. Specifically, it is intended to encourage the continuation of boat building land uses and fish processing which does not require canning or extensive cooking facilities."*

The City proposes to add liquor stores and convenience stores to the C-2 zone district. These proposed additional uses could well serve the needs of those employed in the primary uses located in the C-2 district. They are not inconsistent with the purpose of the Service Commercial LUP designation, which although oriented toward commercial fishing light industrial and manufacturing needs, is broad enough to accommodate the proposed uses which are likely to serve those in the immediate area. There would be no adverse impact to coastal resources from the proposed additions. Therefore, the proposed additions are consistent with the LUP.

Currently boat building and repair is limited to boats under 65 feet long and light fabrication businesses are limited to having no more than 6 employees. The City is proposing to delete these two restrictions. Regardless of the length of a boat or the number of employees, City regulations such as parking, size of land area needed, runoff control, etc., must be satisfied. There would be no adverse impact to coastal resources. The proposed deletion would not allow a use inconsistent with the LUP. Therefore, the proposal is consistent with the LUP.

- **d. Visitor Serving (C-VS) District:** The City is proposing to add one new use to the C-VS district, car washes.

The C-VS district implements the Visitor-Serving LUP designation. According to the LUP, *"This category encourages concentration of tourist-intensive uses at major destination points in the City or at locations easily accessible to travelers along State Highway One. Visitor-serving uses that should be developed in those areas designated as such are hotels/motels, overnight RV facilities, restaurants, gift shops, goods and supply stores, commercial recreation and other uses typically found to accommodate tourist needs and activities."*

Car washes are not readily identifiable as one of the uses to be encouraged in the C-VS district. Nevertheless, they can be complimentary to service stations, which are already allowed in this zone district. There would be no adverse impact to coastal resources from the proposed addition of car washes. Therefore, the proposal is consistent with the LUP.

- **e. General Office (G-O) District:** The City is proposing to add plant nurseries, coffee shops, and personal services such as barber shops, beauty shops, and shoe repair to the G-O district.

The G-O district implements the Mixed Use Area "E" LUP designation, which, according to the LUP is for the encouragement of *"Professional offices and public/quasi-public uses. . . ."* The City is attempting to broaden the uses allowed in the G-O district by allowing the types of uses that office workers would typically use before and after work hours and on breaks and lunch hours. These types of uses would enhance the G-O district and contribute to making the G-O district more attractive to those seeking to establish offices. There would be no adverse impacts to coastal resources. Therefore, the proposed additional uses in the G-O district are consistent with the LUP.

3. Industrial Zone Districts: The City proposes changes to the following zone districts: Light Industrial (M-1) and Coastal Dependent Industrial (M-2).

- **a. M-1 District:** The M-1 zone district implements the General Industry LUP designation, which the LUP characterizes as *"Light industry land use which do not require materials of equipment which would emit excessive air, audio, water or land pollutants, or would require considerable outdoor storage. . . .that would specifically cater to commercial fishing and regional needs, such as machine shops, auto mechanic shops, blacksmithing, cold storage, warehousing and food processing, light manufacturing, component assembling and small parts processing."*

The City proposed to add aquaculture as an additional use in the M-1 district. Existing M-1 zoned areas are the old Navy jet fuel storage site (proposed to be changed from M-1 to R-1), adjacent to the PG&E power plant, and adjacent to Morro Creek, where the City corporation yard and a cement plant are located. Excepting the old Navy jet fuel storage site, the other sites would be appropriate for aquaculture. Aquacultural uses would not have any adverse impacts to coastal resources, if properly conditioned. The City would require a use permit for this type of use; additionally, since the two M-1 areas (not including the old Navy jet fuel storage site, which is proposed to be changed to R-1) are in the Coastal Commission appeal zone, they would also need a regular coastal development permit from the City. The review occasioned by these discretionary permits would provide for the incorporation of conditions necessary to protect coastal resources. An aquacultural facility would not emit excessive air, audio, water, or land pollutants. Based on the foregoing, the proposed addition of aquaculture to the M-1 district is consistent with the LUP.

- **b. M-2 District:** The City is proposing to add aquaculture, fish processing, and uses allowed in the M-1 zone if coastal related, such as boat construction, marine supply and repair, RV service and other coastal related manufacturing uses to the Coastal Dependent Industrial (M-2) zone district.

The M-2 district implements the LUP Coastal Dependent Industrial Land Use designation, which the LUP characterizes as the land use that *"specifically relates to those industrial land uses which are given priority by the Coastal Act of 1976 for location adjacent to the coastline.*

Examples of uses in this designation are thermal power plants, seawater intake structures, discharge structures, tanker support facilities, and other similar uses which must be located on or adjacent to the sea in order to function." Aquaculture and fish processing can be coastal dependent; they are not necessarily so unless their design is such that they must be on the sea for seawater intake purposes, for example. The City-characterized coastal related uses allowed in the M-1 district, such as boat construction, marine supply and repair, RV service and other coastal related manufacturing uses are clearly not coastal dependent; they may or may not be coastal related. LUP policy 5.02 states *"Interim uses shall be allowed in areas designated coastal-dependent industrial uses until the existing owners have an approved coastal-dependent industrial development. Interim uses shall be limited to projects which have relocatable (not permanent) structures. . .and are limited to . . .(1) visitor access. . .(2)RV parks, (3) parking, (4) Picnic areas, (5) Campgrounds, (6) Restrooms. . .(7)Playgrounds, (8) temporary boat storage, (9) temporary boat repair area, (10)ancillary uses. . .(11) other uses serving visitors or commercial fishing which do not require permanent structures."* The interim uses contemplated at the time of certification of the LUP are somewhat different from the City-proposed uses. Implementation Plan suggested modification 10, deleting the proposed revision and adding the language from the LUP, is necessary to maintain consistency with the LUP.

4. Waterfront (WF) Zone District: The City proposes to delete language requiring preservation and enhancement of views to and along the coast, ocean, bay, sandspit, and Morro Rock and deletion of language requiring structures to be subordinate to the character of the setting. LUP policy 12.01 states that *"Permitted development shall be sited and designed to protect views to and along the ocean and scenic and coastal areas. . . .New development in highly scenic areas such as those designated on figure 31, shall be subordinate to the character of its setting."* Please see figure 31 at Exhibit 5. The Embarcadero area, where the WF district is located, is designated on figure 31. Therefore, development there must be subordinate to the character of its setting and the City's proposed changes are inconsistent with the LUP. LUP policy 12.02 states that specific design criteria for the Embarcadero shall include the requirement for the *"Preservation and enhancement of views of the ocean, bay, sandspit and Morro Rock."* The City's proposed change is inconsistent with the LUP and cannot be approved. Only with Implementation Plan suggested modification 11 can this section of the zoning ordinance be found consistent with the LUP.

The City is proposing to add car washes in the Visitor Serving-Commercial (C-VS) district; C-VS uses are allowed in the WF district, except for service stations, parking structures, and overnight RV camping, because they are inappropriate in the WF district. Car washes need to be added to those C-VS uses not allowed in the WF district, because they too are inappropriate in the WF district. The WF district is a narrow, one block wide district along the Embarcadero between the base of the bluffs above the estuary of Morro Bay and the waters of the estuary. In this area are concentrated many of the City's primary, coastal visitor-serving uses. The area is not suitable for secondary support services such as service stations and car washes because of the congestion of the area and the emphasis on restaurants, fish markets, and visitor-oriented retail shops. Therefore, Implementation Plan suggested modification 12, to exclude car washes from the WF district, is required to maintain the nature of the area and for internal consistency.

The City proposes to delete language in the WF use table which allows new commercial fishing facilities in an interim basis until adequate facilities are provided north of the WF district in the Commercial fishing district. The LUP formerly contained similar language, but that was removed several years ago from the LUP but never removed from the zoning ordinance. Therefore, since the LUP no longer requires this, the proposed change is consistent with the LUP.

5. Commercial/Recreational Fishing (CF) Zone District: The City proposes to delete language requiring structures to be subordinate to the character of their setting.

LUP policy 12.01 states that *"Permitted development shall be sited and designed to protect views to and along the ocean and scenic and coastal areas. . . .New development in highly scenic areas such as those designated on figure 31, shall be subordinate to the character of its setting."* Please see figure 31 at Exhibit X. The Embarcadero area, where the CF district is located, is designated on figure 31. Therefore, development there must be subordinate to the character of its setting and the City's proposed changes are inconsistent with the LUP. LUP policy 12.02 states that specific design criteria for the Embarcadero shall include the requirement for the *"Preservation and enhancement of views of the ocean, bay, sandspit and Morro Rock."* The City's proposed change is inconsistent with the LUP and cannot be approved. Only with Implementation Plan suggested modification 13 can this section of the zoning ordinance be found consistent with the LUP.

6. Golf Course (GC) Zone District: The revised zoning ordinance here contains a typographical error which would delete the subsection on height limitations. This could cause considerable confusion and allow structures with inappropriate heights in this district. Implementation Plan suggested modification 14 is necessary to correct the error.

7. Environmentally Sensitive Habitat (ESH) Overlay Zone District: Section 17.40.040C.2. lists the purposes for which a use may be allowed in estuaries. Section 17.40.040C.2.b has a confusing typographical error which seems to indicate that only non-governmental agencies may maintain existing navigational channels. The words "Non governmental agencies" need to be deleted since, typically, only governmental agencies maintain navigational channels. Therefore Implementation Plan suggested modification 15 is necessary.

Section 17.40.040D.4 lists the minimum buffers required around EHS areas. Section 17.40.040D.4.c., buffers around sand dunes, is proposed to be modified by the City to state *"The minimum buffer for sand dunes shall be one hundred (100) feet, fifty feet if fenced. ~~in non urban areas and fifty (50) feet in urban areas.~~* The LUP requires that this buffer be one hundred feet in non-urban areas and fifty feet in urban areas. The proposed revision is inconsistent with the LUP language. Additionally, there are no criteria by which to judge the appropriateness or effectiveness of fencing in such a situation. Therefore, Implementation Plan suggested modification 16 is necessary to ensure consistency with the LUP.

Section 17.40.040D.6 provides for reduction of buffers. In 17.40.040D.6.b., the City is proposing to allow a reduction of the buffer on lots of 4,000 square feet or less to 25 percent of the average depth of the lot, in consultation with the Department of Fish and Game. This proposed revision is in conflict with LUP policy 11.14, which requires a minimum 50 foot buffer

in urban areas, with the possibility for a reduction to 25 feet on existing subdivided lots if it is shown that without such a reduction, the lot would be rendered unusable for its designated use. The proposed revision of the zoning ordinance could allow the buffer to be reduced to less than 25 feet on any lot that was less than 4,000 square feet in size and less than 100 feet deep. For example, if a lot were 80 feet deep, the proposal would allow the buffer to be 20 feet. While there may be good reason to do this and while it may be that such a reduction would not adversely affect ESH areas, the City has not proposed to revise the LUP. Such a revision request would need to be accompanied by additional information from Fish and Game and the US Fish and Wildlife Service approving of such a reduction. Therefore, Implementation Plan suggested modification 17 is necessary to ensure consistency with the LUP.

Section 17.40.040D.7.b. lists the kinds of permanent structures allowed in buffer areas and adds the following structures to those already listed in residential areas: open uncovered decks (including cantilevered), eaves, at grade level patios, and vegetation. In non-residential areas, the new permanent structures allowed in the buffer are: fences, eaves, and vegetation. LUP policy 11.06 states *"No permanent structures shall be permitted within the setback area except for structures of a minor nature such as fences or at-grade improvements for pedestrian or equestrian trails."* Policy 11.15 states *"No structures shall be located within the stream corridor except: public trails located within a buffer when no alternative location is feasible but outside of the riparian habitat;. . .water supply projects;. . .flood control projects;. . .development where the primary function is the improvement of fish and wildlife habitat."* Decks, patios, eaves, and vegetation are not mentioned as allowed structures in the buffer area. Decks and patios are inherently disruptive of the buffer because of their use by people and because they physically displace habitat. Vegetation, unless it is native to the buffer area, would introduce potentially disruptive flora and fauna. Eaves, while not mentioned in the policies, would not be disruptive since they would not facilitate human activities in the buffer nor physically displace habitat. Therefore, Implementation Plan suggested modification 18, to delete open uncovered decks, at grade level patios, and vegetation, is necessary to ensure consistency with the LUP and to ensure that the integrity of the buffer will not be compromised.

8. Combining Mixed Use Overlay Zone: The City proposes to delete the Mixed Use Overlay Zone Standards and add a reference to the standards contained in General Plan policies LU-69 through LU-76. The referenced General Plan policies conflict with LUP policies and the existing standards in the zoning ordinance. Therefore, Implementation Plan suggested modification 19, to delete reference to the General Plan policies and to retain the existing standards, is required.

F. Miscellaneous Revisions to Coastal Development Permit and Use Permit Procedures and Amendments

1. Section 17.58.020I., Demolition of Existing Single Family Residential Structures, is proposed to state *"For properties located outside of the Appeal Jurisdiction and/or ESH zone, Coastal permits are not required for demolition of existing single family residential structures and accessory buildings."* Demolition is included in the definition of development in both the Coastal Act and the LUP. The City does not have a categorical exclusion covering demolition.

Therefore, a coastal development permit is needed for demolition both inside and outside of the Coastal Commission appeal jurisdiction and/or an ESH zone. Therefore, Implementation Plan suggested modification 21, deleting the proposed section, is necessary for consistency with the LUP.

2. Proposed Section 17.58.040A.7., Developments and/or Uses Requiring an Administrative Coastal Development Permit, would provide that any additions or improvements to existing public works facilities or utilities which do not intensify the use or require additional parking or create environmental impacts, would be processed as administrative, rather than regular, coastal development permits, if not located in the mapped appeal area. However, the Coastal Act and the Commission's Regulations provide that major public works facilities are appealable, whether or not they are in the mapped appeal area. Therefore, Implementation Plan suggested modification 22, clarifying that only if these types of additions and improvements do not constitute major public works facilities as defined in the Commission's Regulations may they be processed as administrative permits.

3. Section 17.58.040H, Effective Date of Administrative Permit is proposed to read *"Administrative Permits shall become effective upon completion of the Notice of Final Action to the California Coastal Commission."* The effective date of a local coastal development permit is the date of receipt of the Notice of final Action. Implementation Plan suggested modification 23 is necessary to clarify that.

4. Section 17.58.040I., Appeal of the Director's Action to the Planning Commission, indicates that administrative permits may be appealed to the Coastal Commission. Administrative permits are not appealable to the Coastal Commission. Implementation Plan suggested modification 24 would clarify that by deleting the reference to appeal to the Coastal Commission.

5. Section 17.58.050E, Exception to need for emergency coastal development permit incorporates the emergency waiver procedure of section 30611 of the Coastal Act. That waiver procedure is available only to the Executive Director of the Coastal Commission and is not transferable to local governments. Implementation Plan suggested modification 25 is necessary to correct this by deleting section 17.58.050E.

6. Section 17.58.100, Appeals to the Coastal Commission for Projects in the Coastal Development Permit Appeal Area. Certain types of development, such as major public works facilities can be appealed to the Coastal Commission even if they are not in the mapped appeal area. Therefore, the title of the section should be modified to read: Appeals to the Coastal Commission. Suggested modification 26 revises the title accordingly.

7. Section 17.58.100B, Appeal by Coastal Commission. This paragraph indicates that the City may enact an ordinance that would operate to suspend an appeal by two members of the Coastal Commission pending a hearing by the local appellate body, if all local appeals have been exhausted. The City has not included such an ordinance in this amendment and it is thus confusing to keep this language in the zoning ordinance. Suggested modification 27 would delete the existing language and simply indicate that two members of the Coastal Commission may appeal a local decision. This would in no way limit the City's ability to enact an ordinance providing for a suspension of Commissioner's appeal and hearing on the merits of the proposal by the local appellate body.

8. Section 17.58.110B., Delegation of authority to local government to process open space easements and public access documents. This section provides that if the City requests, the Coastal Commission shall delegate authority for processing open space easements and public access documents to the City. This paragraph is similar to the one in section 17.58.100B., discussed in 7 above, in that it describes something the City may do, but in this case it is not appropriate or necessary in the zoning ordinance. Suggested modification 28 would delete the entire section in order to avoid confusion. This in no way would preclude the option of the City to request such authority.

9. Section 17.58.120, Amendments to Permits. This section provides that amendments to coastal development permits shall be heard by the Planning Commission. Suggested modification 29 would add a sentence clarifying that proposed amendments to coastal development permits issued by the Coastal Commission shall be reviewed by the Coastal Commission.

10. Section 17.60.050E., Exception to need for emergency permit incorporates the emergency waiver procedure of section 30611 of the Coastal Act. That waiver procedure is available only to the Executive Director of the Coastal Commission and is not transferable to local governments. Implementation Plan suggested modification 30 is necessary to correct this by deleting section 17.60.050E.

11. Section 17.64.050A., Notice of Hearing on proposed amendments to the zoning ordinance. This section does not contain a requirement that the notice of public hearings on proposed amendments indicate that the amendment is an amendment to the Local Coastal Program. The Coastal Act and the Coastal Commission's Regulations both require such information on the notice. Suggested modification 31 is necessary to correct this deficiency.

12. Section 17.64.080, Effective Date of Amendments. This new section is suggested by the Coastal Commission in order to ensure that the effective date of amendments to the zoning ordinance is unambiguous. Suggested modification 32 sets forth the proposed text.

G. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does utilize any environmental information the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake. While the City did not subject the proposed amendments to the environmental review process, the minutes from the Planning Commission and City Council meetings reveal discussion on different options and alternatives. Coastal Commission analysis of the proposed changes, as reflected in this report, has considered the possible environmental effects of the proposed changes, where appropriate. In those instances where Coastal Commission analysis determined that there would be adverse effects to the

environment, suggested modifications were developed to mitigate such adverse effects, either by eliminating them or reducing them as much as feasible. Approval of the proposed amendments, as modified in this report, will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

RESOLUTION NO.101-95

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, ANNOUNCING FINDINGS AND APPROVAL OF AMENDMENTS TO THE LAND USE MAP OF THE GENERAL PLAN, AND LOCAL COASTAL PLAN

THE CITY COUNCIL

City of Morro Bay, California

CASE NO. GPA/LCP 03-93

WHEREAS, The Planning Commission of the City of Morro Bay, on May 16, 1994, by adoption of Resolution 01-94, after duly noticed **PUBLIC HEARINGS**, did make recommendations to the City Council for approval of amendments to the Land Use Map of the General Plan and Local Coastal Plan, Zoning Ordinance Text and Map; and the North Main Street and Beach Street Specific Plans; and

WHEREAS, The City Council held duly noticed **PUBLIC HEARINGS** to consider the amendments, and on May 22, 1995 tentatively approved the amendments with additional modifications, and referred those modifications made back to the Planning Commission for review and recommendation; and

WHEREAS, The Planning Commission held duly noticed **PUBLIC HEARINGS** to review the modifications made by the City Council to the text and map amendments; and

WHEREAS, at a **PUBLIC HEARING** on the 7th day of August, 1995, the Planning Commission did by adoption of Resolution 02-95 make final–recommendations to the City Council; and

WHEREAS, on the 28th day of August, 1995, the City Council did hold a duly noticed **PUBLIC HEARING**, to consider the to amendments to the Land Use Map of the General Plan and Local Coastal Plan, including the final recommendations by the Planning Commission; and

WHEREAS, the Environmental Coordinator determined that the California Coastal Commission is the lead Agency for Local Coastal Plan Amendments for the purposes of the California Environmental Quality Act; and

WHEREAS, following the hearing, and consideration of the testimony of all persons written and oral, the City Council approved the amendments based upon the following findings:

1. The proposed amendments are consistent with the intent of the State Coastal Act; and

2. The proposed amendments are consistent with the General Plan and Local Coastal Program Land Use Plan; and

EXHIBIT 1

MRB LCPA 3-95

3. The proposed map amendments provide broader range of uses for certain properties; establish the Environmentally Sensitive Habitat (ESH) Area as an Overlay Zone, providing base zone districts to the previous ESH Zone Districts where applicable, and provide consistency with the Zoning Ordinance, General Plan and Local Coastal Program Land Use Plan Maps.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Morro Bay, California, as follows:

1. That the above recitations are true and correct and constitute the findings of the Council in this matter; and,

2. That the Council does hereby approve the Local Coastal Plan / General Plan Land Use Map Amendments attached hereto and made a part of this resolution.

3. This Resolution adopting the Local Coastal Plan / General Plan Land Use Map amendments shall be transmitted promptly to the California Coastal Commission with the request that the Commission certify the amendments; and

4. The City of Morro Bay hereby finds that the Local Coastal Program Amendments are in compliance with the intent, objectives, and policies of the California Coastal Act and that the City will carry out the Local Coastal Program, including these amendments in a manner fully consistent with the California Coastal Act and all its provisions; and

5. These amendments shall take effect immediately and automatically upon certification.

PASSED, APPROVED, AND ADOPTED, by the City Council of the City of Morro Bay, on the 28th day of August, 1995, by the following vote to wit:

AYES: Crotzer, Novak, Unger, Yates

NOES: None

ABSENT: Anderson

William Yates

WILLIAM YATES, Mayor

ATTEST:

Bridgett Bauer

BRIDGETT BAUER, City Clerk

EXHIBIT 1, p2

MRB LCPA 3-95

ORDINANCE NO. 445

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORRO BAY ANNOUNCING FINDINGS AND ADOPTING AMENDMENTS TO TITLE 17 OF THE MORRO BAY MUNICIPAL CODE INCLUDING THE ZONING ORDINANCE TEXT AND MAP, NORTH MAIN STREET AND BEACH STREET SPECIFIC PLANS

THE CITY COUNCIL

City of Morro Bay, California

CASE NO. ZOA 05-91

SECTION 1

WHEREAS, The Planning Commission of the City of Morro Bay, on May 16, 1994, by adoption of Resolution 01-94, after duly noticed **PUBLIC HEARINGS**, did make recommendations to the City Council for approval of amendments to the Land Use Map of the General Plan and Local Coastal Plan, Zoning Ordinance Text and Map; and the North Main Street and Beach Street Specific Plans; and

WHEREAS, The City Council held duly noticed **PUBLIC HEARINGS** to consider the amendments, and on May 22, 1995 tentatively approved the amendments with additional modifications, and referred those modifications made back to the Planning Commission for review and recommendation; and

WHEREAS, The Planning Commission held duly noticed **PUBLIC HEARINGS** to review the modifications made by the City Council to the text and map amendments; and

WHEREAS, on the 7th day of August, 1995, the Planning Commission did by adoption of Resolution 02-95 make final recommendations to the City Council; and

WHEREAS, on the 11th day of September, 1995, the City Council did hold a duly noticed **PUBLIC HEARING**, to consider the amendments to the Zoning Ordinance Text and Map; and the North Main Street and Beach Street Specific Plans, including the final recommendations by the Planning Commission; and

WHEREAS, the Environmental Coordinator determined that the California Coastal Commission is the lead Agency for Local Coastal Plan Amendments for the purposes of the California Environmental Quality Act; and

WHEREAS, following the hearing, and consideration of the testimony of all persons written and oral, the City Council approved the amendments based upon the following findings:

1. The proposed amendments are consistent with the intent of the State Coastal Act; and

2. The proposed amendments are consistent with the General Plan and Local Coastal Program Land Use Plan; and

3. The proposed amendments clarify the intent of the Zoning Ordinance, General Plan and Local Coastal Program Land Use Plan.

4. The proposed map amendments provide broader range of uses for certain properties; establish the Environmentally Sensitive Habitat (ESH) Area as an Overlay Zone, providing base zone districts to the previous ESH Zone Districts where applicable, and provide consistency with the Zoning Ordinance. General Plan and Local Coastal Program Land Use Plan Maps.

EXHIBIT 2
MRB LCPA 3-95

NOW, THEREFORE, the City Council of the City of Morro Bay, California, **DOES ORDAIN** as follows:

SECTION 2: The Zoning Map is amended as shown in Attachment 1, attached hereto and made a part of this ordinance.

SECTION 3: Chapter 17 of the Municipal Code (Zoning Ordinance) is amended as shown in Attachment 2, attached hereto and made a part of this ordinance.

SECTION 4: To implement the amendments adopted herein the City Council of the City of Morro bay, California, hereby directs as follows:

1. This Ordinance adopting the zoning map and text amendments shall be transmitted promptly to the California Coastal Commission with the request that the Commission certify the amendments; and

2. The City of Morro Bay hereby finds that the Local Coastal Program Implementation Program (zoning) Amendments are in compliance with the intent, objectives, and policies of the California Coastal Act and that the City will carry out the Local Coastal Program, including these amendments in a manner fully consistent with the California Coastal Act and all its provisions; and

3. These amendments shall take effect immediately and automatically upon certification.

Introduced at a regular meeting of the City Council of Morro Bay, held on the 11th day of September, 1995, by motion of Councilmember Novak, and seconded by Councilmember Anderson.

PASSED, AND ADOPTED, on the 25th, day of September, 1995 by the following vote to wit:

AYES: Anderson, Crotzer, Novak, Unger, Yates

NOES: None

ABSENT: None

WILLIAM YATES, Mayor

ATTEST:

BRIDGETT BAUER, City Clerk

APPROVED AS TO FORM:

DAVID R. HUNT, City Attorney

EXHIBIT 2, p2
MRB LCPA 3-95

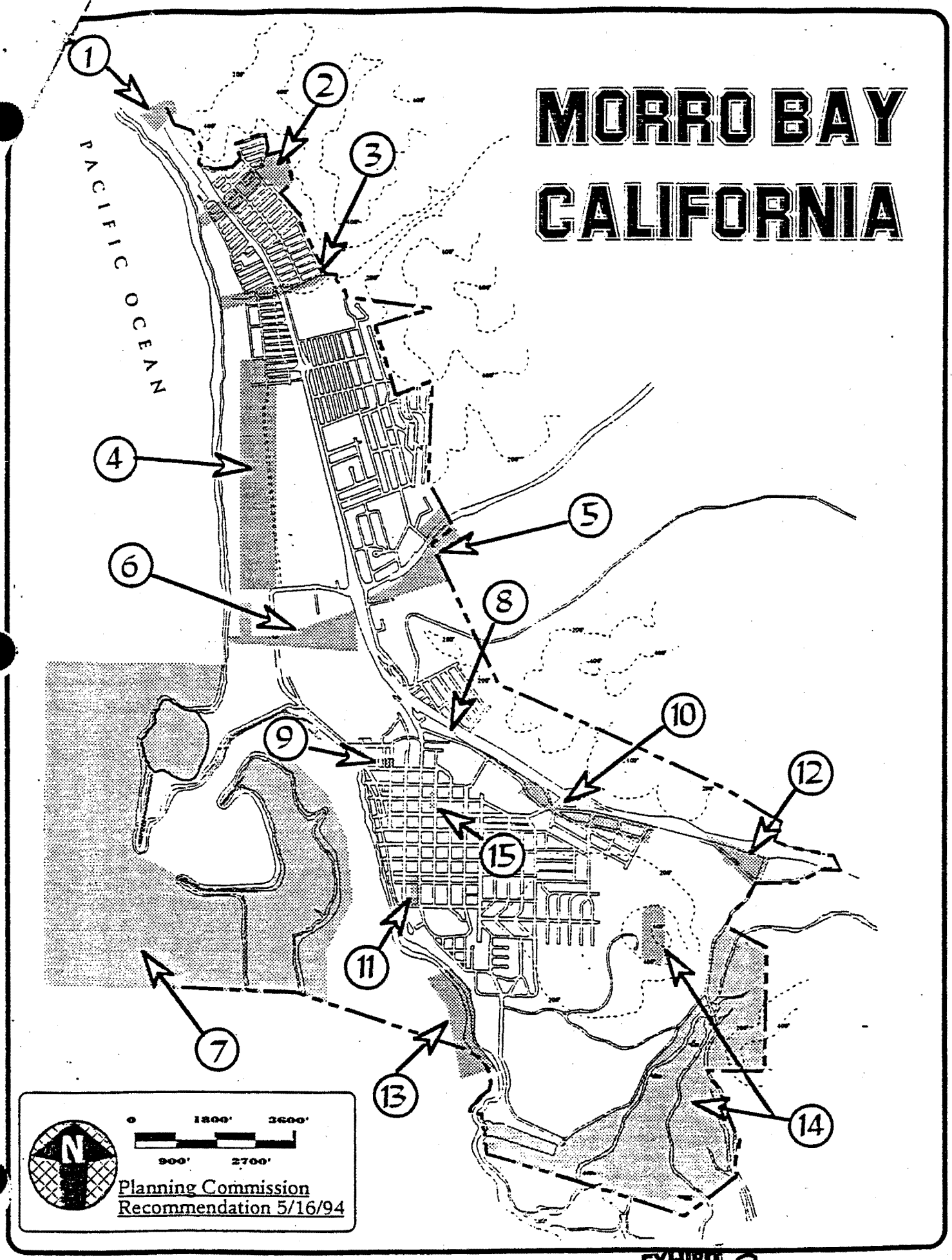


EXHIBIT 3
MRB LCPA 3-95

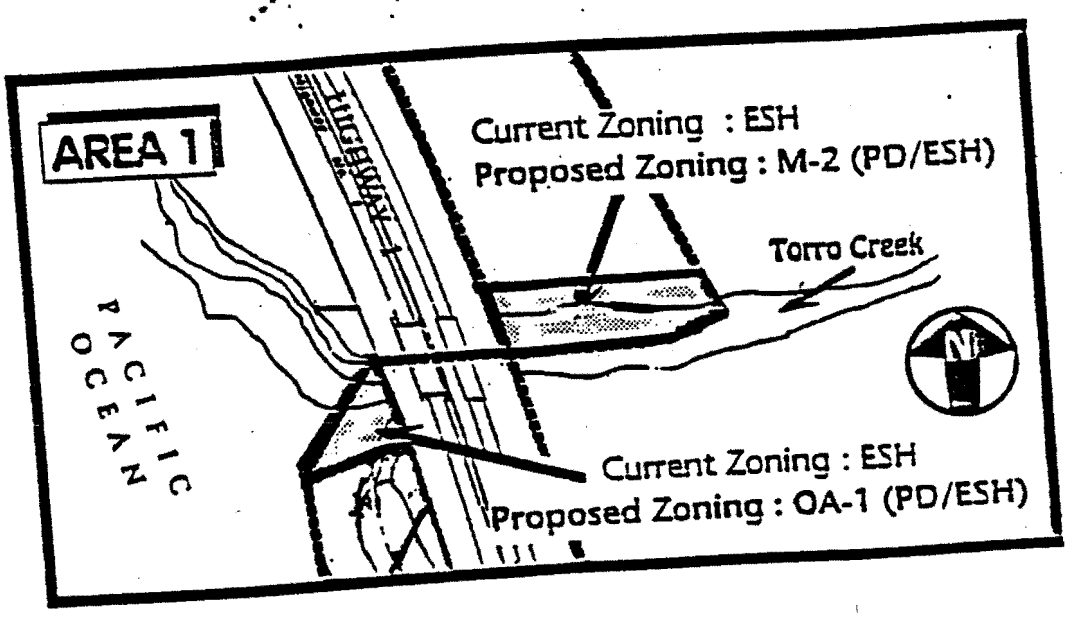


EXHIBIT 3, p2
MRB LCPA 3-95

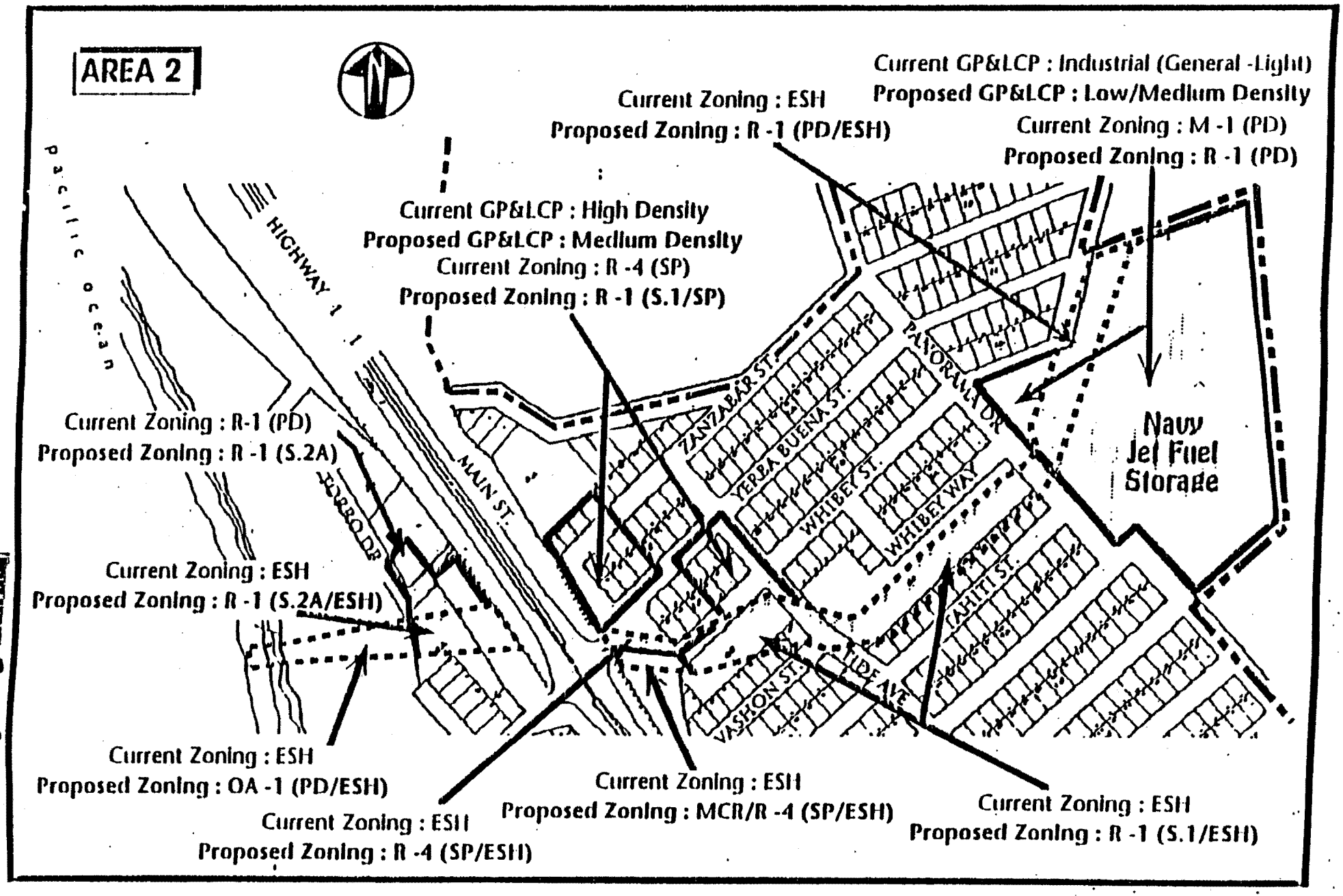


EXHIBIT 3, p 3
NRB LCPA 3-95

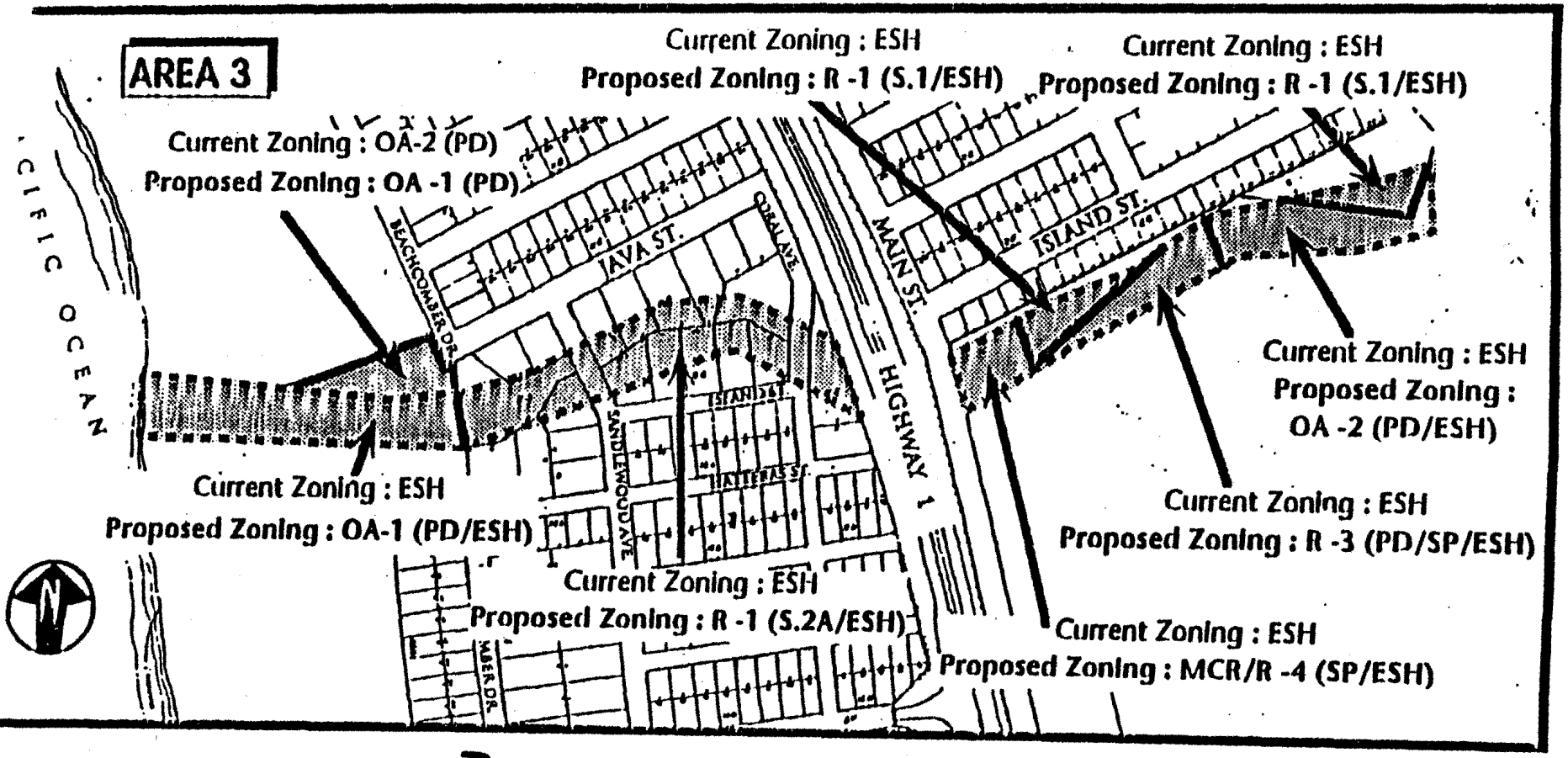


EXHIBIT 3, p4
MRB LCPA
3-95

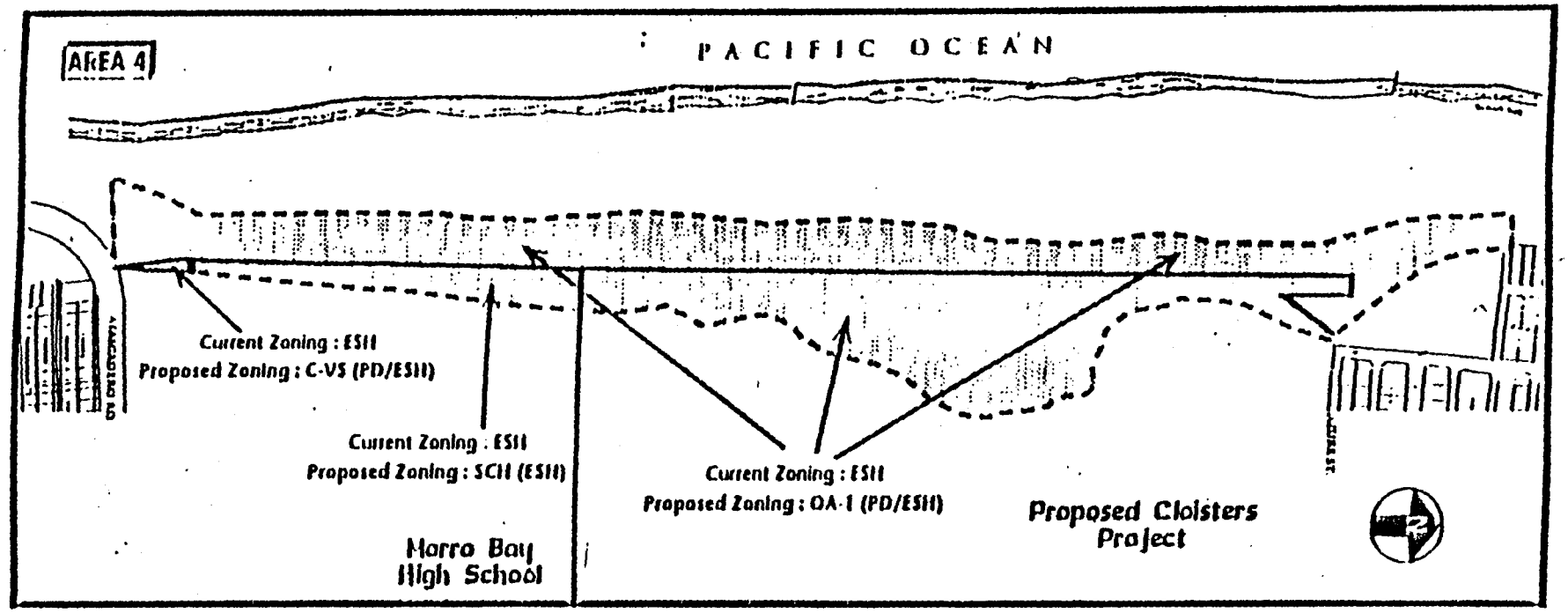


EXHIBIT 3, p5
MRB LCPA 3-95

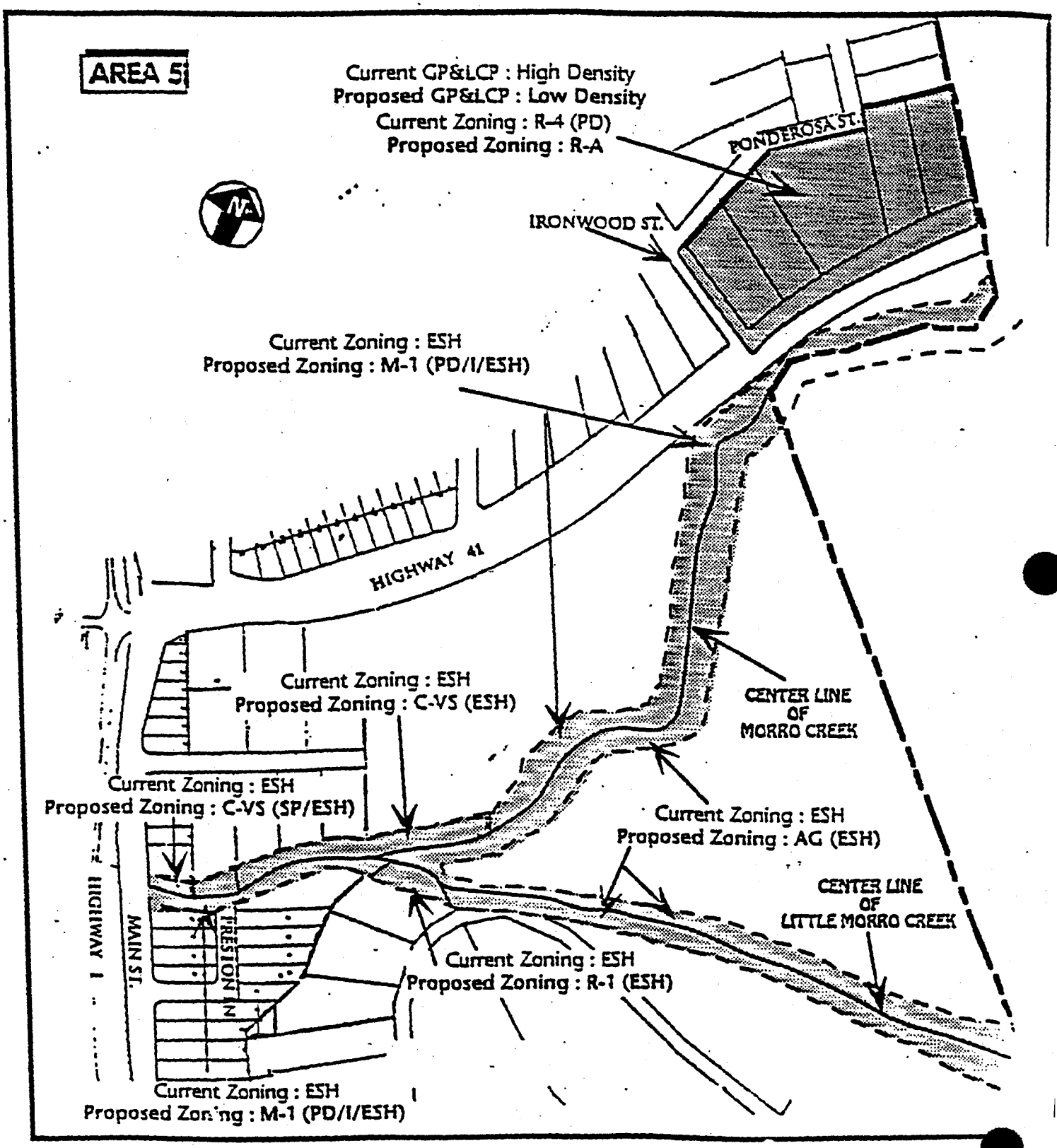
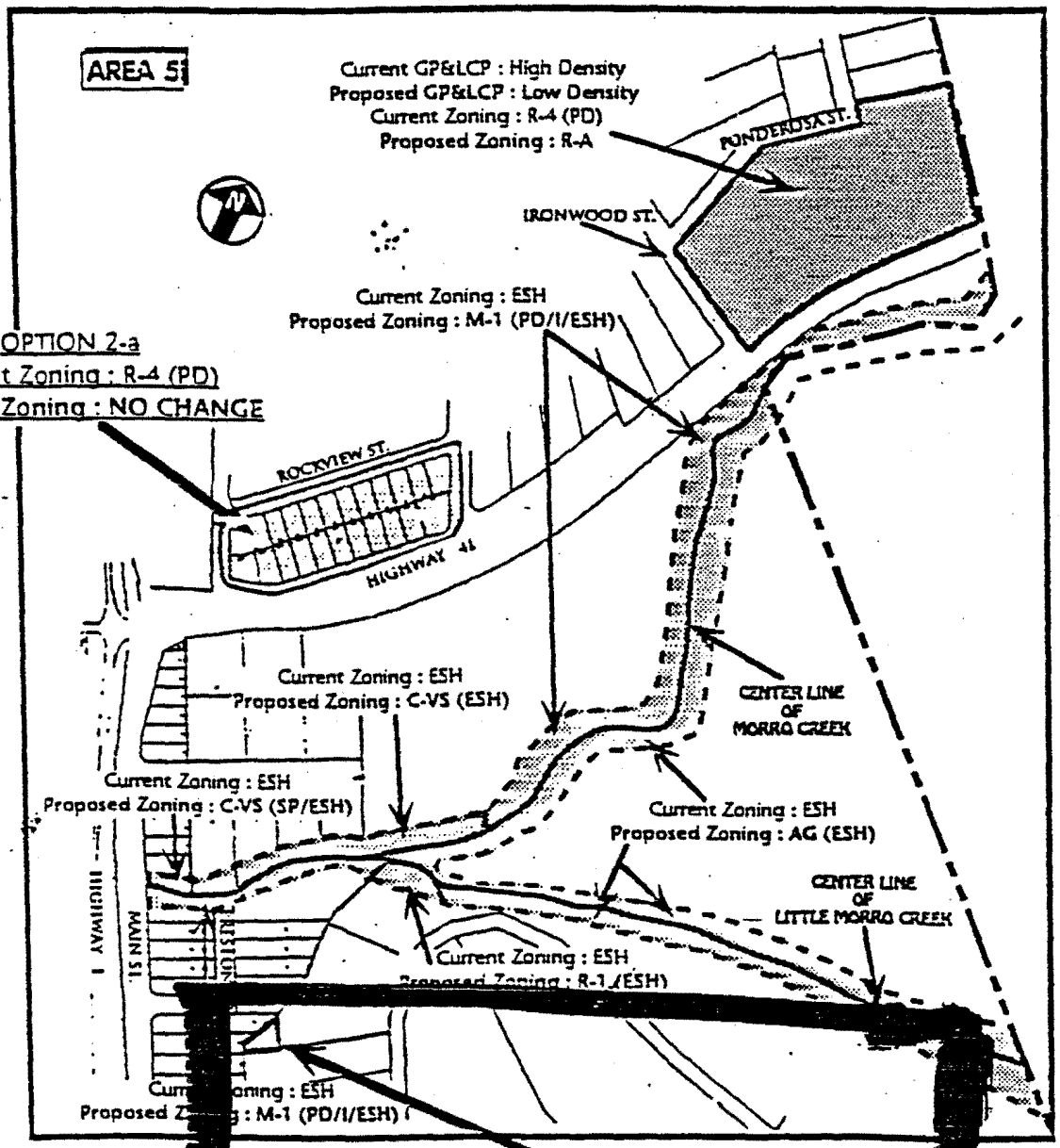


EXHIBIT 3, p 6
MRB LCPA 3-95

Options 2 a&b
Proposed changes are underlined

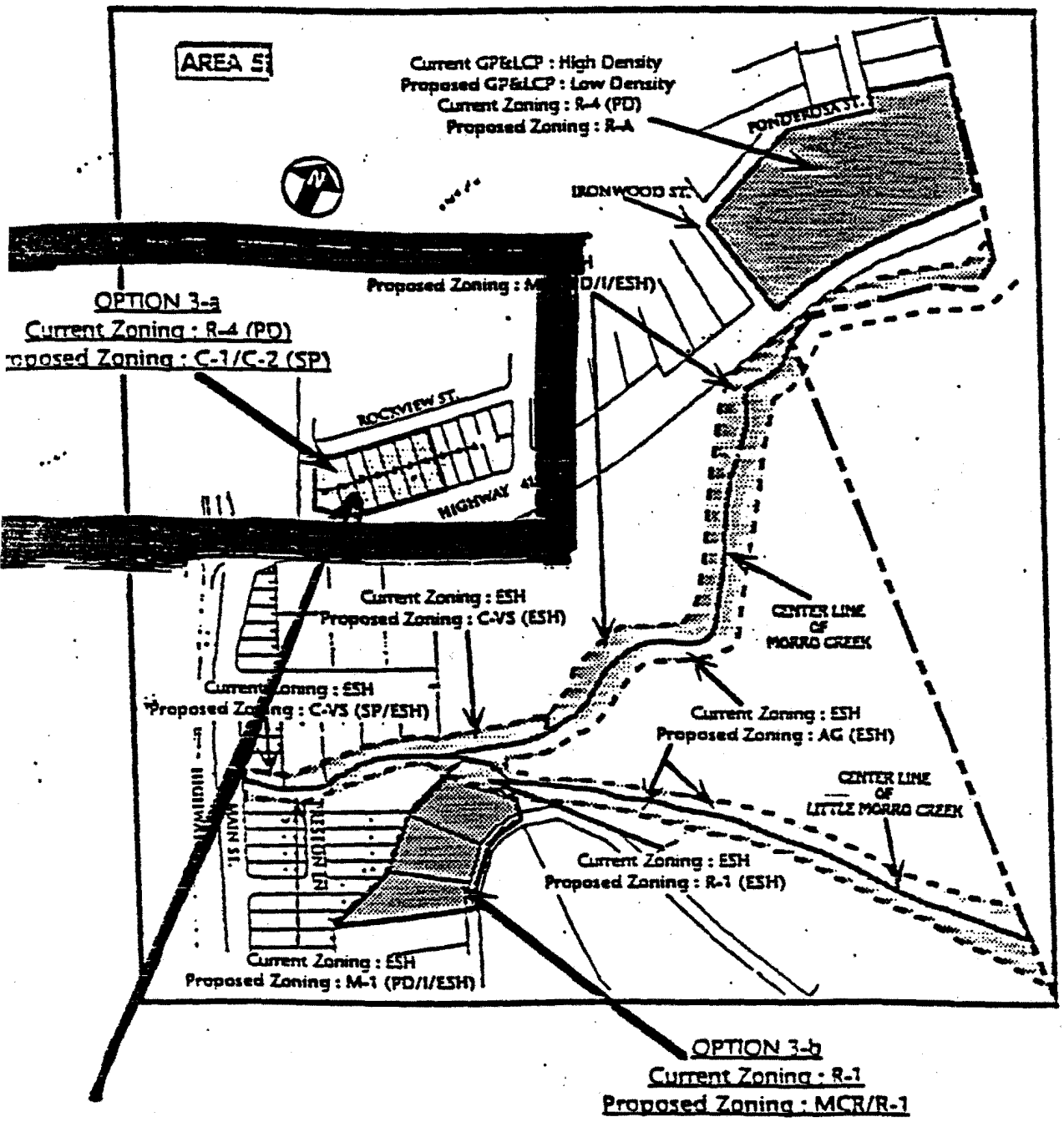


OPTION 2-b
Current Zoning : R-1
Proposed Zoning : M-1 (PD/I/SP)
Chuck's Towing Only

EXHIBIT 3, p 7

MRB LCPA 3-95

Options 3 a&b
Proposed changes are underlined



Current GP + LCP: High Density Residential
Proposed GP + LCP: Mixed Use Area 'F' or Service Commercial

EXHIBIT 3, p 8

MRB - 3-95

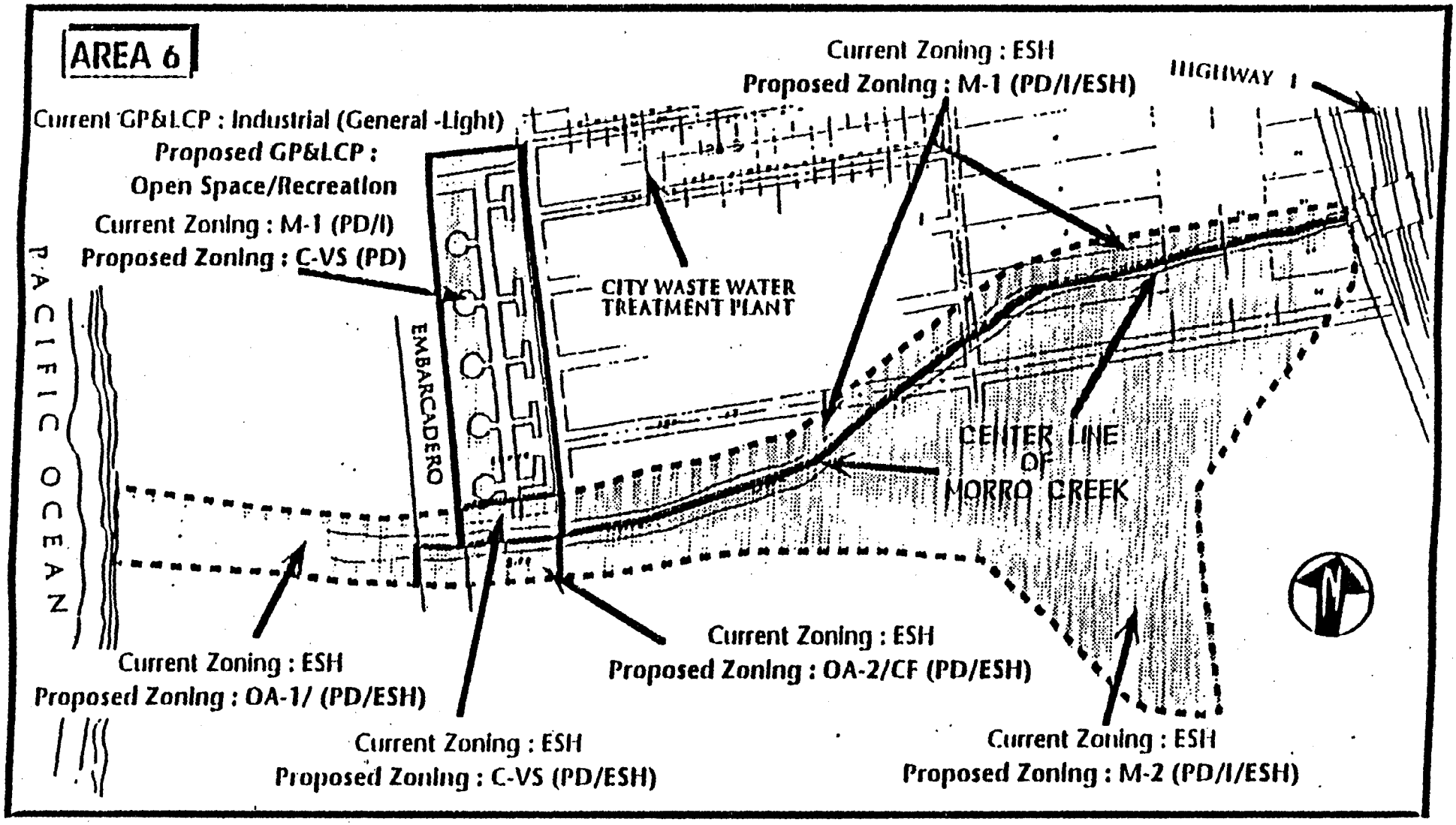


EXHIBIT 3, p9
MRB LCPA
3-95

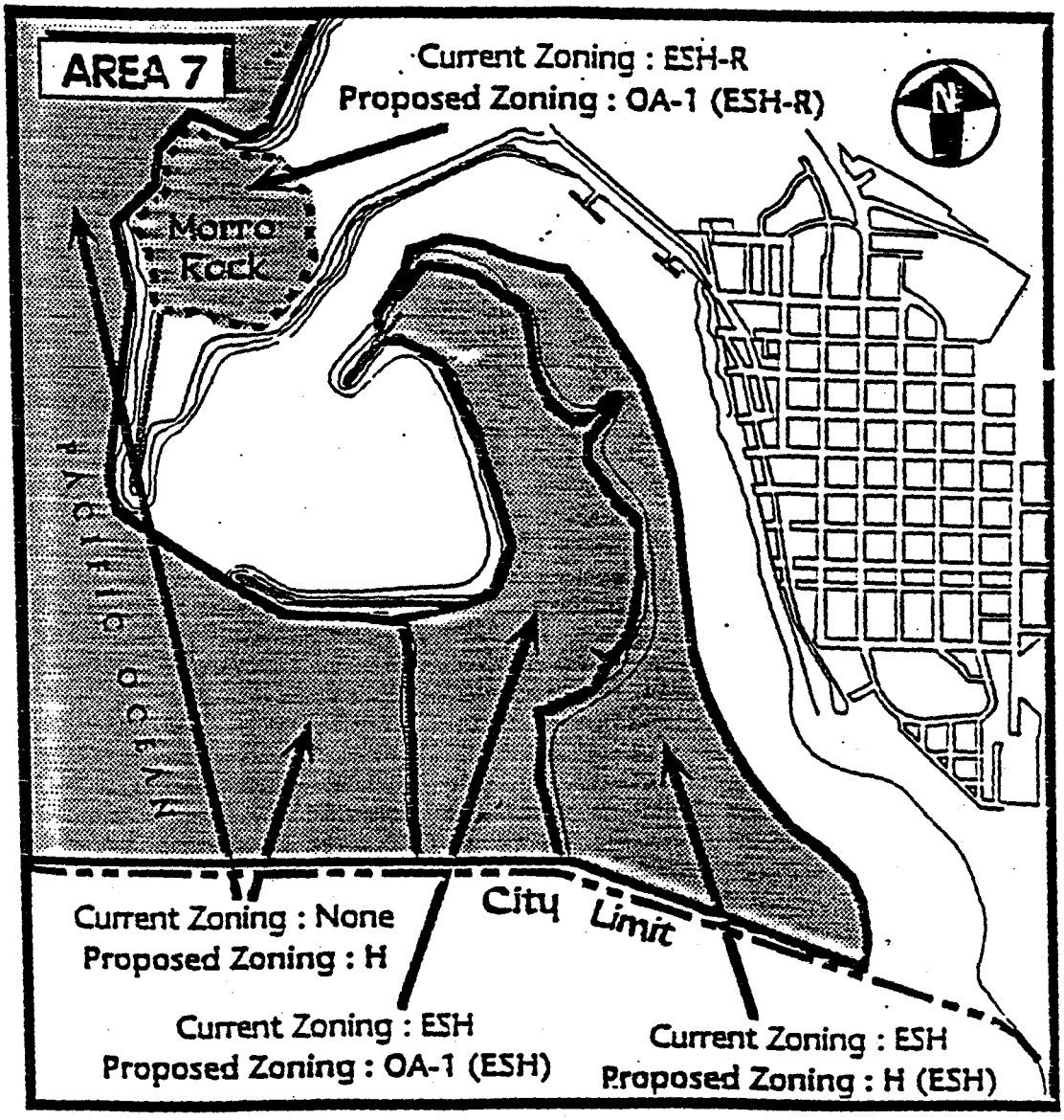
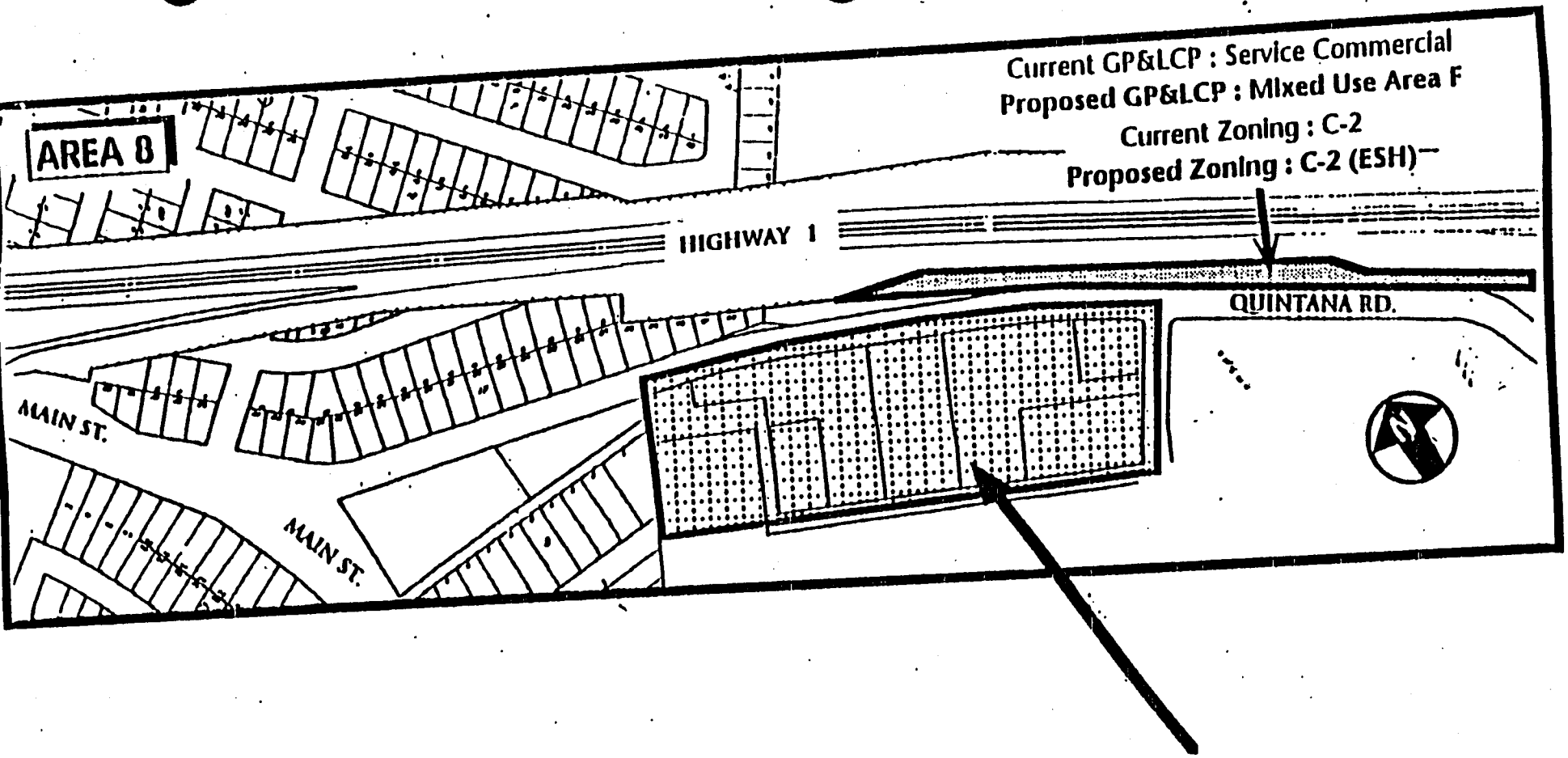


EXHIBIT 3, p 10
MRB LCPA 3-95



Current Zoning : C-1
Proposed Zoning : C-1/C-2

Current GP + LCP : District Comm.
Proposed GP+LCP : Mixed Use Area F
OR Service Commercial

EXHIBIT 3, p 11
MRB LCPA 3-95

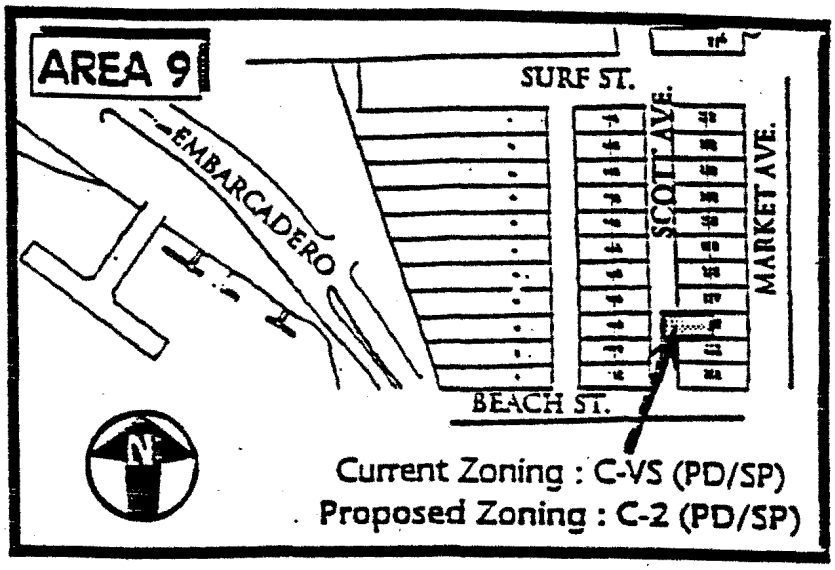


EXHIBIT 3, p 12
MRB LCPA 3-95

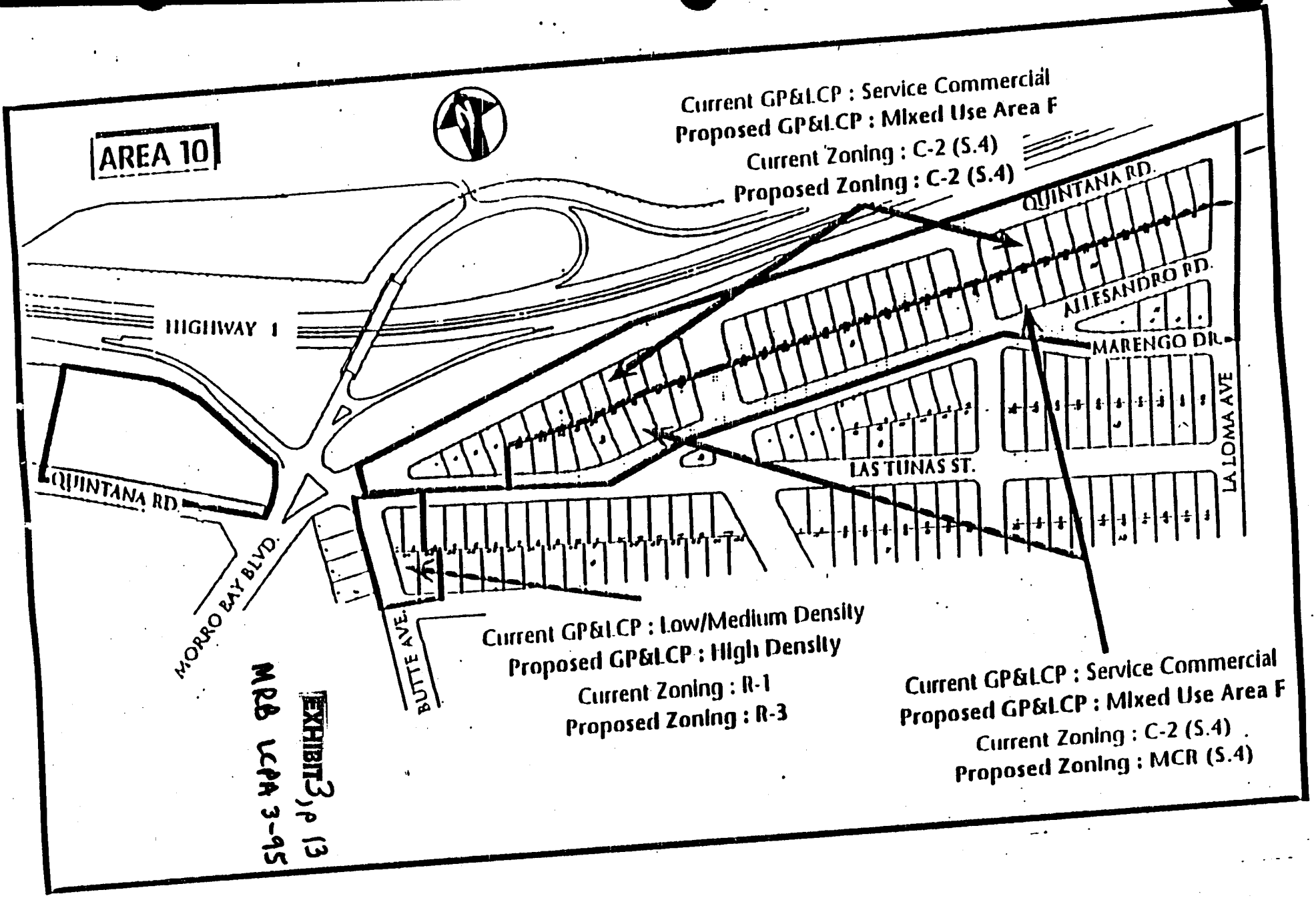
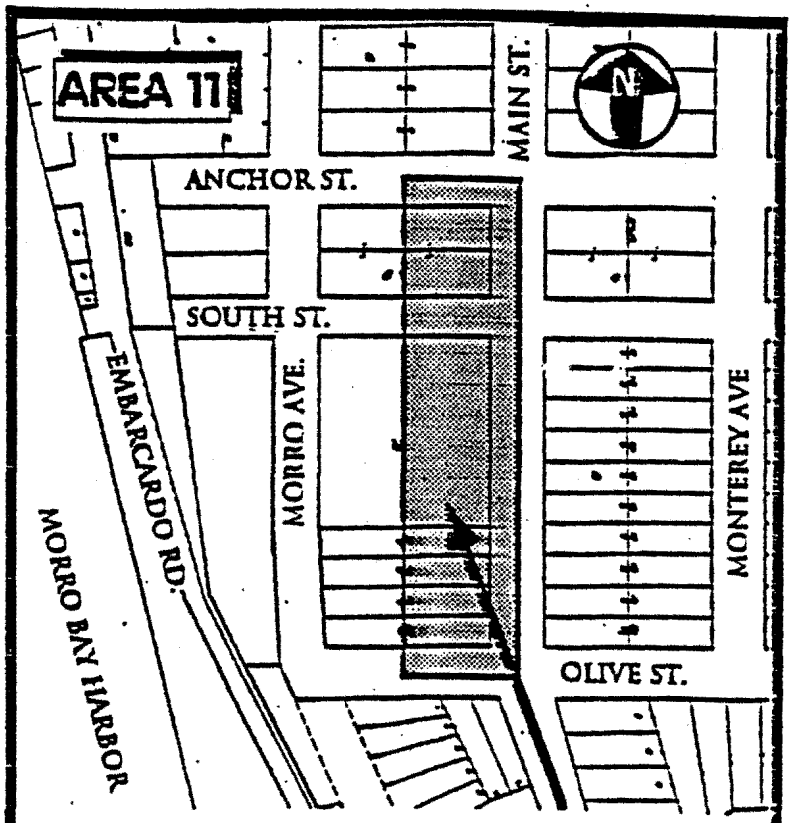


EXHIBIT 3 p 13
MRB LCPA 3-95



Current Zoning : C-VS (S.3/S.4)
Proposed Zoning : C-VS/R-2 (S.3/S.4)

EXHIBIT 3, p. 14
MRB LCPA 3-95

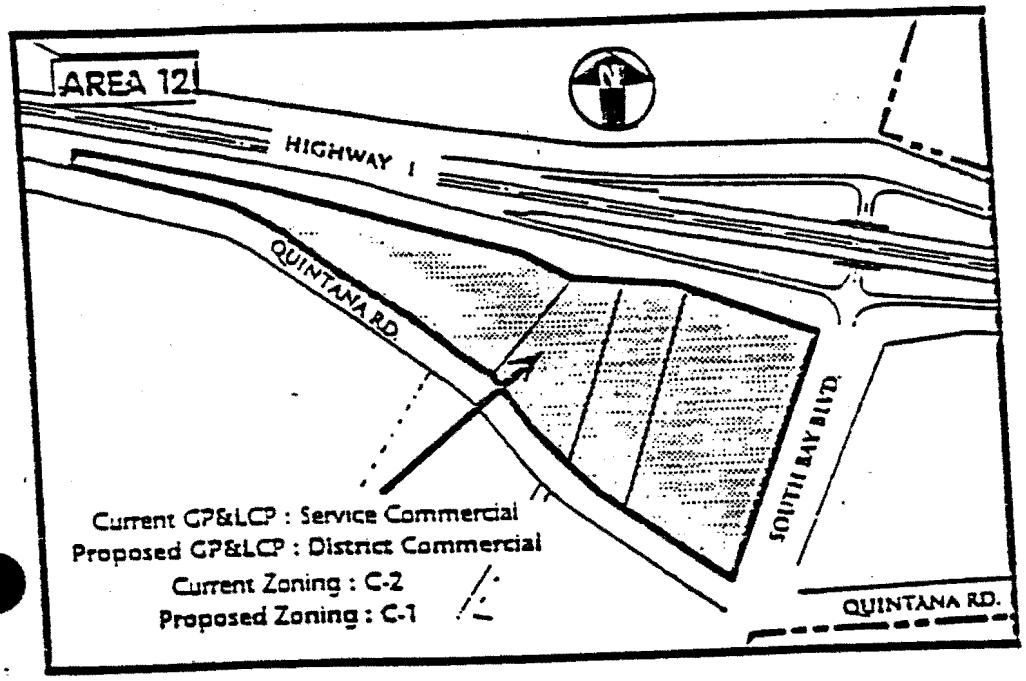


EXHIBIT 3, p 15

MRB LCPA 3-95

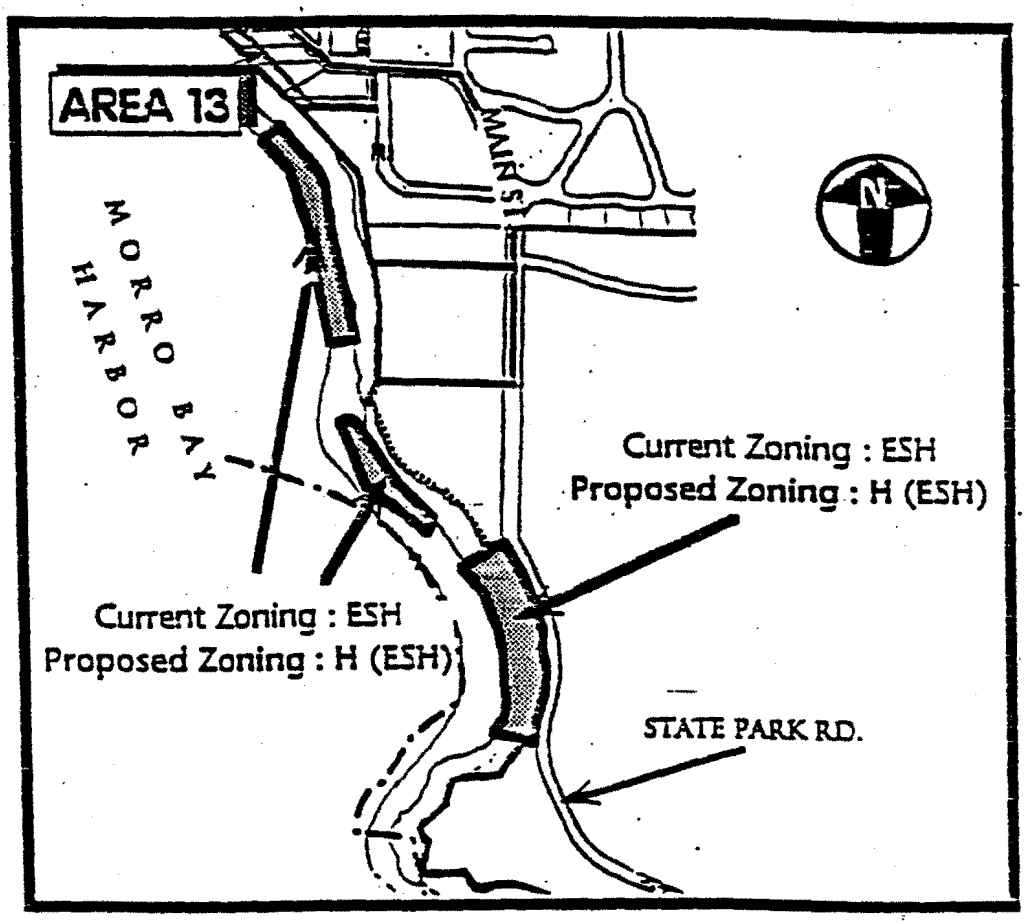


EXHIBIT 3, p 16
MRB LCPA 3-95

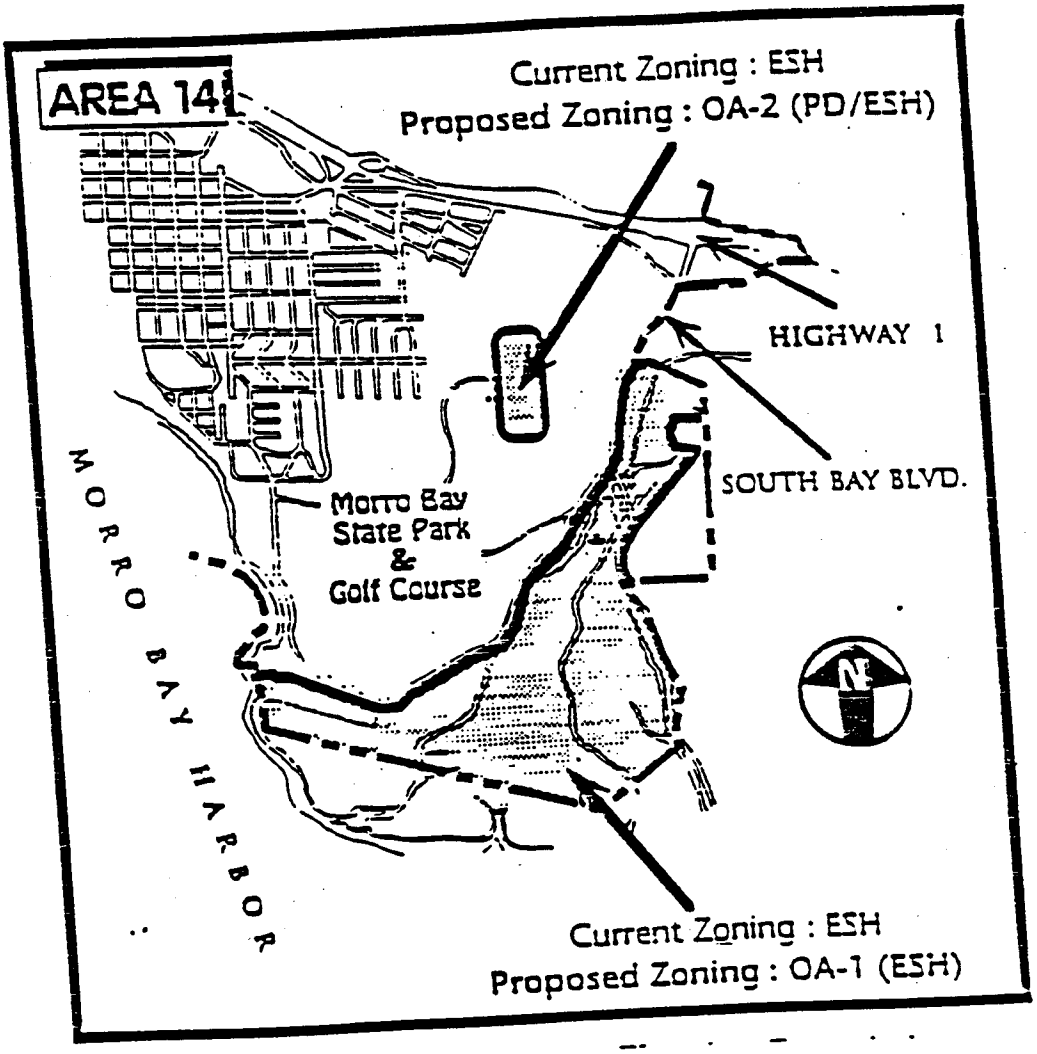
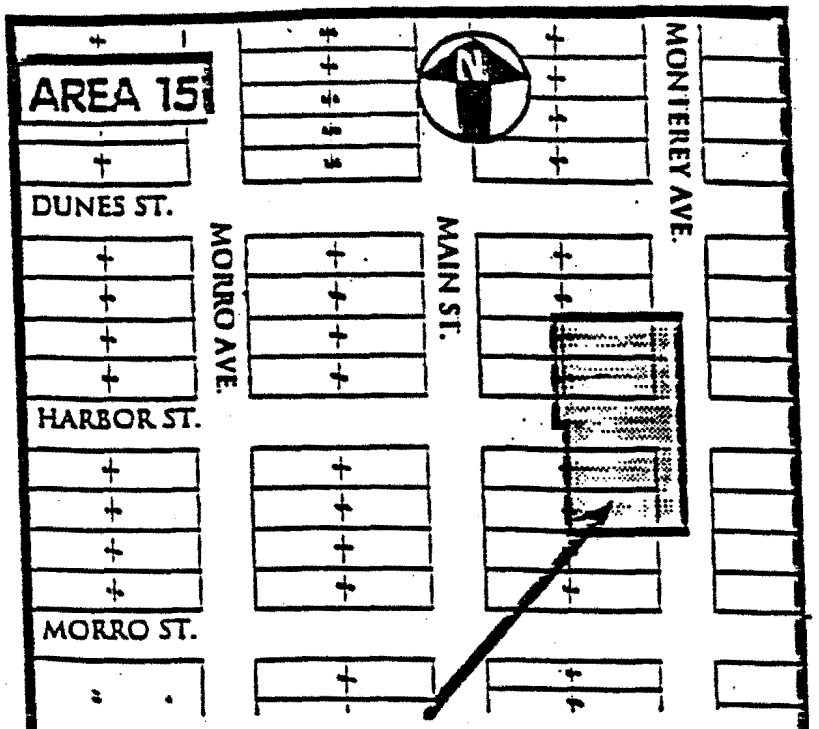


EXHIBIT 3, p 17

MRB LCPA 3-95



Current GP&LCP : M.U.E
Proposed GP&LCP : Commercial District
Current Zoning : G-O (S.4)
Proposed Zoning : C-1 (S.4)

EXHIBIT 3, p 18
MRB LCPA 3-95

B. Conditionally Permitted Uses. The following may be permitted in the AG zone subject to a conditional use permit: one single-family residence: farm labor quarters: public coastal accessways: greenhouses and nurseries: other uses per the land use plan or Section 17.39.130. if the appropriate findings are made by the planning commission.

C. Temporary Produce Stands. Temporary stalls or stands for the sale of produce. hay or feed grown on-site may be permitted subject to a temporary use permit.

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

1. Commercial recreation. visitor-serving commercial and general commercial uses shall be prohibited on prime agricultural lands.

2. All other uses which are conditionally permitted in the AG district in accordance with subsection B of this section may be permitted on prime agricultural lands only if the following findings are made by the planning commission:

a. That no alternative building site exists except on prime agricultural lands: and

b. That the least amount of prime agricultural land possible will be converted to these conditionally permitted uses: and

c. That the conditionally permitted uses will not conflict with surrounding agricultural land and uses.

E. Expressly Prohibited Uses. The following uses are expressly prohibited in the AG zone: hog raising: commercial dairies: kennels: rabbit and chicken ranching involving more than twelve animals. unless a special permit is obtained from the city council pursuant to Title 7 of the Morro Bay Municipal Code: and any use which will degrade the quality of the groundwater basin. (Ord. 263 § 1 (part). 1984)

17.39.130 Findings for permitting commercial uses on nonprime agricultural land.

The planning commission shall not approve an application for a conditional use permit to allow commercial recreation. visitor-serving commercial or general commercial uses unless the permitted development on nonprime agricultural lands shall preserve the maximum amount of agricultural lands in agricultural use. In addition. in the approving of any land division or non-agricultural use. all of the following findings shall be made by the planning commission:

A. Continued or renewed agricultural use is not feasible without the proposed division and/or supplemental nonagricultural use:

B. The proposed division and/or use will allow for and support the continued use of the site as a productive agricultural unit. would contribute to longterm agricultural viability and would preserve all agricultural lands:

C. The proposed division and/or use will result in no adverse effect upon the continuance or establishment of agricultural uses on the undeveloped portion of the property or on surrounding or nearby properties:

D. Buffer areas are provided between agricultural and nonagricultural uses:

E. Adequate water supply. sewage disposal and other public services are available to serve the proposed development after provision has been made for the continuance of existing agricultural operations and future operations which may require water needs exceeding the present needs:

F. The proposed division and/or use will not adversely impact environmentally sensitive areas. scenic resources or the rural character of the site. (Ord. 263 § 1 (part). 1984)

17.39.135 Conditions for permitting commercial uses on nonprime agricultural land.

The planning commission shall not approve an application for a conditional use permit to allow commercial recreation. visitor-serving commercial or general commercial unless the following conditions are met:

A. Where continued agricultural use is not feasible without some supplemental non-agricultural use. priority shall be given to public recreational uses. visitor-serving recreation and visitor-serving commercial use;

EXHIBIT 4
MRB LCPA 3-95

B. All property division and/or nonagricultural development on nonprime agricultural land shall require a city-approved development plan showing how the proposed division or development would affect the property. Any proposed development shall be clustered to retain the maximum amount of agricultural land in agricultural production or available for agricultural use or the remaining acreage shall be left in open space if agricultural uses are found to be infeasible:

C. Where new nonagricultural developments are permitted on lands in or previously in agricultural production, sensitive habitats shall be protected, restored and enhanced as a condition of development approval;

D. Development shall be located close to existing roads and shall be sited to minimize impacts on scenic resources, wildlife habitat and streams and adjacent agricultural operations;

E. Prime agricultural land shall not be removed from production unless consistent with PRC Section 30241;

F. Land divisions or development proposals shall include a means of permanently securing the remaining acreage in agricultural use, such as agricultural preserves, open space easements, or granting of development rights. Covenants not to further divide shall also be executed and recorded prior to issuance of development permits;

G. The creation of a homeowner's or other organization or the submission of agricultural management plans shall be required to provide for continued agricultural use of agricultural lands and their availability either on a lease or purchase basis. Such organizations or plans shall also provide for the maintenance of water or road systems;

H. Agricultural lands supplemented by development shall be accompanied by covenants or other suitable recorded mechanisms to ensure the maintenance of buffers;

I. Agricultural uses shall have priority over commercial uses in terms of all public utilities, including but not limited to water and sewerage. If the capacities of such utilities are inadequate to serve all uses, all agricultural uses (on prime or nonprime lands) shall be served first with the remaining supply going to nonagricultural development.

J. Buffer areas between the commercial uses and land in agricultural use are incorporated into the design of the project;

K. The development is found consistent with all general plan and coastal land use policies; and

L. All other conditions as required by the planning commission. (Ord. 263 § 1 (part), 1984)

17.39.140 Maximum allowable coverage.

A. Principally Permitted Uses. Structures permitted in accordance with Section 17.39.120 A of this section shall not cover more than five percent of the site.

B. Conditionally Permitted Uses. Maximum allowable coverage for conditionally permitted uses shall not exceed twenty-five percent of the acreage of the site, except any residential or commercial use shall only cover two percent of the acreage (determination of acreage figures for the Williams property includes the property outside the city limits). (Ord. 263 § 1 (part), 1984).

17.39.150 Maximum residential density.

Maximum residential density shall not exceed one dwelling unit per twenty acres. Residential quarters for farm laborers who work on-site shall not be included in this calculation. (Ord. 263 § 1 (part), 1984)

17.39.160 Minimum lot size.

A. General. Minimum lot size in the AG zone shall generally be twenty acres, except as provided herein.

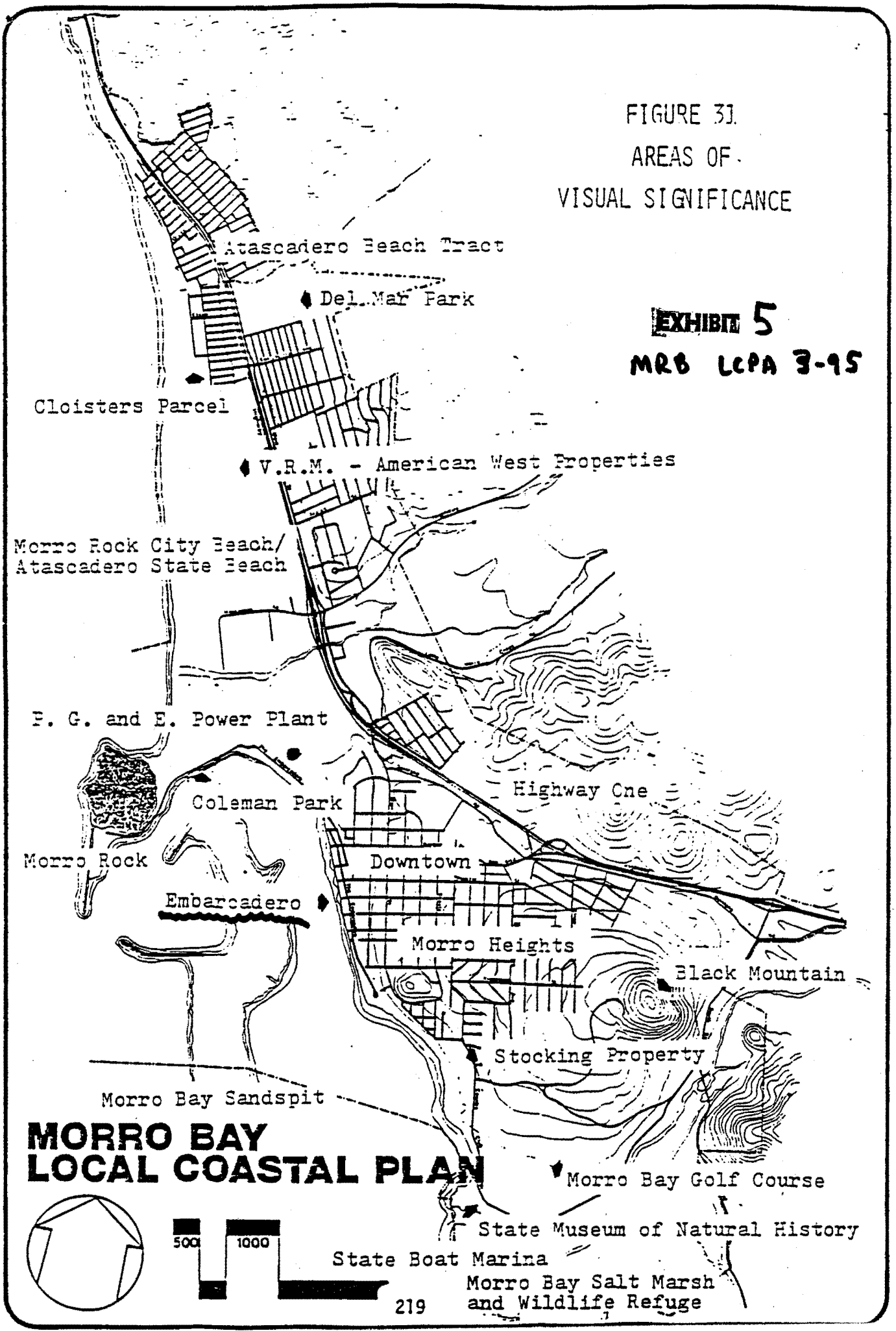
B. Morro Creek Valley. Minimum lot size for parcels in the AG zone and lying between Little Morro Creek Road and Morro Creek shall be forty acres.

C. Reducing Lot Size. These minimum lot sizes may be reduced only if a covenant, restriction or similar document is recorded which limits future uses of the lots to open space, agriculture or uses

EXHIBIT 4, p 2
MRB LCPA 3-95

FIGURE 31.
AREAS OF
VISUAL SIGNIFICANCE

EXHIBIT 5
MRB LCPA 3-95



Title 17
ZONING*

CHAPTERS:

MRB LCPA 3-95

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17.08 Interpretation

17.12 Definitions

~~17.20~~ ~~Coastal Development Permits and Procedures~~ **[Moved to 17.58]**

17.~~28~~ 22 Zoning Map - Boundaries

17.24 Primary Districts ~~Established~~

17.30 Special Uses, Special Use Permits and Temporary Use Permits

~~17.31~~ ~~Coastal Resource Residential (CRR) District~~ **[Moved to 17.24.080]**

~~17.32~~ ~~Residential, Commercial, Manufacturing and Open Area Districts~~ **[Moved to 17.24]**

~~17.33~~ ~~Waterfront District~~ **[Moved to 17.24.170]**

~~17.34~~ ~~Commercial/Recreational Fishing District~~ **[Moved to 17.24.180]**

~~17.35~~ ~~Open Area (OA) District~~ **[Moved to 17.24.160]**

~~17.36~~ ~~P-D Suffix Zone District~~ **[Moved to 17.40.030]**

~~17.37~~ ~~School (Sch) District~~ **[Moved to 17.24.210]**

~~17.38~~ ~~Harbor and Navigable Ways District~~ **[Moved to 17.24.190]**

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17.40 Special Treatment Overlay and Combining Districts and Specific Plans

~~17.41~~ ~~Mariculture and Marine Research (MMR) District~~ **[Moved to 17.24.200]**

~~17.42~~ ~~Environmentally Sensitive Habitat (ESH) District~~ **[Moved to 17.40.040]**

~~17.43~~ ~~Golf Course (GC) District~~ **[Moved to 17.24.220]**

17.44 Parking, Driveway and Loading Facilities

17.45 Bluff Development Standards

~~17.46~~ ~~Child Day Care Facilities~~ **[Moved to 17.30.030.M]**

17.48 General Regulations, Conditions and Exceptions

17.49 Community Housing Project Regulations, Residential Conversions and Demolitions

17.50 Affordable Housing, Density Bonuses and Incentives

17.52 Performance Standards

17.56 Nonconforming Uses and Structures

17.58 Coastal Development Permits and Procedures

17.60 Use Permits, Procedures Notices and Variances

17.61 Enforcement

17.64 Amendments

17.68 Signs

~~17.70~~ ~~Beach Street Area Specific Plan~~ **[Moved to 17.40.100]**

~~17.71~~ ~~North Main Street Specific Plan~~ **[Moved to 17.40.110]**

~~17.72~~ ~~Offshore Oil Development Support Facilities Within Morro Bay~~ **[Moved to 17.30.060 and Appendix A]**

* Prior ordinance history: Prior code && 5101.1 -- 5101.3, 5102.1, 5103.1 -- 5103.5, 5104.1, 5104.2.1 -- 5104.2.12, 5104.3, 5104.3.1 -- 5104.3.7, 5104, 5104.4.1 -- 5104.4.4, 5105.1 -- 5105.8, 5106.1 -- 5106.22, 5106.24, 5107.1 -- 5107.9, 5108.1 -- 5108.6, 5109.1 -- 5109.9, 510.1 -- 5110.4, 5110.6 --5110.14, 5111.1 -- 5111.7, 5112.1 -- 5112.6; Ords. 65, 77, 100, 107, 136, 141, 173, 174, 176, 178, 182, 186, 195, 204, 207, 208, 212, 220, 225, 230, 236, 243.

Chapter 17.04

GENERAL PROVISIONS*

SECTIONS:

17.04.010	Adoption
17.04.020	Purpose
17.04.030	Short title

*For statutory provisions regarding planning and zoning in general, see Government Code Title 7; for provisions regarding local planning, see Government Code Section 56100 et seq.

17.04.010 ADOPTION

This Title is adopted by the City Council, in conformity with regulations now embodied in Article I, Sections 65800 through 65803, inclusive, Article 2, Sections 65850 through 65861, inclusive, and Article 3, Sections 65900 through 65906 of Chapter 4 entitled Zoning Regulations of Title 7 of the Government Code of the State as added by Statutes 1965 Chapter 1880 (Ord. 263/1 (part), 1984)

17.04.020 PURPOSE

The purpose of this Title is <u>to implement the General Plan and Local Coastal Plan and</u> to promote the growth of the city in an orderly manner; and to promote the public health, safety, peace, comfort and general welfare of the City by establishing regulations pertaining to uses of land and uses, location, height, bulk, size and types of buildings and open spaces around buildings in certain districts; providing for the administration and enforcement of such regulations and prescribing penalties for violations thereof. (Ord. 263/1 (part), 1984)

17.04.030 SHORT TITLE

This Title shall be known by the following short title: The Morro Bay City Zoning Ordinance. (Ord. 263/1 (part), 1984

Chapter 17.08
INTERPRETATION

SECTIONS:

17.08.010	Effect on other regulations
17.08.020	Land use determination criteria
~~17.08.030~~	~~Appeal -- To Planning Commission~~
~~17.08.040~~	~~Appeal -- To City Council~~
~~17.08.050~~	~~Appeal -- Commission report~~
~~17.08.060~~	~~Appeal -- Council decision~~

17.08.010 EFFECT ON OTHER REGULATIONS

The provisions controlled by this Title shall not be interpreted to repeal, abolish, annul or in any way affect the provision of any existing law or ordinance or regulation that is imposed or required for actions previously adopted. Previous actions include:

A. Permits issued relating to the erection, construction, moving, alteration or enlargement of buildings; and

B. Permits issued for the use of any building or structure. (Ord. 263 / 1 (part), 1984)

~~Except as specifically provided herein, this title shall not be interpreted to repeal, abrogate, annul or in any way affect any existing provision of any law or ordinance or regulations or permits previously adopted or issued relating to the erection, construction moving, alteration or enlargement of buildings or the use of any building or structure than is imposed or required by an existing law, ordinance or regulation, the provisions of this title shall control. (Ord. 263/1 (part), 1984)~~.

17.08.020 LAND USE DETERMINATION CRITERIA

Whenever the Planning Commission of the City is called upon to determine whether or not the use of land or any structure in any district is similar in character to the particular uses allowed in a district, the Planning Commission shall consider the following factors as criteria for their determination:

A. Effect upon the public health, safety and general welfare of the neighborhood involved and the City at large

B. Effect upon traffic conditions

C. Effect upon the orderly development of the area in question and the City at large in regard to general planning of the whole community. (Ord. 263 / 1 (part), 1984)

~~17.08.030 APPEAL TO PLANNING COMMISSION~~

~~The Planning Commission shall have the power to hear and decide appeals based on the enforcement or interpretation of the provisions of this Title. (ord. 263/1 (part), 1984)~~

~~17.08.040 APPEAL TO CITY COUNCIL~~

~~In case the applicant is not satisfied with the action of the Planning Commission on his appeal, he may within ten days appeal in writing to the City Cuncil. (Ord. 263/1 (part), 1984)~~

~~17.08.050 APPEAL COMMISSION REPORT~~

~~Notice shall be given to the Planning Commission of such appeal and a report shall be submitted by the commission to the City Council, setting forth the reasons for the action taken by the commission. Such report shall be submitted in writing or by representation of the hearing. (Ord. 263/1(part), 1984)~~

~~17.08.060 APPEAL-COUNCIL DECISION~~

~~The City Council shall render its decision within forty days after the closing of the public hearing thereon. (Ord. 263/1 (part). 1984)~~

Chapter 17.12
DEFINITIONS

[NOTE: This chapter has been reorganized to incorporate various definitions that were previously distributed throughout several Zoning Ordinance chapters.]

SECTIONS:

17.12.010	~~Generally~~ Purpose
17.12.012	Access
17.12.015	Accessory structures
17.12.017	Administrative Coastal Development Permit
17.12.020	Administrative office
17.12.022	Affordable Housing
17.12.025	Aggrieved person
17.12.026	Agriculture
17.12.030	Alley
17.12.035	Amusement machine.
17.12.040	Apartment
17.12.050	Apartment house
17.12.055	Arcade
17.12.056	Automobile repair, major
17.12.057	~~Bed and breakfast establishment~~ Automobile repair, minor
17.12.058	Average bluff edge elevation
17.12.059	Bed and breakfast establishment
17.12.060	Block
17.12.062	Bluff
17.12.063	Bluff buffer
17.12.064	Bluff Review Area setback
17.12.065	Bluff, toe
17.12.066	Bluff top edge
17.12.070	Boardinghouse
17.12.080	Building
17.12.090	Building, accessory
17.12.092	Building lot coverage
17.12.100	Building, main (primary)
17.12.105	Building official
17.12.110	Building site
17.12.115	Bulk
17.12.120	Business, retail
17.12.130	Business, wholesale
17.12.135	Campground
17.12.140	Cantilever
17.12.150	Carport

17.12.158	Child Day Care Facility
17.12.160	City
17.12.170	City Council
17.12.172	Coastal bluff area
17.12.173	Coastal bluff properties
17.12.175	Coastal dependent development or use
17.12.176	Coastal development permit appeal area
17.12.177	Coastal related development or use
17.12.180	Combining districts
17.12.~~190~~ 185	Commission
17.12.187	Community apartment
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17.12.189	Condominium
~~17.12.191~~	~~Customer Service Area~~ **[Moved to 17.12.195]**
17.12.191	Conversion
~~17.12.192~~	~~Development~~ **[Moved to 17.12.199]**
17.12.192	Conversion date
17.12.193	Covenant
~~17.12.194~~	~~Director~~ **[Moved to 17.12.200]**
17.12.194	Cut slope
17.12.195	Customer Service Area
17.12.196	Day Care Facility ~~Center~~
17.12.197	Demolition
17.12.198	Density Bonus
17.12.199	Development
~~17.12.200~~	~~District~~ **[Moved to 17.12.203]**
17.12.200	Director
17.12.203	District
17.12.205	Dredging
17.12.210	Dwelling
17.12.220	Dwelling groups
17.12.230	Dwelling, multiple
17.12.240	Dwelling, single family
17.12.250	Dwelling, three-family or triplex
17.12.260	Dwelling, two family or duplex
17.12.264	Easement
17.12.265	Elderly Housing
17.12.266	Emergency
17.12.267	Environmentally sensitive habitat
17.12.268	Equestrian boarding
17.12.269	Estuary
17.12.270	Family
17.12.272	Family day care home
17.12.275	Feasible
17.12.280	Fence
17.12.281	Fill slope

17.12.282	Finished grade
17.12.283	Floodplain, 100 year
17.12.284	Floodway
17.12.285	Floor area
17.12.287	Floor area, gross
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17.12.292	Garage, public parking
17.12.294	Grading
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17.12.300	Guesthouse
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17.12.320	Home occupation
17.12.330	Hotel
17.12.333	Infant
17.12.335	Infill
17.12.337	In-Lieu Fees
17.12.340	Junkyard
17.12.344	Kitchen
17.12.345	Landscaping
17.12.346	Lateral Access
17.12.347	Local Coastal Plan, Land Use Plan
17.12.348	Local Coastal Program (Plan and LCP)
17.12.349	Lofts
17.12.350	Lot
17.12.360	Lot, corner
17.12.365	Lot, flag
17.12.370	Lot, front
17.12.380	Lot, inside
17.12.390	Lot line
17.12.400	Lot, key
17.12.410	Lot side
17.12.420	Lot, through
17.12.430	Lot width
17.12.433	Low and moderate income housing
17.12.435	Low-income housing
17.12.440	Mobilehome or manufactured housing
17.12.450	Mobilehome park
17.12.455	Moderate-income housing
17.12.457	Modular Buildings
17.12.460	Motel or hotel
17.12.463	Non-conforming structure
17.12.464	Non-conforming use
~~17.12.465~~	~~Open Porch~~ **[Moved to 17.12.468]**
17.12.465	Nursery, garden
17.12.466	Offshore oil and gas exploration and development
17.12.467	Open and lacy trees

17.12.468	Open porch or deck
~~17.12.470~~	~~Parking space~~ **[Moved to 17.12.471]**
17.12.470	Outdoor dining and display
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17.12.625	Structure, non-conforming
17.12.630	Tenant
17.12.650	Unbuildable area
17.12.655	Urban area
17.12.656	Urban area, non
17.12.660	Use
17.12.~~670~~ 662	Use, accessory
17.12.664	Use, conditionally permitted
17.12.666	Use, illegal
17.12.~~680~~ 668	Use, nonconforming
17.12.670	Use, permitted
17.12.~~690~~ 680	Use, secondary

17.12.685	Use, special
~~17.12.691~~	~~Vessels of a commercial nature~~ **[Moved to 17.12.695]**
17.12.691	Vacancy rate
17.12.692	Vertical access
17.12.693	Very low affordable housing
17.12.695	Vessels ~~of a~~ for commercial ~~nature~~ fishing
17.12.700	Veterinary clinic
17.12.710	Veterinary hospital
17.12.712	Visitor serving facility
17.12.714	Warehouse
17.12.716	Wetlands
17.12.720	Yard
17.12.730	Yard, front
17.12.740	Yard, rear
17.12.750	Yard, side
17.12.755	Yard, exterior or street side
17.12.757	Yard, interior side
17.12.760	Zoning administrator

17.12.010 ~~GENERALLY~~ PURPOSE

For the purposes of this Title certain terms are defined in this chapter. Words used in the present tense include the future; words in the singular include the plural. The words shall and will ~~is~~ are mandatory, and the words may and should ~~is~~ are permissive. All definitions in the Certified Coastal Land Use Plan (LUP) are adopted into the Zoning Ordinance by reference, excepting the terms that are defined specifically in this chapter. (Ord. 263/1 (part), 1984)

17.12.012 ACCESS

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

17.12.015 ACCESSORY STRUCTURES

Accessory Structures means a building, part of a building or structure that is detached from the main building and the use of which is incidental to the main building, such as but not limited to detached garages, detached decks, storage buildings, and gazebos.

17.12.017 ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT

Administrative Coastal Development Permit means: Coastal Development Permits which do not require a public hearing and are approved by Administrative procedures.

17.12.020 ADMINISTRATIVE OFFICE

Administrative Office means an office for the rendering of service or general administration but excluding retail sales. (Ord. 263/1 (part), 1984)

17.12.022 AFFORDABLE HOUSING

Affordable Housing means housing units which are affordable to families with low or moderate incomes. For the purposes of this Ordinance, any multi-family unit which is utilized solely for year-round rental (not including second units or transient housing) and is less than 800 square feet in total interior floor area, and is not located within the Coastal Appeal Jurisdiction, shall be considered to be an affordable unit.

17.12.025 AGGRIEVED PERSON

Aggrieved Person means any person who, in person or through a representative, appeared at a City public hearing, in conjunction with a decision or action appealed or who, by other appropriate means prior to a hearing informed the local government of the nature of his or her concerns or who for good cause was unable to do either.

17.12.026 AGRICULTURE

Agriculture means tilling of soils, horticulture, floriculture, raising crops, livestock, farming, ranching, dairying, animal husbandry, including all uses customarily accessory and incidental uses thereto.

17.12.030 ALLEY

Alley means a public or private way less than thirty feet in width which affords a secondary means of access to abutting property. (Ord. 263/1 (part), 1984)

17.12.035 AMUSEMENT MACHINE.

Amusement Machine means any machine, table, board, electronic device or apparatus fitted for use by the public, the operation of which is permitted, controlled, allowed or made possible by the deposit or insertion of any coin, plate, disc, slug or key into any slot, crevice or opening or by payment of any fee or fees and which operates or which may be operated for use as a game, contest, or amusement, but ~~which machine, table, board, device or apparatus does not contain a payoff device and~~ which does not return or vend any article or merchandise or any money, coin, check or token. Amusement machine shall not include phonographs, jukeboxes, picture taking machines or pin-setting devices. (Ord. 263/1 (part), 1984)

17.12.040 APARTMENT

Apartment means a room or suite of rooms with a single temporarily or permanently installed kitchen, which is occupied or which is intended or designed to be occupied by one family for living and sleeping purposes. (Ord. 263/1 (part), 1984)

17.12.050 APARTMENT HOUSE

Apartment House means ~~any~~ one or more buildings, or portion thereof, which are designed, built, rented, leased, let or hired out to be occupied, or which are occupied as the homes or residences of three or more families living independently of each other in the building, and includes apartments. (Ord. 263/1 (part), 1984)

17.12.055 ARCADE

Arcade or Amusement Arcade means a commercial entertainment land use consisting of four or more amusement machines located within one building or structure. (Ord. 263/1 (part), 1984)

17.12.056 AUTOMOBILE REPAIR, MAJOR

Auto Repair, Major means general repair, rebuilding or reconditioning of engines including removal of same; motor vehicles, trucks or trailer collision service including body, frame or fender straightening or repair; overall painting or paint shop.

17.12.057 AUTOMOBILE REPAIR, MINOR.

Auto Repair, Minor means upholstering, replacement of parts and motor service, not including removal of the motor, to passenger cars and trucks not exceeding one and one-half tons capacity, or any use similar thereto, but not including any operation under Automobile Repair, Major , or any use similar thereto.

17.12.058 AVERAGE BLUFF EDGE ELEVATION

Average Bluff Edge Elevation means, for purposes of determining permitted building height, the average of the existing highest and lowest point of the bluff

edge as measured above sea level on a coastal bluff property.

17.12.059 ~~057~~ BED AND BREAKFAST ESTABLISHMENT.

Bed and Breakfast Establishment means a single building containing limited occupancy (not to exceed thirty days) visitor accommodations (including provisions for sleeping and one meal). ~~with parking space provided on the site for each such accommodation. Such buildings shall maintain a residence like appearance and shall be in keeping with the character of the surrounding neighborhood.~~ (Ord. 263/1 (part), 1984)

17.12.060 BLOCK.

Block means all property fronting upon one side of a street, between intersecting and intercepting streets, or between a street and a railroad right-of-way, waterway, dead-end street or city boundary. An intercepting street shall determine only the boundary of the block on the side of street which it intercepts. (Ord. 263/1 (part), 1984)

17.12.062 BLUFF

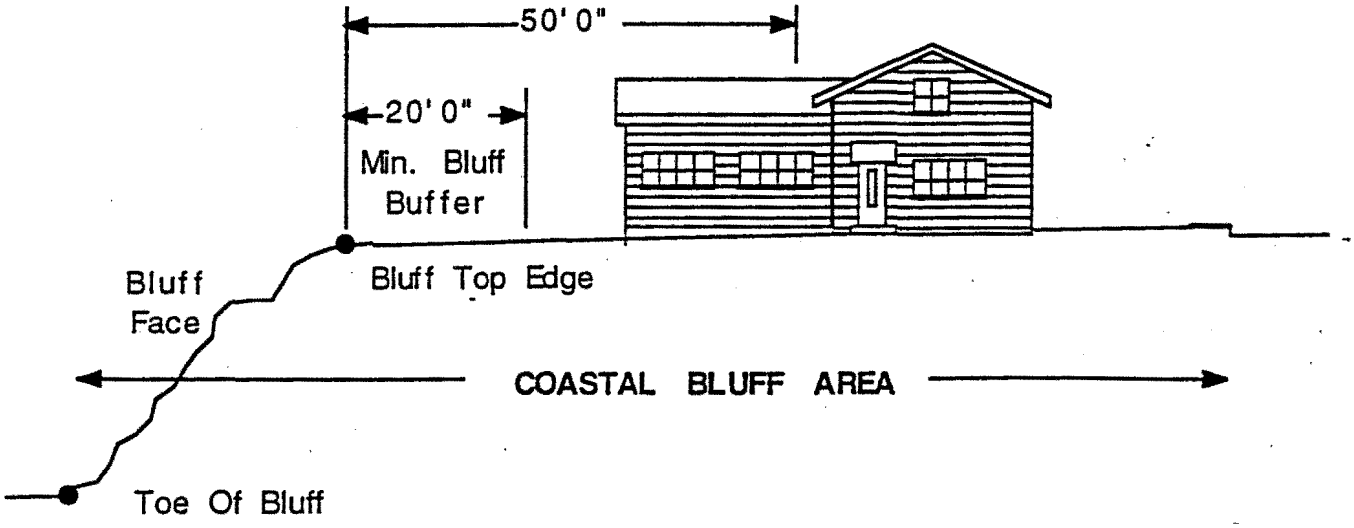
Bluff means the area located between the toe of the bluff and the bluff edge. The bluff top surface or face may be a planer or curved surface, or it may be step like in sections.

17.12.063 BLUFF BUFFER

Bluff Buffer means the area between the bluff and the area twenty feet landward from the bluff edge or bluff retreat/safety setback where it is greater than 20 feet.

17.12.064 BLUFF REVIEW AREA SETBACK

Bluff Review Area Setback means the area between the top of bluff and the first landward public street.



17.12.065 BLUFF, TOE

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

17.12.066 BLUFF TOP EDGE

Bluff Top Edge means 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 where the ground below, 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.

17.12.070 BOARDING HOUSE

Boarding House means a dwelling other than a hotel, where lodging and/or meals for three or more persons is provided for compensation. (Ord. 263/1 (part), 1984)

17.12.080 BUILDING

Building means any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, animal or property. (Ord. 263/1 (part), 1984)

17.12.090 BUILDING, ACCESSORY

Accessory Building means a subordinate building, including detached garages, shelters or pools, ~~the use~~ of which the use is incidental to that of the main building on the same lot and/or building site. (Ord. 263/1 (part), 1984)

17.12.092 BUILDING LOT COVERAGE

Building Lot Coverage means the coverage of a lot by all portions of the building, either at or above ground level, including garages, carports, roofed porches and cantilever portions of the building and the area of raised uncovered decks over 30 inches in height which encroach into any setback areas, excluding roof overhangs, eaves, open decks, or similar architectural extensions.

17.12.100 BUILDING, MAIN (PRIMARY)

Main Building means a building in which ~~is conducted~~ the principal use of the lot and/or building site is conducted ~~on which it is situated~~. (Ord. 263/1 (part), 1984)

17.12.105 BUILDING OFFICIAL

Building Official means 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. (Ord. 263/1 (part), 1984)

17.12.110 BUILDING SITE

Building Site means 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. (Ord. 263/1 (part), 1984)

17.12.115 BULK

Bulk is the term used to designate the overall size and mutual relationship of buildings and other structures, as to size, height, coverage, shape, location of exterior walls in relation to lot lines, to the center of streets, to other walls of the same building, and to other buildings or structures; and to all open spaces relating to the building or structure.

17.12.120 BUSINESS, RETAIL

Retail Business means any establishment for the retail sale of any article, substance or commodity, but not including the warehousing or storage of lumber or other building materials, or the outdoor sale of used or secondhand goods or materials of any kind. (Ord. 263/1 (part), 1984)

17.12.130 BUSINESS, WHOLESALE

Wholesale Business means the wholesale handling of any article, substance or commodity, but not including the handling of lumber or other building materials or the open storage or sale of any material or commodity, and not including the processing or manufacture of any product or substance. (Ord. 263/1 (part), 1984)

17.12.135 CAMPGROUND

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

17.12.140 CANTILEVER

Cantilever means a structure or extension attached to the main portion of a structure without separate vertical supports.

17.12.150 CARPORT

Carport means accessible and usable covered space of not less than ten by twenty feet each having one or more walls totally or partially open for a storage of automobiles. (Ord. 263/1 (part), 1984)

17.12.158 CHILD DAY CARE FACILITY

"Child Day Care Facility" means a facility which provides nonmedical care to children under eighteen years of age in need of personal services, supervision or assistance essential for sustaining the activities of daily living or the protection of the individual on less than a twenty-four-hour basis. "Child Day Care Facility" includes Day Care Centers and Family Day Care Homes. (Ord. 443, 1995)

17.12.160 CITY

City means the City of Morro Bay, a municipal corporation of the State of California.

(Ord. 263/1 (part), 1984)

17.12.170 CITY COUNCIL

City Council means the City Council of the City of Morro Bay, San Luis Obispo County, California. (Ord. 263/1 (part), 1984)

17.12.172 COASTAL BLUFF AREA

Coastal Bluff Area means that area commencing either between:

1. The landward edge of the rocky or sandy portion of the beach or bay or

2. Immediately landward of the Embarcadero or Front Street, to the nearest street right-of-way. A coastal bluff consists of rock, sediment or soil resulting from erosion, faulting, folding or excavation of the land mass and having vertical relief of ten feet or more as measured from the toe of the bluff to the bluff edge.

17.12.173 COASTAL BLUFF PROPERTIES

"Coastal bluff properties, means all privately or publicly held lands where any portion falls within the coastal bluff area as defined;

17.12.175 COASTAL DEPENDENT DEVELOPMENT OR USE

Coastal Dependent Development means any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

17.12.176 COASTAL DEVELOPMENT PERMIT APPEAL AREA

Coastal Development Permit Appeal Area means:

1. Developments 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 of the sea where there is no beach, whichever is the greater distance;

2. Developments located on tidelands, submerged lands, public trust lands, 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 (if the city assumes coastal permitting authority in the harbor and waterfront area per PRC Section 30519 (b));

3. Any development which constitutes a major public works project as defined by California Administrative Code 13012 and exceeding one hundred thousand dollars in the estimated cost of construction;

4. Any major energy facility as defined by Public Resources Code Section 30107 and exceeding one hundred thousand dollars in estimated cost of construction;

5. Any development proposed by any state agency.

17.12.177 COASTAL RELATED DEVELOPMENT OR USE
"Coastal Related Development" means any use that is dependent on a coastal dependent development or other uses that are enhanced by proximity to the coast, such as restaurants, motels, gift stores, or fishing related activities.

17.12.180 COMBINING DISTRICT
Combining District means any district in which the general district regulations are combined with those special districts defined in Chapter 17.40 for the purpose of adding additional special regulations. (Ord. 263/1 (part), 1984)

17.12.~~190~~ 185 COMMISSION
Commission means the City Planning Commission of the City of Morro Bay, California. (Ord. 263/1 (part), 1984)

17.12.187 COMMUNITY APARTMENT
Community Apartment means an undivided interest in the land coupled with the right of exclusive occupancy of any apartment located thereon

17.12.188 COMMUNITY HOUSING PROJECT
Community Housing Project means the entire parcel of real property, including all structures thereon, all or part of which is proposed to be rented, leased, or divided as land or air space in two or more lots, parcels, units or rights of exclusive occupancy as in a community apartment, condominium, planned unit development, or stock cooperative as further defined in Section 17.49.

17.12.189 CONDOMINIUM
Condominium means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a building on such real property.

~~17.12.191~~ ~~CUSTOMER SERVICE AREA~~ [MOVED TO 17.12.195]

17.12.191 CONVERSION
Conversion means a change of a residential dwelling, including a mobilehome, as defined in Section 18008 of the Health and Safety Code, or a mobilehome lot in a mobilehome park, as defined in Section 18214 of the Health and Safety Code, or a residential hotel as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, to a condominium, cooperative, or similar form of ownership; or a change of a residential dwelling, including a mobilehome, or a mobilehome lot in a mobile home park, or a residential hotel to a nonresidential use.

~~17.12.192~~ ~~DEVELOPMENT~~ [MOVED TO 17.12.199]

17.12.192 CONVERSION DATE

Conversion Date means the date the final tract map for a community housing conversion is approved by the City Council or, if no subdivision is proposed, "Conversion Date" shall be the date of issuance of any required building permits, business licenses or occupancy permits.

17.12.193 COVENANT

Covenant means a formal binding agreement for the performance of some action.

~~17.12.194~~ ~~DIRECTOR~~ [MOVED TO 17.12.200]

17.12.194 CUT SLOPE

Cut means an excavation, the difference between a point on the original ground and a designated point of lower elevation on the finished grade.

17.12.195 ~~191~~ CUSTOMER SERVICE AREA

Customer service area means the gross floor area used or intended to be used for service to the public; i.e., customers, patrons, clients, or visitors. It shall not include areas used principally for nonpublic purposes such as utility rooms, storage areas, kitchens, or toilet or restrooms, or display/advertising areas. (Ord. 263/1 (part), 1984)

17.12.196 DAY CARE ~~CENTER~~ FACILITY

Day Care ~~Center~~ Facility means ~~any child day care facility other than a family day care home, and includes infant centers, preschools, and extended day care facilities.~~ a facility which provides supervised care, therapy, instruction or medical treatment to individuals during daytime. No person or patients are permitted to remain overnight. This category includes: day treatment clinics, children s day care center, and workshops for the handicapped. The size of said facilities shall be subject to the criteria established by the State of California. (Ord. 421/6, 1992)

17.12.197 DEMOLITION

Demolition means the intentional destruction and removal of a residential dwelling, including a mobilehome, as defined in Section 18008 of the Health and Safety Code, or a mobilehome lot in a mobilehome park, as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, which has not been declared to be a public nuisance under Division 13 (commencing with Section 17000) of the Health and Safety Code or any local ordinance enacted pursuant to those provisions.

17.12.198 DENSITY BONUS

Density Bonus means a density increase over the otherwise maximum allowable residential density under the applicable zoning district.

17.12.199 ~~192~~ DEVELOPMENT

A. Development is defined pursuant to Public Resources Code Section 30106 and means, on land, in or under water:

1. The placement or erection of any solid material or structure;

2. Discharge or disposal of any dredged materials or of any gaseous, liquid, solid or thermal waste;

3. Grading, removing, dredging, mining, or extraction of any materials;

4. Change in the density or intensity of use of land including, but not limited to, subdivision according to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use;

5. Change in the intensity of use of water or of access thereto;

6. Construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and

7. The removal of harvesting of major vegetation other than for agricultural purposes, and kelp harvesting.

~~B. As used in this section, structure includes, but is not limited to, any buildings, road, pipe, flume, conduit, siphon, aqueduct, telephone line and electrical power transmission and distribution line. (Ord. 263/1 (part), 1984)~~ **[Included in 17.12.620]**

~~17.12.200~~ ~~DISTRICT~~ [MOVED TO 17.12.203]

17.12.~~194~~ 200 DIRECTOR

Director ~~shall~~ means the Director of the Planning and ~~Community Development~~ Building Department of the City of Morro Bay. The Director is also referred to as the Zoning Administrator, Environmental Coordinator, and Secretary to the Planning Commission. (Ord. 263/1 (part), 1984)

17.12.203 ~~200~~ DISTRICT

District means a portion of the City within which certain uses of land and buildings are permitted or prohibited and within which certain yards and other open spaces are required and certain height limits are established for buildings, all as set forth and specified in this Title. (Ord. 263/1 (part), 1984)

17.12.205 DREDGING

Dredging means any mechanical alteration of the grade of bottom sediments in any

body of water.

17.12.210 DWELLING

Dwelling means a building or portion thereof designed and used exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, but not including hotels, motels or boarding houses. (Ord. 263/1 (part), 1984)

17.12.220 DWELLING GROUPS

Dwelling Groups means a group of two or more detached or semi-detached ~~one family, two family, or multiple~~ dwellings occupying a parcel of land in one ownership and having any yard or court in common, but not including motels, hotels and boarding houses. (Ord. 263/1 (part), 1984)

17.12.230 DWELLING, MULTIPLE

Multiple dwelling means a building, buildings, or portion thereof, used and designed as ~~a~~ residences for four or more families living independently of each other and each doing their own cooking in said building, with not more than one kitchen per unit; this includes apartment houses, apartment hotels and flats, but does not includ~~ing~~ motels, boarding houses and hotels. (Ord. 263/1 (part), 1984)

17.12.240 DWELLING, SINGLE-FAMILY

Single-family Dwelling means a building designed for, or used to house not more than one family on a lot, with a single kitchen, including all necessary employees of such family. (Ord. 263/1 (part), 1984)

17.12.250 DWELLING, THREE-FAMILY OR TRIPLEX

Three-family Dwelling or triplex means a building or buildings containing not more than three kitchens designed and/or used to house not more than three families, living independently of each other, including all necessary employees of each such family. (Ord. 263/1 (part), 1984)

17.12.260 DWELLING, TWO-FAMILY OR DUPLEX

Two-family Dwelling or duplex means a building or buildings containing not more than one kitchen per unit, designed and/or used to house not more than two families, living independently of each other, including all necessary employees of each such family. (Ord. 263/1 (part), 1984)

17.12.264 EASEMENT

Easement means a portion of land created by grant or agreement for specific purpose; an easement is the right, privilege or interest which one party has in the land of another (examples, right-of-way, public access or recreation area, etc.

17.12.265 ELDERLY HOUSING

"Elderly Housing" means any residential unit which is to be occupied exclusively by senior citizens at least 62 years of age as prescribed by Section 51.3 of the State Civil Code.

17.12.266 EMERGENCY

Emergency means a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. (Ord. 263/1 (part), 1984)

17.12.267 ENVIRONMENTALLY SENSITIVE HABITAT

"Environmentally Sensitive Habitat", means a type of sensitive resource area where plant or animal life or their habitats are either rare or especially valuable becuase of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development. They include but are not limited to wetlands, coastal streams and riparian vegetation, terrestrial and marine habitats and are mapped as ESH Overaly Zone areas.

17.12.268 EQUESTRIAN BOARDING

Equestrian Boarding means the rental of stable space for the keeping of horses which are not owned by the property owner.

17.12.269 ESTUARY

"Estuary" means a coastal water body usually semi-enclosed by land, but which has open, partially obstructed, or intermittent exchange with the ocean and in which ocean water is at least occassionally diluted by freshwater runoff from the land. The salinity may be periodically increased above the open ocean by evaporation. In general, the boundary between "Wetland" and "Estuary" is the time of extreme low water.

17.12.270 FAMILY

Family means one or more persons occupying a premises and living as a single housekeeping unit who need not be related by blood as distinguished from a group occupying a hotel, club, fraternity or sorority house. (Ord. 263/1 (part), 1984)

17.12.272 FAMILY DAY CARE HOME

Family Day Care Home means a home which regularly provides care, protection and supervision of 12 or fewer children [or otherwise provided by the State of California], in the provider s own home, for periods of less than 24 hours per day, while the parents or guardians are away and include the following:

A. Large Family Day Care Home means a home which provides family day care to 7 to 12 children, inclusive, (or as otherwise provided by the State of California) including children who reside at the home, as defined in regulations.

B. Small Family Day Care Home means a home which provides family day care to six or fewer children, (or as otherwise provided by the State of California) including children who reside at the home, and defined in regulations. (Reference Health/Safety Code Sec. 1596.78]

17.12.275 FEASIBLE

Feasible means capable of being accomplished in a successful manner within a

reasonable period of time, taking into account economic, environmental, social and technological factors.

17.12.280 FENCE

Fence means any structural device forming a physical barrier by means of hedge, wood, mesh, metal, chain, brick, stake, plastic or other similar materials. (Ord. 263 /1 (part), 1984)

17.12.281 FILL SLOPE

Fill means 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.

17.12.282 FINISHED GRADE

Finished Grade means the level of the finished surface of the ground at the completion of all grading by a subdivider or developer as approved in the final project grading plans by the City (see Site Grade).

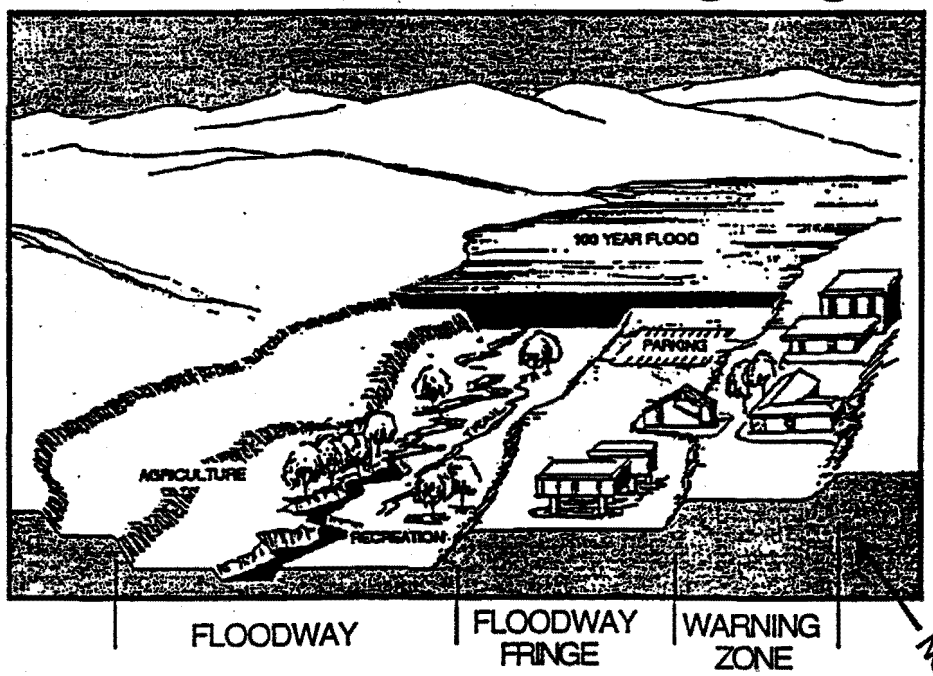
17.12.283 FLOODPLAIN, 100 YEAR

100 Year Floodplain means 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.

17.12.284 FLOODWAY

"Floodway" means a channel for passing flood waters as described by the U.S. Department of Housing and Urban Development Federal Insurance Administration.

Floodway & Flood Fringe Figure



NEW

17.12.285 FLOOR AREA

Flood 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.

17.12.287 FLOOR AREA, GROSS

"Gross 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.

17.12.290 GARAGE

Garage means accessible and usable covered space entirely enclosed and of not less than ten by twenty feet each for a storage of automobiles. (Ord. 263/1 (part), 1984)

17.12.292 GARAGE, PUBLIC PARKING

Public Parking Garage means a garage building designed, constructed and used for the storage of vehicles and available for public use.

17.12.294 GRADING

Grading means excavating, filling, leveling or smoothing or combination thereof, but does not include temporary stock piles of a duration of 30 days or less.

17.12.295 GRANNY UNIT

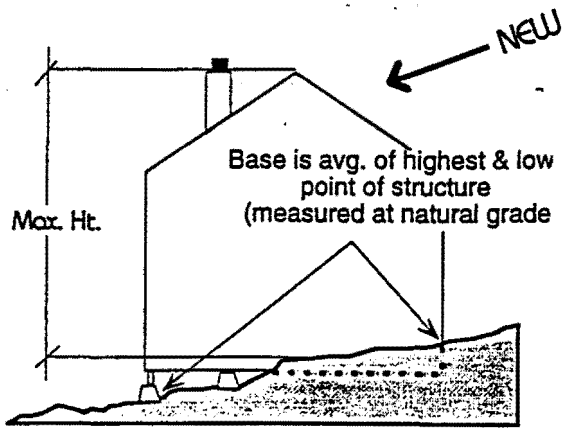
Granny Unit means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons (accessory to a single family residence in specific zones permitting such use). It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the single family dwelling.

17.12.300 GUESTHOUSE

Guesthouse means 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 thereof. (Ord. 263/1 (part), 1984)

17.12.310 HEIGHT OF BUILDING

A. Height of Building means the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building, as measured to the topmost point of the roof ~~including fireplace chimneys,~~ but not including ventilation stacks and chimneys under six feet in width or length ~~required by Title 14 of the code~~.



FORMULA FOR DETERMINING MAXIMUM HEIGHT

$$\frac{(\text{High}) + (\text{LOW})}{2} = \text{AVG.} + \text{Max. Ht.} = \text{Max. Elev. of Roof Top}$$ NEW

$$\frac{\text{XXXXX} + \text{XXXXX}}{2} = \text{XXXXX} + \text{Max. Ht.} = \text{XXXXX}$$

B. When measuring the various levels on a lot to calculate the height, the grades in existence on the lot on January 1, 1986, shall be used; any fill added to the site since that date shall be deducted from present grade elevations and any areas cut since that date may be added to the present grade elevations when calculating the height limit. (Ord 288 Exh B (part) 1986; Ord. 263/1 (part), 1984)

17.12.320 HOME OCCUPATION

Home Occupation means an occupation carried on by the occupant, entirely within a building as a use clearly secondary to the residence in connection with which there is no display, no stock in trade, nor commodities sold upon the premises, no person employed and which does not change the residential character thereof. (Ord. 263/1 (part), 1984) (See also Family Day Care Home Definition)

17.12.330 HOTEL

For the definition of hotel or motel, see Section 17.12.460. (Ord. 263/1 (part), 1984)

17.12.333 INFANT

"Infant" means a child under the age of two (2) years.

17.12.335 INFILL

"Infill" means development of vacant land within existing developed areas of the City. Infill shall be limited to areas within the City Urban/Rural Boundary as adopted by the State Coastal Commission.

17.12.337 IN-LIEU FEES

In-lieu fees means a cash payment required as a substitute for a dedication and/or improvement of land by an owner or developer of property.

17.12.340 JUNKYARD

Junkyard means more than one hundred square feet of the area of any lot or parcel of land used for the storage of junk, including but not limited to scrap metals, salvage or other scrap materials or for the dismantling or wrecking of automobiles or other vehicles or machinery, whether for sale or storage. A single vehicle parked in a street right-of-way or in a front or side streetyard setback without a current state license shall be considered a junkyard. See the ordinance governing junkyards. (Ord. 263/1 (part), 1984)

17.12.344 KITCHEN
Kitchen means any space used, intended or designed to be used for cooking and preparing food.

17.12.345 LANDSCAPING
Landscaping means the configuration of trees, shrubbery and other plant material, decorative natural and structural features, earth patterning and bedding materials in conjunction with open space. Landscaping shall not be construed to mean artificial turf or plants nor paved areas for the use of vehicles. (Ord. 263/1 (part), 1984)

17.12.346 LATERAL ACCESS
"Lateral Access" means public access along and parallel to the shoreline and coastal bluffs through the use of but not limited to pedestrian trails and boardwalks.

17.12.347 LOCAL COASTAL PLAN, LAND USE PLAN
Local Coastal Plan, Land Use Plan means the Local Coastal Plan adopted by the City and certified by the State Coastal Commission and may be referred to as the LCP or LUP.

17.12.348 LOCAL COASTAL PROGRAM (PLAN AND LCP)
"Local Coastal Program (Plan and LCP)" means the City s land use plans, zoning ordinances, zoning district maps, and within sensitive coastal resource areas, implementing actions which, when taken together, meet the requirements of, and implement the provisions and policies of the California Coastal Act of 1976, at the local level.

17.12.349 LOFTS
Lofts mean a floor of a building which is generally open to another floor beneath. This floor shall be counted as floor space of the structure unless solely for storage purposes.

17.12.350 LOT*
For the definition of lot see building site Section 17.12.110 (Ord. 263/1 (part), 1984)

17.12.360 LOT, CORNER*
Corner Lot means a lot, the front of which and one or more sides, face a street or street and public way. (Ord. 263/1 (part), 1984)

17.12.365 LOT, FLAG*
"Flag Lot" means a lot that is bordered on all sides by other lots with narrow and limited access to only one street.

17.12.370 LOT, FRONT*
Front Lot means the narrowest dimension of a lot fronting on a street. (Ord. 263/

1 (part), 1984)

17.12.380 LOT, INSIDE*
Inside Lot means a lot which is not a corner lot. (Ord. 263/1 (part), 1984)

17.12.390 LOT LINE*
Lot Line means a line separating the frontage from a street; the side from a street or adjoining property; the rear from an alley or street or adjoining property. (Ord. 263/1 (part), 1984)

17.12.400 LOT, KEY*
Key Lot means the first lot to the rear of a reversed corner lot and not separated therefrom by an alley. (Ord. 263/1 (part), 1984)

17.12.410 LOT SIDE*
Lot Side means any lot boundary not a front or rear lot line. (Ord. 263/1 (part), 1984)

17.12.420 LOT, THROUGH*
Through Lot means a lot having frontage and potential access on two parallel or approximately parallel streets. (Ord. 263/1 (part), 1984)

17.12.430 LOT WIDTH*
Lot Width means the horizontal distance between the side lot lines measured at right angles to the lot depth, at the required front setback line. (Ord. 263/1 (part), 1984)

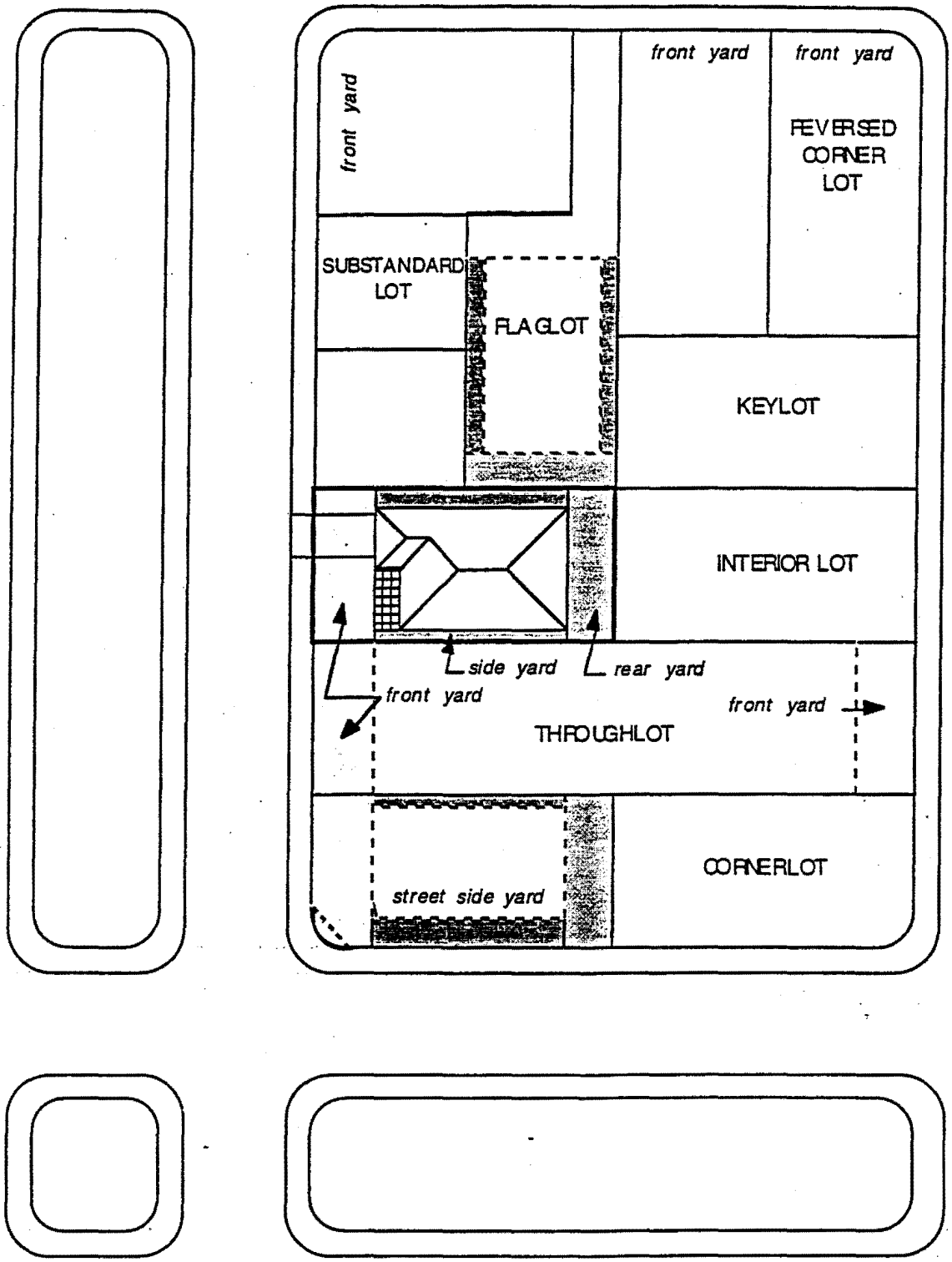
*See next page for descriptive graphic.

17.12.433 LOW AND MODERATE INCOME HOUSING
Low and Moderate Income Housing means housing for which the rent or monthly mortgage payment does not exceed the current fair market rent for existing housing standards applicable to San Luis Obispo County as established for Section 8. Housing Assistance Payments Programs by the United States Department of Housing and Urban Development.

17.12.435 LOWER INCOME HOUSING
Lower Income Housing means housing designed for and occupied exclusively by households whose total income does not exceed eighty percent of the medium income for households of corresponding size in San Luis Obispo County generally; the medium income for the county shall be based on estimates computed by the State Department of Housing and community development or the San Luis Obispo housing authority. (Ord. 288 Exh. B (part) 1986)

17.12.440 MOBILEHOME OR MANUFACTURED HOUSING
Mobilehome or Manufactured Housing means a vehicle other than a motor vehicle,

ILLUSTRATION OF LOT DEFINITIONS



designed and equipped for human habitation, and for being drawn by a motor vehicle. (Ord. 263/1 (part), 1984)

17.12.450 MOBILEHOME PARK

Mobilehome Park means any area or tract of land where one or more mobilehome (Manufactured housing) lots are rented or held out for rent or lease to accommodate mobilehomes used for human habitation. The rental paid for any such mobilehome shall be deemed to include rental for the lot it occupies. (Ord. 263/1 (part), 1984)

17.12.455 MODERATE INCOME HOUSING

Moderate Income Housing means housing designed for and occupied exclusively by a household whose total income does not exceed one hundred twenty percent of the medium income for households of a corresponding size in San Luis Obispo County generally; the medium income for the county shall be based on estimates compiled by the California Department of Housing and Community Development or the San Luis Obispo housing authority. (Ord. 288 Exh. B (part) 1986)

17.12.457 MODULAR BUILDINGS

Modular Building means a State certified modular structure meeting all building code requirements. The structures are permitted in any zone as provided for by this Ordinance. Modular structures must conform to the provisions of the Uniform Building Code and require architectural approval.

17.12.460 MOTEL OR HOTEL

Motel or Hotel means a single building or a group of detached or semi-detached buildings containing guest rooms or apartments with automobile storage space provided on the site for such rooms or apartments provided in connection therewith, which group is designed and used for the accommodation of transient travelers for a period not to exceed thirty days, and for which nightly or weekly compensation is received. (Ord. 263/1 (part), 1984)

17.12.463 NON-CONFORMING STRUCTURE

Non-Conforming structure means a structure which was lawfully erected prior to the adoption of this Ordinance but which, under this Ordinance does not conform with the standards prescribed in the regulation for new development for the district in which it is located, including, without limitation, setbacks, size, height, parking or similar regulations.

17.12.464 NON-CONFORMING USE

Non Conforming Use means a use of a structure or land which was lawfully established and maintained prior to the adoption of this Ordinance, but which under this Ordinance does not conform with the use regulations for new uses within the district in which it is located.

(High

~~17.12.465~~ ~~OPEN PORCH~~ [MOVED TO 17.12.469]

XX

17.12.465 NURSERY, GARDEN

Garden Nursery means a facility or area used for sale, display or propagation of plants, trees, shrubs and other related products.

17.12.466 OFF-SHORE, OIL AND GAS EXPLORATION AND DEVELOPMENT

17.12.467 OPEN AND LACY TREES

"Open and Lacy Trees" means a tree species that has foliage and limbs that block 50% or less of the view through the tree canopy.

17.12.~~465~~ 469 OPEN PORCH OR DECK

Open Porch or Deck means uncovered projection, permanently open on at least two sides. A side shall be considered open if it has a wall or fence or rail consisting of a solid material ~~not more than~~ to a maximum height of thirty-six inches, ~~high or a wall consisting of a material that has a surface whic his fifty percent open to the air or made of clear glass~~ and open or clear material to a maximum height of 5 feet 0 inches, above the deck surface. Uncovered shall preclude eave overhangs permitted under other applicable sections of this chapter. (Ord. 282 Exh. A (part), 1986)

~~17.12.470~~ ~~PARKING SPACE~~ [MOVED TO 17.12.471]

17.12.470 OUTDOOR DINING AND DISPLAY

"Outdoor Dining and Display" means an area outside of a building with less than 50% of the area covered by a roof.

17.12.~~470~~ 471 PARKING SPACE

Parking Space means an accessible and usable space ~~on the building site, or adjacent lot, at least eight and one-half feet by twenty feet for the parking of one automobile~~ which meets the parking standards contained in Chapter 17.44. (Ord. 263/1 (part), 1984)

17.12.472 PERCENTAGE SLOPE

Percentage Slope means 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. For example:

$$(\text{High}) - (\text{LOW}) = \frac{\text{CHANGE}}{\text{LOT LENGHT}} = \text{\% SLOPE}$$

$$\text{XXXXX XXXXX} = \frac{\text{XXXX}}{\text{XXXXX}} = \text{XX\%SLOPE} \longleftarrow \text{NEW}$$

17.12.475 PERMIT

Permit means any Coastal Development Permit, Conditional Use Permit, Special Use Permit, Minor Use Permit, Temporary Use Permit, Building Permit, license, certificate, approval, or other entitlement for development and/or use of property as required by any public agency.

17.12.480 PERSON

Person means an individual, city, county or city and county, partnership, corporation, cooperative, association, trust or any other legal entities, including the state of California and the Federal government. (Ord. 263/1 (part), 1984)

17.12.482 PLAN, CONCEPT

"Concept Plan" means a development plan indicating the general layout of a proposed project including, but not limited to, the items required in the PD Overlay Zone, but not including a tract or parcel map.

17.12.483 PLAN, SPECIFIC

"Specific Plan" means a development plan indicating the detailed location of proposed buildings and facilities, architectural drawings, tract and parcel maps, and other information as required in the PD Overlay Zone.

17.12.485 PLANNED UNIT DEVELOPMENT (PLANNED RESIDENTIAL DEVELOPMENT)

Residential (PUD) generally consists of a residential development with clustered residential uses and common open space and may include a variety of housing types and styles as well as community facilities and recreation area.

Non residential generally consists of planned industrial parks, shopping centers, office building parks or any development that comprises groups of buildings planned and built in prearranged relationships to each other and to the common facilities or properties.

17.12.487 PRIME AGRICULTURAL LANDS

Prime Agricultural Lands means lands defined in paragraphs 1 through 4 of subdivision C of Section 51201 of the Government Code or its successor.

17.12.490 PROFESSIONAL OFFICE

Professional Office means an office for the conduct of any one of the following or similar uses: accountant, architects, attorneys, chiropractors, optometrists, chiropodists, engineers, surveyors, drafting service, designers, dentists, physicians and surgeons. (Ord. 263/1 (part), 1984)

17.12.495 RECREATIONAL VEHICLES, MOTOR HOME OR TRAVEL TRAILER

Recreational Vehicle, Motor Home or Travel Trailer means a vehicle which is

designed or used for human habitation for recreational purposes and which may be moved upon a public highway without a special permit or chauffeurs license or both, without violating any provision of the Vehicle Code. (Ord. 263/1 (part), 1984)

17.12.500 RECREATIONAL VEHICLE (RV) PARK.
Recreational Vehicle Park means an area or tract of land, where one or more lots are rented or leased or held out for rent, or leased to owners or users of recreational vehicles or tents and which is occupied for temporary purposes. (Ord. 263/1 (part), 1984)

17.12.501 REDEVELOPMENT
"Redevelopment" means the replacement of structures or cumulative additions of more than fifty percent of the total floor area of existing structures, or two thousand square feet, whichever is less.

17.12.502 REGULAR COASTAL DEVELOPMENT PERMIT
Regular Coastal Development Permit means all coastal development permits issued by the City and not defined as Administrative or Emergency permits which are appealable to the State Coastal Commission.

17.12.505 RESIDENTIAL SECURITY UNIT
Residential Security Unit means a residential use limited to a single-family dwelling located to the rear half or on the second story of a permitted business or industrial use. (Ord. 263/1 (part), 1984)

17.12.510 REST HOME
Rest Home means any premises licensed under the provisions of the Welfare and Institutions Code of the state, ambulatory patients only. (Ord. 263/1 (part), 1984)

17.12.513 RESTRICTED AREAS
"Restricted Areas" means those habitats which have resources so environmentally sensitive that even passive recreational uses must be prohibited.

17.12.515 RIPARIAN HABITAT
"Riparian Habitat" means an area of vegetation that is an association of plant species that grow adjacent to freshwater watercourses, including perennial and intermittent streams, lakes, and other bodies of fresh water.

17.12.520 ROOMING HOUSE.
For the definition of Rooming House see "Boarding House", Section 17.12.070. (Ord. 263/1 (part), 1984)

17.12.525 SAND DUNES, SAND SPIT
"Sand Dunes" means mounds of sand deposited by wind and frequently vegetated by characteristic plant species. The "sand spit" is that geographic portion of the City

surrounded on three sides by water and separating Morro Bay from the open ocean; much of the spit is covered by sand dunes.

17.12.530 SANITARIUM.

Sanitarium means a health station or retreat or other place where patients are housed and where treatment is given, but excluding mental institutions or institutions for treatment of persons addicted to the use of drugs. (Ord. 263/1 (part), 1984)

17.12.540 SCREENING.

Screening means wall, fences or dense hedges for the purpose of concealing from view the area behind such structures or hedges. (Ord. 263/1 (part), 1984)

17.12.550 SERVICE STATION

A. Service Station means an occupancy where petroleum products and fuel are offered for retail sale to the public primarily for the operation of motor vehicles. A service station may provide the following services: the sale and installation of tires, batteries, automotive accessories and sundries; the lubrication, testing, adjustment, and replacement of minor parts and accessories, and the repair of tires.

B. Service Station does not include major repair, steam cleaning, tire recapping, engine, differential and transmission rebuilding, repair or replacement; body and chassis reconditioning, repair or repainting; tow service as defined by the California Motor Vehicle Code; and rental, sale or storage of trailers, hand tools, and power tools and non automotive merchandise or equipment, except for limited convenience items such as maps, candy, cigarettes, nonalcoholic beverages, etc. (Ord. 263/1 (part), 1984)

17.12.560 SETBACK LINE

Setback Line means a line established by this Title to govern the placement of buildings or structures with respect to lot lines, streets or alleys. (**see graphic on next page) (Ord. 263/1 (part), 1984)

17.12.570 SIDE AND FRONT OF CORNER LOT

~~For the purpose of this title,~~ "Side and Front of Corner Lot" means the narrowest frontage of a corner lot facing the street is the front and the longest frontage facing the intersection street is the side, irrespective of the direction in which the dwelling faces. (Ord. 263/1 (part), 1984)

17.12.580 SIGNS

Signs means any display or structure as defined in Chapter 14.64 of this code. (Ord. 263/1 (part), 1984)

17.12.585 STOCK COOPERATIVE

Stock cooperative means 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 share holders 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)).

17.12.587 STREAM CORRIDORS

"Stream Corridors" means a natural water course as designated on the most recently published United States Geological Survey map, or any well-defined channel with distinguishable bed and bank that shows evidence of having contained flowing water as indicated by scour or deposit of rock, sand, gravel, soil or debris.

17.12.590 STREET

Street means a public thoroughfare accepted by the city which affords ~~principal~~ a 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 Section 17.12.030. (Ord. 263/1 (part), 1984)

17.12.600 STREET LINE

Street Line means the boundary between a street right-of-way and property. (Ord. 263/1 (part), 1984)

17.12.610 STRUCTURAL ALTERATIONS

Structural Alterations means any change in the supporting members of a structure, such as bearing walls, columns, beams, or girders. (Ord. 263/1 (part), 1984)

17.12.620 STRUCTURE

"Structure" means anything constructed or erected including, but not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line and electrical power transmission and distribution line, the use of which requires location on or in the ground or attachment to something having location on the ground, including swimming pools, excluding driveways, open patios or parking spaces. (Ord. 263/1 (part), 1984)

17.12.625 STRUCTURE NON-CONFORMING

See Section 17.12.463

17.12.630 TENANT

Tenant means a person who rents, leases, or subleases real property from another through a written or oral agreement.

17.12.650 UNBUILDABLE AREA (FOR DENSITY CALCULATION PURPOSES ONLY)

Unbuildable Area means a bluff retreat zones, up to a maximum of 25 feet of the

projected bluff retreat, other unmitigatable hazard areas, areas in excess of percentage slope requirements, waterways, submerged lands and other similar unbuildable areas.

1712.655 URBAN AREA
"Urban Area" means those land areas within the Urban-Rural Boundary as described in the LCP.

17.12.656 URBAN AREA, NON
"Non-Urban Area" means those land areas that are within the City but are outside the Urban-Rural Boundary as described in the LCP.

17.12.660 USE
Use means the purpose of which land or a building is designed, arranged or intended or for which either land or building is or may be occupied or maintained. (Ord. 263 /1 (part), 1984)

17.12.~~670~~ 662 USE, ACCESSORY
Accessory Use means a use ancillary to any permitted use and customarily a part thereof, which use is clearly incidental to the permitted use and which does not change the character thereof. (Ord. 263/1 (part), 1984)

17.12.664 USE, CONDITIONALLY PERMITTED
"Conditionally Permitted Use" means a new or expanded use of land or building, authorized to be constructed and/or established through issuance of an approved Conditional Use Permit, pursuant to Chapter 17.60.

17.12.666 USE, ILLEGAL
"Illegal Use" means any use of land or building that does not have the currently required permits and was originally constructed and/or established without permits required for the use at the time it was brought into existence

17.12.~~680~~ 668 USE, NONCONFORMING
~~Nonconforming use means a use that does not conform to the uses permitted in the zoning district in which it is situated.~~ See Section 17.12.464.

17.12.670 USE, PERMITTED
"Permitted Use" means a new or expanded use of land or building authorized to be constructed and/or established without a Conditional Use Permit in accordance with the provisions on Chapter 17.24.

17.12.~~690~~ 680 USE, SECONDARY
Secondary Use except as otherwise defined in this Title, means any use incidental to a permitted use and customarily a part thereof. (Ord. 263/1 (part), 1984)

17.12.685 USE, SPECIAL
"Special Use" means a new or expanded use of land or building possessing unique

characteristics that make such use practical in more than one zoning category and which use is authorized to be constructed and/or established through issuance of an approved Special Use Permit pursuant to Chapter 17.30.

~~17.12.691~~ ~~VESSELS OF A COMMERCIAL NATURE~~ [MOVED TO 17.12.695]

17.12.691 VACANCY RATE

Vacancy Rate means the number of apartments being offered for rent or lease expressed as a percentage of the total number of apartments in Morro Bay. (Ord. 263/1 (part), 1984)

17.12.692 VERTICAL ACCESS

"Vertical Access" means public pedestrian walkways which provide access to the shoreline from the nearest public road.

17.12.693 VERY LOW AFFORDABLE HOUSING

"Very Low Affordable Housing" means a household with an income of less than 50% of the County median income.

17.12.~~691~~ 695 VESSELS FOR ~~OF~~ COMMERCIAL FISHING ~~NATURE~~

Vessels for ~~of~~ commercial fishing ~~nature~~ means vessels for which the state of California, Department of Fish and Game, has issued a current commercial fishing license, and whose owner or operator holds a current commercial fishing license, and which within the current calendar year has been actively used for commercial fishing activities. Such use shall be evidenced by proof that the vessel has grossed a minimum five thousand dollars during the calendar year or that the vessel has fished at least sixty days during the calendar year. Gross earnings or fish sales shall be evidenced by the state of California, Department of Fish and Game fish receipts or other west coast states. This definition shall be used to identify commercial fishing vessels for priority for coastal-dependent facilities. (Ord. 263/1 (part), 1984)

17.12.700 VETERINARY CLINIC

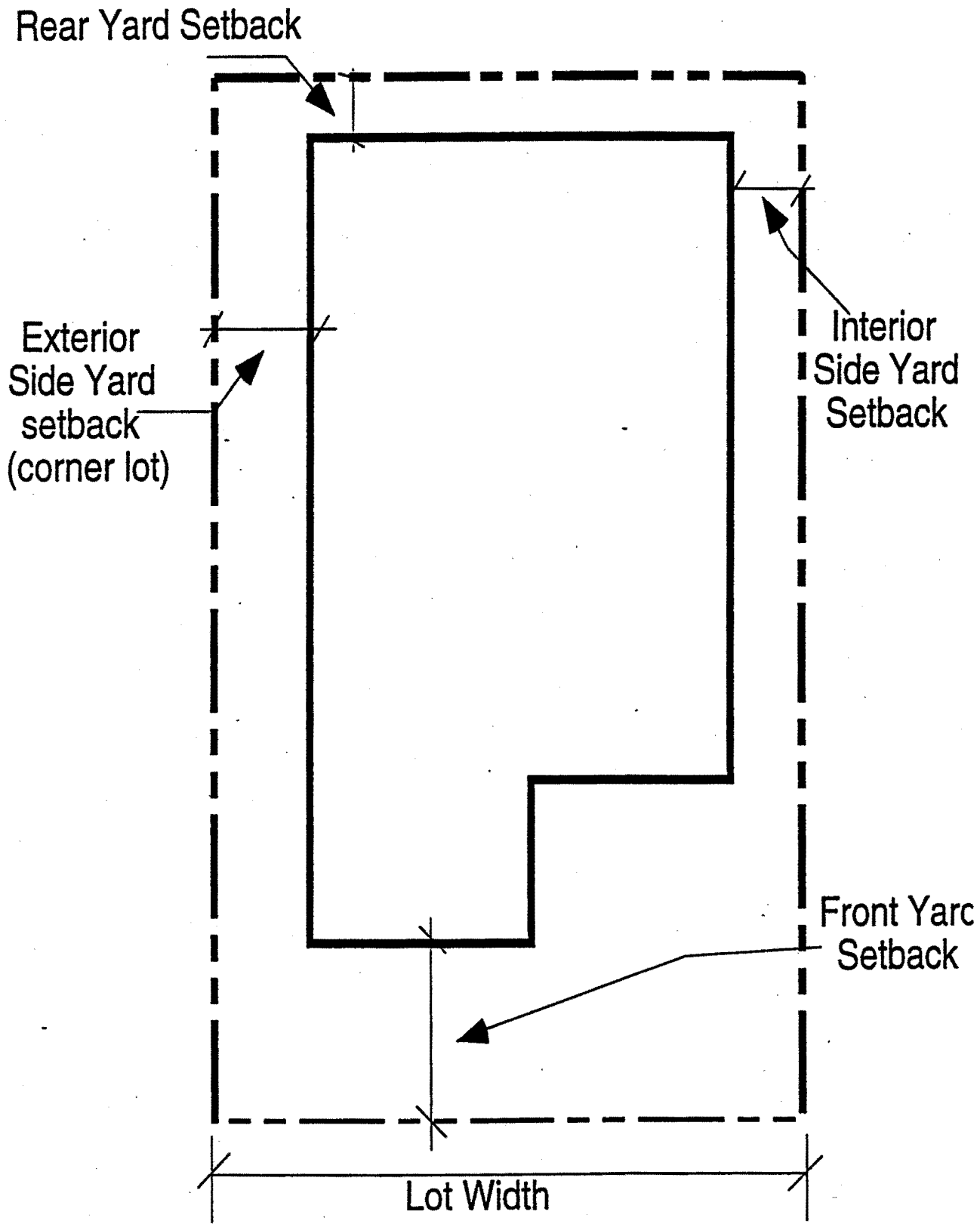
Veterinary Clinic means any premises used for the treatment or grooming of animals but not including boarding or hospitalization. (Ord. 263/1 (part), 1984)

17.12.710 VETERINARY HOSPITAL

Veterinary Hospital means any premises used for the treatment, care, boarding or grooming of animals, with all such operations to be conducted within a building unless otherwise specified in the use permit. (Ord. 263/1 (part), 1984)

17.12.712 VISITOR SERVING FACILITY

"Visitor Serving Facility" means those stores, shops, businesses, recreational facilities (both public and private), parks and natural preserves which are regularly utilized by the traveling public.


Rear Yard Setback
Exterior Side Yard setback (corner lot)
Interior Side Yard Setback
Front Yard Setback
Lot Width

17.12.714 WAREHOUSE

"Warehouse" means a building(s) used primarily for the storage of goods of any type and where no assembly, manufacturing or retail operation is conducted with the use.

17.12.716 WETLANDS

"Wetlands" means lands which may be covered periodically or permanently with shallow water, including saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

17.12.720 YARD

Yard means an open space on the same lot with a building which open space is unoccupied and unobstructed from the ground upward, except as otherwise permitted in Chapter 17.48. (Ord. 263/1 (part), 1984)

17.12.730 YARD, FRONT

Front yard means a yard extending across the front of the lot between the side lot lines and measured from the front line of the lot to the required minimum front setback. ~~nearest line of the building; provided, however, that if any plan line has been established for the street upon which the lot faces, the front yard measurement shall be taken from such plan line to the nearest line of the building.~~ (Ord. 263/1 (part), 1984)

17.12.740 YARD, REAR

Rear Yard means a yard extending across the full width of the lot and measured between the rear line of the lot and required minimum rear setback. ~~the nearest line of the main building.~~ (Ord. 263/1 (part), 1984)

17.12.750 YARD, SIDE

Side Yard means a yard between the side line of the lot and the ~~nearest line of the building~~ required minimum setback and extending from the front yard of the lot to the rear yard. (Ord. 263/1 (part), 1984)

17.12.755 YARD, EXTERIOR OR STREET SIDE

Exterior or Street Side Yard" means a side yard adjacent to a street on a corner lot.

17.12.757 YARD, INTERIOR SIDE

Interior Street Side Yard" means a side yard adjacent to another lot.

17.12.760 ZONING ADMINISTRATOR

Zoning Administrator" means the Director of the Planning and Building Department (formerly the Community Development Department) or his or her designee.

Chapter 17.22 [Formerly 17.28]
ZONING MAP - BOUNDARIES

SECTIONS:

17.22.010	Zoning Map
17.22.020	Boundary determination when map is insufficient
17.22.030	Boundary changes
17.22.040	Lands not designated deemed R-A districts

17.22.010 ZONING MAP

The boundaries of the districts designated and established in this Title are as shown on ~~that certain~~ the official map entitled "ZONING MAP OF THE CITY OF MORRO BAY." Each Section of this Title has been incorporated ~~herein and made a part of this Title by reference as though herein fully set forth and which~~ into this map and is referenced as such. The map is on file ~~in the office of~~ at the City Clerk's office~~, and to which reference is hereby made for full particulars as to the location of the areas shown within the districts~~. The districts shown are ~~declared to be~~ subject to ~~the~~ all regulations ~~pertaining~~ relating to ~~such~~ the designated districts ~~set forth~~ as established in this title.

No person shall use any land, building, or structure, nor shall any building or structure be erected, constructed, enlarged, altered, moved or used ~~in any district shown on said zoning map~~, except in accordance with the regulations established by this Title for any district shown on the Zoning Map. (Ord. 263/1 (part), 1984)

17.22.020 BOUNDARY DETERMINATION WHEN MAP IS INSUFFICIENT

Where the exact boundaries of a district cannot be readily or exactly ascertained by reference to the Zoning Map of the City, the boundary shall be deemed to be along the nearest street, ~~or~~ lot line, or geographic feature, such as a creek or blufftop, as the case may be. ~~If a District boundary line divides or splits a lot, the lot shall be deemed to be included within the district which is the more restrictive~~. The provisions of this section do not apply to acreage. (Ord. 263/1 (part), 1984)

17.22.030 BOUNDARY CHANGES

Changes in the boundaries of Districts shall be made by ordinance in the manner provided in Chapter 17.64. Said ordinance ~~describing~~ must describe the area to

be changed either by lot and block number or by metes and bounds. After the adoption of any ordinance changing any of the boundaries of any district, the Planning and Building Department shall revise the aforementioned map to show the changes made in District boundaries. ~~and~~ The Planning and Building Department shall also show the number and date of the adoption of the ordinance making such changes. (Ord. 263/1 (part), 1984)

17.22.040 LANDS NOT DESIGNATED DEEMED R-A DISTRICTS

All lands now or hereafter included within the City boundaries, which are not designatd on the aforementioned Zoning Map as being included in any District, are and shall be designated as R-A or single-family residential districts. (Ord. 263/1 (part), 1984)

Chapter 17.24

~~Districts Established~~

PRIMARY DISTRICTS

[NOTE: This Chapter has been reorganized to incorporate various primary Zoning Districts that were previously distributed throughout several Zoning Ordinance Chapters.]

SECTIONS:

17.24.010	Generally
~~17.24.015~~	~~Coastal Resource Residential~~ **[Moved to 17.24.080]**
17.24.~~160~~ 020	Agriculture (AG) District **[Formerly 17.39]**
17.24.~~020~~ 030	Suburban Residential (R-A) District
~~17.24.040~~	~~Neighborhood Commercial (C-1-N) District~~
17.24.~~030~~ 040	Single-family Residential (R-1) District
17.24.~~030~~ 050	Duplex Residential (R-2) District
17.24.~~030~~ 060	Multiple-family Residential (R-3) District
17.24.~~030~~ 070	Multiple Residential-Hotel-Professional (R-4)
17.24.~~015~~ 080	Coastal Resource Residential (CRR) District **[Formerly 17.31]**
17.24.~~050~~ 090	Central Business (C-1) District
17.24.~~060~~ 100	General Commercial (C-2) District
17.24.~~065~~ 110	Mixed Commercial/Residential (MCR) District
17.24.~~070~~ 120	Visitor Serving Commercial (C-VS) District
17.24.~~080~~ 130	General Office (G-O) District
17.24.~~090~~ 140	Light Industrial (M-1) District
17.24.~~090~~ 150	Coastal Dependent Industrial (M-2) District
~~17.24.100~~	~~Planned Development (P-D) Suffix District~~ **[Moved to 17.40.030]**
~~17.24.160~~	~~Agriculture (AG) District~~ **[Moved to 17.24.020]**
17.24.~~110~~ 160	Open Area (O-A) District **[Formerly 17.35]**
~~17.24.170~~	~~School (SCH) District~~ **[Moved to 17.24.210]**
17.24.~~120~~ 170	Waterfront (WF) District **[Formerly 17.33]**
17.24.~~130~~ 180	Commercial/Recreational Fishing (CF) District **[Formerly 17.34]**
17.24.~~140~~ 190	Harbor and Navigable Ways (H) District **[Formerly 17.38]**
~~17.24.150~~	~~Environmentally Sensitive Habitat (ESH) District~~ **[Moved to 17.40.040]**
17.24.~~180~~ 200	Mariculture and Marine Research (MMR) District **[Formerly 17.41]**
17.24.~~170~~ 210	School (SCH) District **[Formerly 17.37]**
17.24.~~190~~ 220	Golf Course (GC) District **[Formerly 17.43]**

17.24.010 GENERALLY

The City is divided into several primary zoning districts which govern the allowable uses designated in this Chapter. ~~There are established the several districts into which the City is divided and which are designated as follows in this Chapter.~~ Except as provided in this title, no structure shall be erected, reconstructed, enlarged, altered or moved; nor shall any building or land be used except as specifically provided in this title and allowed in the districts in which such structure and land is located. (Ord. 263 & 1 (part), 1984)

17.24.~~160~~ 020 AGRICULTURE (AG) DISTRICT [FORMERLY 17.39]

CONTENTS

A. Purpose
B. Special agriculture standards
AG District Table

A. PURPOSE

The purpose of the agriculture ~~District or~~ (AG) District is ~~as follows:~~ to provide for the continuation of agricultural uses in suitable areas and for supplemental commercial uses which may be necessary to support such continued agricultural activities. New development in this District shall also be sited and designed to protect and enhance scenic resources associated with the rural character of agricultural lands. (Ord. 263 & 1 (part), 1984)

It is the intent of the City that it shall maintain the maximum amount of prime agricultural land in agricultural production to assure the protection of the area s agricultural economy. In addition, it is the City s intent that all nonprime agriculture land within the City of Morro Bay suitable for agricultural use shall not be converted to nonagricultural uses unless

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

2. Such conversion would preserve prime agricultural land or concentrate development consistent with Public Resources Code, Section 30250. (Ord. 263 & 1 (part), 1984)

B. SPECIAL AGRICULTURE STANDARDS

1. Temporary produce stands
   Temporary seasonal stalls or stands not greater than 1,000 sq.ft. in area for the sale of produce, hay or feed, 50% of which is grown on-site or on sites which are

leased or owned by the same tenant/owner, may be permitted subject to a Temporary Use Permit. Said use shall provide adequate access and parking.

2. Special restrictions on nonagricultural use of prime agricultural land.
The following special restrictions on uses shall apply to prime agricultural land:

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

b. Other uses
All other uses which are conditionally permitted in the AG District in accordance with Subsection B of this Section may be permitted on prime agricultural lands only if the following findings are made by the Planning Commission:

(1). No alternative building site
That no alternative building site exists except on prime agricultural lands; and

(2). Amount of conversion minimized
That the ~~lease~~ least amount of prime agricultural land possible will be converted to these conditionally permitted uses; and

(3). No use conflicts
That the conditionally permitted uses will not conflict with surrounding agricultural land and uses.

3. Expressly Prohibited Uses
The following uses are expressly prohibited in the AG zone; hog raising; commercial dairies; kennels; rabbit and chicken ranching involving more than twelve animals, unless a special permit is obtained from the City Council ~~pursuant~~ according to Title 7 of the Morro Bay Municipal Code; and any use which will degrade the quality of the groundwater basin. (Ord. 263 & 1 (part), 1984)

4. Reduced Lot Size/Cluster Development
~~Reducing Lot Size. These~~ Minimum lot sizes may be reduced only if a covenant, restriction or similar document is recorded which limit future uses of the lots to open space, agriculture or uses or structures accessory to agriculture provided, however, that the minimum lot area shall in no case be less than twenty thousand square feet and the lots are clustered to maintain agricultural feasibility or provide a coordinated open space area. (Ord. 263 & 1 (part), 1984)

5. Maximum density for animals
Not more than four cattle or horses per acre, nor more than eight sheep or goats per acre may be kept in the AG District, provided however that greater densities

may be permitted on a temporary basis, not to exceed a period of forty-five days. When calculating this density, all animals shall be counted and any eight sheep or goats shall be considered equivalent to four cattle or horses; i.e., this Section shall not be construed to mean eight sheep or goats may be permitted in addition to four cattle or horses per acre. (Ord. 263 & 1 (part), 1984)

6. Performance standards
All other provisions of this Chapter notwithstanding, no development shall be permitted which does not meet the following standards;

a. Environmentally sensitive habitats and scenic resources
New roads or other land disturbance and new uses shall not adversely impact environmentally sensitive habitat areas and shall be sited and designed to minimize adverse impacts on scenic resources, the rural character of the site and adjacent agricultural operations;

b. ~~Locating~~ Barns, corrals and other animal enclosures
~~All~~ Barns, corrals and other animal enclosures shall be located on-site in accordance with Title 7 of the Morro Bay Municipal Code;

c. Grading for Agricultural Roads
Grading for all agricultural roads shall conform to the applicable requirements as contained in Title 14;

d. Maintenance
Corrals, pens, feed areas, paddocks, stables and permanently fenced pasture are to be maintained in a neat and sanitary manner and free from litter and garbage. (Ord. 263 & 1 (part), 1984)

17.24.020 Agricultural (AG) District Table

Unless otherwise designated, the following uses, or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licences.	Conditional Use Permit Required	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Principle Permitted Uses: The following uses are permitted in the AG zone: crop farming; viticulture; livestock farming and grazing; accessory uses and buildings, including but not limited to barns, corrals and storehouses, which are normally incidental to other permitted uses; equestrian boarding facilities for not more than four horses.	No	25 ft.	General: 20 acres Between Little Morro Creek Rd. & Morro Creek: 40 acres or pursuant to 17.24.020.b.4	General: 20 acres Between Little Morro Creek Rd. & Morro Creek: 40 acres	25 ft.	25 ft.	25 ft.	25 ft.	NA	5%
					Corral, barns & other animal enclosures: 75 ft. from any dwelling (see 7.16.050)					
One single-family residence				1 / Lot						2%
Guest house (no kitchen) or Granny Unit with a Single Family Residence	Minor use permit									
Temporary produce stand										
Conditionally Permitted Uses: The following may be permitted in the AG zone subject to a Conditional Use Permit: ~~one single-family residence;~~ farm labor quarters; public coastal accessways; greenhouse and nurseries; other uses per the land use plan of Section 17.39.130 ~~17.24.020.D.~~ if the appropriate findings are made by the Planning Commission.	Yes									~~25%~~

17.24.~~020~~ 030 SUBURBAN RESIDENTIAL (R-A) DISTRICT.

CONTENTS

A. Purpose
R-A District Table

A. PURPOSE

purpose of the Suburban Residential ~~District or~~ (R-A) District is ~~as follows: This District is intended~~ to permit estate lot homes and small scale agricultural uses ~~prior to development for residential uses~~; to provide an area for people to have parcels of land larger than more typical single-family residential lots, where livestock poultry and small animals may be raised in limited number for home use, or for pleasure. ~~until urban development requires reclassification~~ (Ord. 263 & 1 (part), 1984)

17.24.030 SUBURBAN RESIDENTIAL (R-A) DISTRICT TABLE

17.24.030 Suburban Residential (RA) District Table

Unless otherwise designated, the following uses, or other uses which are found to be similar and consistent with the ~~LUP~~ General Plan and Local Coastal Plan ~~will~~ may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Single family dwelling.	No	25 ft. (No wall may exceed 30 ft.)	20,000 sq. ft.	20,000 sq. ft.	20 ft.	10 ft.	10% of ave. width with ~~6'~~ 10 ft. maximum requirement	~~5%~~ 20% of the depth of the lot with 20 ft. max.	35% min. permeable surface	45%
Crop and tree farming: viticulture; farming and if one acre or more grazing, of not more than two (2) cattle or horses per acre. or not more than four (4) sheep or goats per acre;					Refer to Chapter 7.16 for animal keeping setbacks ~~Not permitted within 50' of any residential structure~~					
Rabbit and chicken ranching involving not more than twelve (12) animals;										
Expressly prohibited: commercial dairies and kennels;										
Accessory uses and buildings normally incidental to other permitted uses, but not including commercial uses, and located in accordance with Title 7; home occupations										
Guest House(no kitchen) or Granny Unit with a Single Family Residence	Minor Use			1 per lot	20 ft.	10 ft.	10%	20%		
Temporary Produce Stands			10 acres				10% of ave. width with ~~6'~~ 10 ft. maximum requirement	~~5%~~ 20% of the depth of the lot with 20 ft. max.		
Additional Residences for Agricultural Employees	Yes									
Equestrian Boarding					Not permitted within ~~200'~~ 100' of residential structure or adjacent residentially zoned property					
Special Use Permits pursuant to 17.30		Per CUP								

17.24.~~030~~ 040 SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT

CONTENTS

A. Purpose
R-1 District Table

A. PURPOSE

The single-family residential (R-1) District is intended to be applied to existing single family residential areas of the City to provide for housing which is consistent and harmonious with existing development and to undeveloped areas of the City in which topography, access, services, utilities and general conditions make the area suitable and desirable for single-family home development.

The purpose is to stabilize and maintain the residential character of the R-1 District and to ensure the maintenance of the maximum amenities for family living commensurate with the densities of population specified and to ensure that the districts will be free of excessive traffic and other uses causing congestion, noise, confusion and interference in the pattern of family living. (Ord. 263 & 1 (part), 1984)

17.24.040 SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT TABLE

17.24.040 Single Family Residential (R-1) District Table

Unless otherwise designated, the following uses, or other uses which are found to be similar and consistent with the ~~LUP~~ General Plan and Local Coastal Plan ~~will~~ may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
One single family dwelling	No	25 ft. (No wall may exceed 30 ft.)	Refer to Subdiv. Regs. for sizes for new lots	1 / lot	20 ft.	~~10'~~ 20% of ave width of lot with 10 ft. maximum and 5 ft. minimum ~~requirement~~	10% of ave. width of lot with 5 ft. maximum and 3 ft. minimum	~~5'~~ 10% of ave. depth of lot with 10 ft. maximum and 6 ft. minimum	N/A	45%
Home occupations; structures and uses (incl. home oc.) normally incidental to primary use										
Guest house (no kitchen) or Granny unit with a Single Family Residence	Minor Use Permit									
Community housing project	Yes		Per CUP	5,000 sq. ft. or per overlay zone		~~Per CUP~~	~~Per CUP~~	~~Per CUP~~	Plan required 20% min. permeable surface area	~~Per CUP and as provided in Chapter 17.49~~
Special Use Permits pursuant to 17.30										

17.24.~~030~~ 050 DUPLEX RESIDENTIAL (R-2) DISTRICT

CONTENTS

A. Purpose
R-2 District Table

A. PURPOSE

The Duplex District (R-2) District is intended to be applied in areas of the City where moderate densities can be physically accommodated and where consistent with the surrounding area of development and where needed utilities and services can be provided. The purpose of the zone is to provide a wider range of housing than the R-1 zone and to ensure that the R-2 District will be free of excessive traffic and other uses causing congestion, noise, confusion and interference in the pattern of family living.

17.24.050 DUPLEX RESIDENTIAL (R-2) DISTRICT TABLE

17.24.050 Duplex Residential (R-2) District Table

Unless otherwise designated, the following uses, or other uses which are found to be similar and consistent with the ~~LUP~~ General Plan and Local Coastal Plan ~~will~~ may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
All principally permitted uses ~~listed~~ in the R-1 district.	No	25 ft. No wall may exceed 30 ft.	Refer to Subdiv. Regs. for sizes for new lots	~~As specified in the R-1 Districts~~ 2,900 sq. ft.	20 ft.	20% of ave. width of lot with 10 ft. maximum and 5 ft. minimun	10% of ave. width of lot with 5 ft. maximum and 3 ft. minimum ~~requirement~~	5 ft.	N/A	50%
Duplexes (single structure); second single family dwellings										
Home occupations; structures and uses normally incidental to primary use										
Guest house (no kitchen) or Granny unit with a Single Family Residence	Minor Use Permit									
Apartment units / Bed and Breakfast	Yes				~~Per CUP~~	~~Per CUP~~	~~Per CUP~~	~~Per CUP~~	Plan required 15% minimum permeable surface	~~Per CUP and as provided in Chapter 17.49~~
Community Housing projects			10,000 sq. ft.							
Mobile home parks and other permitted uses as stated in Section ~~17.60.040 (p)~~ 17.40.060.		~~Per CUP~~	2 acres							
Parking lots - only to serve residential uses			Per CUP	NA						
Special Use Permits pursuant to 17.30										

17.24.~~030~~ 060 MULTIPLE-FAMILY RESIDENTIAL (R-3) DISTRICT

CONTENTS

A. Purpose
R-3 District Table

A. PURPOSE

The multiple-family residential (R-3) District is intended to apply in the areas of the City where it is reasonable to permit varying intensities of residential development. The purpose of the R-3 District is to provide a wide range of housing types and to ensure that the R-3 District will be free of excessive traffic and other uses causing congestion, noise, confusion and interference in the pattern of higher density family living.

17.24.060 MULTIPLE-FAMILY RESIDENTIAL (R-3) DISTRICT TABLE

17.24.060 Multiple Family Residential (R-3) District Table

Unless otherwise designated, the following uses, or other uses which are found to be similar and consistent with the ~~LUP~~ General Plan and Local Coastal Plan ~~will~~ may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
All principally permitted uses ~~listed~~ in the R-1 and R-2 districts.	No	25 ft. ~~As specified in the R-1 and R-2 Districts, and as modified, where applicable, by Section 17.40.030~~	Refer to Subdiv. Regs. for sizes for new lots	~~As specified in R-1 and R-2 Districts~~ 2,175 sq. ft.	15 ft.	20% of ave. width of lot with 10 ft. maximum and 5 ft. minimum	5 ft.	5 ft. except where abuts an R-1 or R-2 zone, in which case the R-1 criteria applies.	N/A	60%
Home occupations; structures and uses normally incidental to primary use									Plan required 15 % minimum permeable surface	
Apartment units ~~Multiple family dwellings~~										
Guest house (no kitchen) or Granny unit with a Single Family Residence	Minor Use Permit								N/A	
Rooming and boarding house; bed and breakfast establisbment	Yes	~~Per CUP~~	~~Per CUP~~	~~2175~~ 2900 sq. ft.	~~Per CUP~~	~~Per CUP~~	~~10 ft.~~ ~~Per CUP~~	~~Per CUP~~	Plan required 15 % minimum permeable surface	~~Per CUP~~
Community housing project			6,000 sq. ft.							
Parking lot			3 acres	NA						
Mobile home park			3 acres	2,900 sq. ft.						
Special Use Permits pursuant to 17.30			Per CUP	Per CUP						

17.24.~~030~~ 070 MULTI-FAMILY RESIDENTIAL-HOTEL-PROFESSIONAL (R-4) DISTRICT

CONTENTS

A. Purpose
R-4 District Table

A. PURPOSE

The multi-family residential-hotel-professional (R-4) District is intended to apply in those areas of the City where it is reasonable to permit a mixture of hotels and motels along with apartment, condominiums and other similar uses. The purpose of the R-4 District is to allow higher density apartment projects and, where appropriate, hotel, motel, community housing developments and professional offices, ensuring that the R-4 District will be free of excessive traffic and other uses causing congestion, noise, confusion and interference in the pattern of higher density family living and visitor serving uses.

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17.24.070 MULTI-FAMILY RES.-HOTEL-PROFESSIONAL (R-4) DISTRICT TABLE

17.24.070 Multiple Residential (R-4) District Table

Unless otherwise designated, the following uses, or other uses which are found to be similar and consistent with the ~~LUP~~ General Plan and Local Coastal Plan ~~will~~ may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
All principally permitted uses listed in the R-1, R-2 and R-3 districts. ~~single and multiple family dwellings~~	No	30 ft.	Refer to Subdiv. Regs. for sizes for new lots	~~1600 sq. ft.~~	15 ft.	20% of ave. width of lot with 15 ft. maximum and 10 ft. minimum	5 ft.	5ft. except where abuts an R-1 or R-2 zone, in which case the R-1 criteria applies.	N/A	60%
Home occupations; structures and uses normally incidental to primary uses				1,800 sq. ft.						
Apartment units									Plan required 15 % minimum permeable surface	
Guest house (no kitchen) or Granny unit with a Single Family Residence	Minor Use Permit									
Community housing project	Yes		6,000 sq. ft.	~~Per CUP~~	~~Per CUP~~	~~Per CUP~~	~~Per CUP~~	~~Per CUP~~		~~Per CUP and as provided in Ch. 17~~
Rest home; rooming and boarding houses				~~Per CUP~~			~~10 ft.~~			
Hotel and motel; Bed and Breakfast establishment				750 sq. ft.						
Mobile home park		~~25 ft.~~	3 acres	2900 sq. ft.	~~Per CUP~~	~~Per CUP~~	~~Per CUP~~	~~Per CUP~~		~~Per CUP~~
Commercial uses and services, including but not limited to newstands, gifts and notions, coffee shops, self service laundries and bike rental, which are normally incidental to hotels, motels and mobile home parks, if such uses are provided without direct access to a public street		~~30 ft.~~	~~Per CUP~~		~~Per CUP~~	~~Per CUP~~	~~Per CUP~~	~~Per CUP~~		~~Per CUP~~
Parking lots										
Professional, governmental and general business offices which do not engage in retail sales on the premises			~~6,400~~	~~Per CUP~~	~~20'~~	~~10'~~	~~5'~~	~~5'~~		
Special Use Permits pursuant to 17.30										

17.24.080 COASTAL RESOURCE RESIDENTIAL (CRR) DISTRICT [FORMERLY 17.31]

CONTENTS

A. Purpose
B. Special CRR zone standards
CRR District Table

A. PURPOSE

The purpose of the coastal resource residential ~~or~~ (CRR) District is to provide for the residential uses that are environmentally compatible with protection of coastal resources of local and statewide significance by limiting densities and intensity of residential development and restricting the range of ancillary uses. Large minimum lot sizes are required in order to minimize overall levels of activity that could adversely impact sensitive coastal resources. Clustered development is encouraged where it will result in lesser levels of impact. This category is appropriate in areas adjacent to the designated ESH zones and in areas providing traditional public views to and along the shoreline. (Ord. 338 & 2 (part), 1988)

B. SPECIAL CRR ZONE STANDARDS

1. Height limit~~s~~ in View Corridors
The height limit for structures ~~shall be fourteen feet except in areas where there are~~ within the public viewshed corridors defined in the LCP land use plan. ~~within which the height limit~~ shall be four feet. (Ord. 338 & 2 (part), 1988)

2. Special Clustered development standards, Cloisters Area

a. Uses
Permitted uses, conditionally permitted use, minimum front yard, corner lot exterior side yard, ~~interior side yard,~~ minimum rear yard, and landscaping remain as set forth in the CRR Table. ~~respectively in Sections 17.31.020, 17.31.030, 17.31.080, 17.31.090, 17.31.100, 17.31.110, and 17.31.130.~~

b. Alternative standards
For clustered residential development, the following alternative standards shall apply:

(1) Height limit of Structures
Structures shall be limited to a single story in height and shall not exceed fourteen feet in height on the area north of the view corridor.

~~Structures shall not exceed twenty-five feet in height on the area south of the view corridor.~~

In the area of Tract 1996 south of the view corridor, lots 59 through 88 and lots 46, 47, and 48 shall be limited to single story structures, not to exceed 14 feet above finished grade. For the remaining lots with second stories, the second floor shall be limited to 50% of the footprint of the principal structure. Prior to approval of the Precise Plan, the applicant shall submit for air space easement of CC&Rs for City approval for this area which will limit construction consistent with these requirements.

No structure in the south cluster (lots 46 through 120) shall exceed 25 feet in height above finished grade. Further, on lots 49 through 58, 89, 90, 93, 95, 101, 104, 108, 110, 112, 113, 115, 116, 118, 119, and 120 no structure shall exceed 25 feet in height above finished grade; on lots 91, 92, 94, 96, through 100, 102, 103, 105, 106, 107, 109, 111, 114 and 117, no structure shall exceed 17 feet in height above finished grade; and on lots 46, 47, 48, and 59 through 88, no structure shall exceed 14 feet in height above finished grade.

If Tract 1996 should expire, height limits of any future development proposed for this site shall comply with the height limits established by the Local Coastal Program Land Use Plan and the General Plan.

The above mentioned height limits shall be measured from finished grade; provided, however, finished grade shall only exceed existing natural grade by the minimum fill necessary to meet floodplain elevation requirements and tract drainage, engineering, and utility design criteria as determined by the City Engineer in his sole discretion. Any grading plan for the site shall be reviewed to ensure that the above criteria is met ~~natural grade is not elevated beyond the levels necessary to meet floodplain elevation requirements and tract drainage, engineering, and utility design and engineering~~ as determined by the City Engineer in his sole discretion;

(2) Minimum building site
Six thousand square feet for interior lots and seven thousand square feet of corner lots.

(3) Maximum lot coverage
All structures, forty-five percent, unless otherwise allowed pursuant to the LCP land use plan standards.

[4] Minimum lot width
Fifty feet or thirty-five feet on a cul-de-sac at property line;

~~(5) Minimum lot area per unit, six thousand feet. (Ord. 363 & 2(1), 1989)~~

17.24.080 COASTAL RESOURCE RESIDENTIAL (CRR) DISTRICT TABLE

17.24.080 Coastal Resource Residential (CRR) District Table

Unless otherwise designated, the following uses, or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
One single-family dwelling Structures and uses normally incidental to the primary use; home occupation	No	14 ft./ 25 ft. (Refer to special standards)	20,000 sq. ft. If cluster development, 6,000 sq. ft. interior & 7,000 sq. ft. corner. (Refer to Cluster Requirements)	1 unit per lot	20 ft. (In addition, garage shall be 20 ft. from sidewalk).	10 ft.	10% of the ave. width of the lot with 6 ft. maximum	~~5 ft.~~ 10 ft. from property lines and from designated view corridor lines.		30 % If clustered: Refer to Cluster Requirements.
Guest house (no kitchen)	Yes								Plan required	
Granny Units are specifically prohibited.										

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17.24.~~050~~ 090 CENTRAL BUSINESS (C-1) DISTRICT

CONTENTS

A. Purpose
C-1 District Table

A. PURPOSE

The purpose of the central business ~~District or~~ (C-1) is ~~as follows:~~ to designate and promote the orderly development of the business District as a central retail shopping facility for the primary market area. Mixed commercial/residential uses shall be encouraged in the central business District. (Ord. 263/1 (part), 1984)

17.24.090 CENTRAL BUSINESS (C-1) DISTRICT TABLE 1

17.24.090 Central Business (C-1) District Table I

Unless otherwise designated the following uses, or other uses which are found to be similar and consistent with the ~~LUP~~ General Plan and Local Coastal Plan ~~will~~ may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Retail business establishments within a building conducting sales of the following or similar items: apparel, arts and artifact sales, books, confectionery, drugs, flowers, food, furniture, general merchandise, gifts, hardware, jewelry; household appliances, ~~liquor, newspapers and print shop,~~ periodicals, photo supplies.	No	30 ft. except 25 ft. within 20 ft. of a residential district other than R-4	Refer to Subdiv. Regs. for sizes for new lots	NA	0 ft. with an average of 2 ft. except 10 ft. when across the street from a residential district		0 ft. except 10 ft. when adjacent to a residential district		Plan required per Section 17.48.290	90%
Personal service establishments within a building including the following: barber and beauty shop; photographic, art and ~~dance~~ craft studio; health club, ~~beauty shop,~~ radio and TV repair, ~~cleaning agency excluding linen supply,~~ shoe repair; ~~department stores,~~ print shop, ~~banks, offices, theatres, bars,~~ business and professional offices, and banks.										
Elderly housing units (62 years old and older) only when affordable to low and/or moderate income families and when not located on a major arterial.										
Residential uses including: apartments ~~house,~~ only when secondary to commercial uses on rear one-half of the property or second story. [Formerly on p. 2 of Table]	~~Yes~~									
Liquor and convience store and dance studio; cleaning agency excluding linen supply; laundromat	~~Yes~~ None except Minor CUP if within 100' of or across the street from a residential zone									
Restaurants and other food service establishments, except drive-in or drive-thru.										
Theaters and auditoriums.		~~15'~~	~~Per CUP~~	~~Per CUP~~	~~Per CUP~~		~~Per CUP~~		~~Landscape Plan Required~~	
Open parking lot										
Daycare facilities										

17.24.100 Central Business (C-1) District Table II

Unless otherwise designated the following uses, or other uses which are found to be similar and consistent with the ~~LUP~~ General Plan and Local Coastal Plan ~~will~~ may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Tattoo Parlors	None except Minor CUP if within 100' of or across the street from a residential zone or a school									
Video arcades										
Bars when not part of a restaurant.	Yes	30 ft. except 25 ft. within 20 ft. of a residential district other than R-4	Refer to Subdiv. Regs. for sizes for new lots	2,500 sq. ft.	0 ft. with an average of 2 ft. except 10 ft. when across the street from a residential district		0 ft. except 10 ft. when adjacent to a residential district		Plan required per Section 17.48.290	90%
Hotels, motels.										
Plant nurseries, home improvement centers and tire shops/auto repair, subject to a CUP ~~and when part of a planned development shopping center of five acres or greater~~ (Ord.324 Exh. B S1, 1988).										
Multi-story parking garages										
Retail sales and personal services not with-in a building. ~~including~~										
Drive-in or drive-thru restaurants.										
Services stations with minor auto repair, car wash.										
Fabrication of items sold on the premises ~~with no more than two employees.~~										

17.24.~~060~~ 100 GENERAL COMMERCIAL (C-2) DISTRICT

CONTENTS

A. Purpose
C-2 District Table

A. PURPOSE

The purpose of the general commercial ~~District or~~ (C-2) District is ~~as follows:~~ to provide a District for the heavier types of commercial and semi-industrial uses which do not specialize in pedestrian traffic and are more appropriately located away from the central business District and where effective measures are taken to protect any adjacent residential zones from adverse impacts of commercial uses such as noise vibration and from uses which may be visually incompatible. (Ord. 263 / 1(part), 1984)

17.24.100 GENERAL COMMERCIAL (C-2) DISTRICT TABLE

17.24.100 Service Commercial (C-2) District Table

Unless otherwise designated, the following uses, or other uses which are found to be similar and consistent with the ~~LUP~~ General Plan and Local Coastal Plan ~~will~~ may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Retail uses within a building except liquor stores Business and professional offices.	No ~~Yes~~	30 ft. except 25 ft. within 20 ft. of a residential district other than R-4	~~6000 sq. ft.~~ Refer to Subdiv. Regs. for sizes for new lots	NA	~~0 ft.~~ Average of 2 ft. except 10 ft. when ~~adjacent to~~ across the street from a residential district		0 ft. except 10 ft. when adjacent to a residential district		~~Screening and Landscaping~~ Plan Required per Section 17.48.290 ~~must be submitted to and approved by the Director~~	90%
The following uses, within a building, such as: animal hospital; auto sales and service; minor and major automotive repair shop; car cleaning and detail establishments; dry cleaners; heavy equipment sales and service; laundries; locker plants; nurseries; plumbing shops; hardware stores; second hand sales; cabinet shops; tire-shops; restaurants.	~~No~~ None required except when within 100' or across the street from a residential zone in which case a minor Use Permit is required									
Storage and warehouse establishments such as: mini - warehouses; commercial public storage; wholesale storage and distribution of products to retail outlets; restaurant suppliers excluding wholesale food distributors.										
Liquor stores and convenience stores										
Outdoor storage and sales establishments and any uses permitted without a use permit when carried on outside a building.	Yes									
Home improvement centers.										
Service stations, auto body, and paint shops; building and repair of boats ~~not more than 65 feet in length~~										
Fish processing excluding canning; light fabrication ~~with less than 6 employees;~~ contractors' yards; uses clearly ancillary to primary uses.										
One residence for security purposes.										

17.24.~~065~~ 110 MIXED COMMERCIAL/RESIDENTIAL (MCR) DISTRICT

CONTENTS

A. Purpose
MCR District Table

A. PURPOSE

The purpose of the mixed commercial/residential ~~District or~~ (MCR) District and the North Main Street Specific Plan (see Section 17.40) is as follows:

1. To allow and regulate a mix of compatible commercial uses with residential uses in districts where a strip commercial area is in close proximity to a residential neighborhood.

2. To broaden the range of commercial market opportunities, ~~and~~

3. To provide a review procedure to protect the residential neighborhood from unsafe or unhealthy conditions. (Ord. 350/2(part), 1989)

B. SPECIAL STANDARDS

~~17.71.030 Allowable Uses~~
~~Different uses or mixed uses may be allowed in the MCR zone in compliance to the applicable development standards.~~

~~A. Definition and Purpose~~
1. General
~~Mixed Commercial/Residential (MCR) District.~~ The MCR zone allows ~~conditionally permitted~~ uses which are found to be similar and consistent with the General Plan and Local Coastal Plan as those found within the ~~C-1-N,~~ C-1 and C-2 Districts ~~uses~~, mixed commercial and residential uses in any proportion, or exclusive residential use. The R-1 density standards shall apply to residential development in the MCR District unless designated with the R-2, R-3 or R-4 suffix. ~~the MCR District would allow R-1 residential development. The purpose of the MCR District is to maximize the opportunity for commercial development and maintain the integrity of surrounding residential neighborhoods by allowing a mixture of appropriate commercial and/or residential uses to be evaluated according to any applicable development and performance standards during the implementation phase.~~

~~B. Generally~~
2. Regular or Minor Conditional Use Permit Required
All uses in the MCR ~~and VS-C zones of the North Main Street Specific Plan (NMSSP) area~~ District are conditionally permitted only; that is, no new change

in use shall be allowed without first obtaining a Minor ~~Conditional~~ Use Permit approved by the Zoning Administrator; or a regular Conditional Use Permit from the Planning Commission ~~any applicant may elect to petition the Planning Commission for a Conditional Use Permit~~ pursuant to Chapter 17.60. ~~and this plan.~~

~~C~~ 3. Residential Uses
Residential uses may be permitted in the MCR zone in conjunction with an approved office or commercial use in accordance with the provisions of this Chapter. Residential uses, without accompanying commercial development as allowed in the R-1 zone, may be permitted according to the applicable development standards of this plan. Designation of the MCR zone with an R-1, R-2, R-3 or R-4 suffix will permit residential development according to the designated density and applicable development standards of this plan.

~~D~~ 4. Visitor Serving Commercial
Bed and breakfast uses as defined in Chapter 17.12.~~057~~ 059 with ancillary facilities may be permitted in the CV-S zone or MCR zone with a Conditional Use Permit. The scale, layout and architectural treatment shall be compatible with and shall reflect that of a residential neighborhood.

~~E~~ 5. Service and Retail Commercial
All uses in the C-1 and C-2 ~~and C-1-N~~ zones inclusive may be permitted in the MCR zone with either minor or regular Conditional Use Permit, subject to the developmental standards of this plan.

~~17.71.040~~
6. Special Development Standards
In addition to the findings required by Chapter 17.60, the Zoning Administrator and the Planning Commission must find that the following development standards have been met before approving a Minor or regular Conditional Use Permit for any use in the ~~North Main Street Specific Plan~~ MCR District.

a. Mixed Uses
In any mixed use (i.e., commercial and residential) project, the project, in terms of specific types of uses, their locations and the development layout and design shall provide for compatibility among the uses. Features such as building entrances and open parking shall be differentiated to the extent practical between residential and commercial uses on the same site. Adequate private and common open space generally in conformance with standards set forth in Chapter 17.49 ~~of this Title~~ herein shall be provided for all residences.

b. Side and Rear Yard Setbacks
[The minimum side and rear yard setbacks shall be five feet - Moved to Table 17.24.110]

All setbacks shall be landscaped. Larger setbacks may be required by the Planning Commission if deemed necessary to provide an adequate buffer between uses.

c. Landscaping in Front yard and Street Side yard ~~Setback and Landscaping~~ A minimum of five (5) feet of landscaped area shall be provided in front of any building or parking lot facing a public street. Where a developer elects Main Street realignment, the front yard setback will be reduced accordingly and the developer shall be responsible for landscaping the realignment island.

17.24.110 MIXED COMMERCIAL/RESIDENTIAL (MCR) DISTRICT TABLE 1

17.24.110 Mixed Commercial / Residential (MCR) District Table I

Unless otherwise designated the following uses, or other uses which are found to be similar and consistent with the ~~LUP~~ General Plan and Local Coastal Plan ~~will~~ may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Retail business establishments within a building conducting sales of the following or similar items: apparel, arts and artifact sales, books, confectionery, drugs, flowers, food, furniture, general merchandise, gifts, hardware, jewelry, household appliances, liquor, periodicals, photo supplies.	Minor Use Permit	25 ft. (Refer to special standards for limitations and variations)	Refer to Subdiv. Regs. for commercial lots.		5 ft. (Refer to special standards) except 10 ft when across the street from a residential zone		5 ft. setback for buildings of 15 foot height or less. 10 foot setback for buildings of greater than 15 foot height.		Plan Required	60%
Personal service establishments within a building including the following: barber shop, photographic, art and dance studio, health club, beauty shop, radio and TV repair, cleaning agency, excluding linen supply, shoe repair, print shop, laundromat, and video arcades.										
Uses clearly ancillary to primary uses.										
When located on Main Street, Storage and warehouse establishments such as: mini-warehouses: commercial public storage: wholesale storage to retail outlets: restaurant suppliers excluding wholesale food distributors: and Contractors' yards.										
Business and professional Offices and banks.										
Restaurants and other food service establishments, except drive-in or drive-thru.										
Apartments subordinate to a commercial project or use and when on the rear half of lot or second story				Refer to residential suffix zone	Shall meet R-4 Zoning Standards					
Residential uses if ~~not combined with commercial uses.~~										
Theaters and auditoriums	Yes				5 ft. (Refer to special standards) except 10 ft when across the street from a residential zone		5 ft. setback for buildings of 15 foot height or less. 10 foot setback for buildings of greater than 15 foot height.		Plan Required	60%
Retail sales, personal services, and storage not within a building, including drive-in or drive-thru restaurants.										

17.24.110 MIXED COMMERCIAL/RESIDENTIAL (MCR) DISTRICT TABLE 2

17.24.110 Mixed Commercial / Residential (MCR) District Table II

Unless otherwise designated the following uses, or other uses which are found to be similar and consistent with the ~~LUP~~ General Plan and Local Coastal Plan ~~will~~ may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Parking lots	Yes	25 ft. (Refer to special standards for limitations and variations)	Refer to Subdiv. Regs. for commercial lots for new lots		5 ft. (Refer to special standards) except 10 ft. when across the street from a residential zone		5 ft. setback for buildings of 15 foot height or less. 10 foot setback for buildings of greater than 15 foot height.		Plan Required	60%
Fabrication of items sold on the premises ~~with no more than (2) employees~~										
Bars when not part of a restaurant.										
Hotels, motels.										
Nurseries and home improvement centers.										
The following retail uses and service, within a building: animal hospital; auto sales and service; automotive repair shop; carcleaning and detailing establishments; dry cleaners; heavy equipment sales and service; laundries; locker plants; plumbing shops; second hand sales; cabinet shops; tire shops.										
When not on Main Street, Storage and warehouse establishments such as: mini-warehouses; commercial public storage; wholesale storage and ~~distribution of products to~~ retail outlets; restaurant suppliers excluding wholesale food distributors; and Contractors' yards									~~All required yard setbacks must be landscaped; screening and landscaping plan required; plan must be submitted to Director for approval; mature trees shall be preserved in accordance with Chapter 17.71.040.~~	
Service stations, auto body and paint shops; building and repair of boats										
~~All these uses allowed in the C-1 N, C-1, and C-2 zones inclusive, subject to the provisions of this section and Chapter 17.71; North Main Street Specific Plan as applicable.~~ ~~Exclusive residential use may be permitted according to the provisions of the R-2, R-3, or R-4 districts when designated with the R-2, R-3, or R-4 suffix, the MCR district allows R-1 residential development.~~	~~Yes Compliance with all applicable provisions of Chapter 17.71 may entitle applicant to an administrative CUP process~~	~~25 ft. with allowance for up to 30' for roof-line variation View analysis as per Chapter 17.71.040 E~~								

17.24.120 ~~070~~ VISITOR SERVING COMMERCIAL (C-VS) DISTRICT

CONTENTS

A. Purpose
C-VS District Table

A. PURPOSE

The purpose of the Visitor-Serving Commercial ~~or~~ (C-VS) District is ~~as follows~~ to provide a district for commercial uses intended primarily to serve the needs of tourists and other visitors to the City and not to include commercial uses of a more general nature which are oriented towards residents. Uses in this tourist-oriented district shall also provide for landscaping and related aesthetic improvements which create and enhance the visual attractiveness of the City. (Ord. 263/1 (part), 1984)

17.24.120 VISITOR SERVING COMMERCIAL (C-VS) DISTRICT TABLE I

17.24.120 Visitor-Serving Commercial (C-VS) District Table I

Unless otherwise designated the following uses, or other uses which are found to be similar and consistent with the ~~LUP~~ General Plan and Local Coastal Plan will ~~may~~ be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Personal service and visitor-serving retail establishments within a building including the following: restaurants; delicatessens; ice cream parlors; coffee shops; other food service establishments; specialty retail boutiques; travel agents; barber and beauty shops (these uses are prohibited on the east and west side of the Embarcadero) newsstands; retail business establishments within a building conducting sales of the following or similar items: boat and marine supply; gift and souvenirs; antiques; coin and art dealers; museums and galleries and art studios.	~~CUP~~ Minor Use Permit	30 ft.	Refer to Subdiv. Regs. for sizes for new lots	N/A	10 ft	20% of ave width of lot with 10 ft. maximum and 5 ft minimum	0 ft except 10 ft when adjacent to residential districts ~~5 ft. adjacent to alley~~		Plan Required per Section 17.48290 All street yards shall be landscaped in addition to parking lot land-scaping	60%
Hotels and motels.	Yes			750 sq. ft.						
Commercial and service establishments ancillary to a motel or hotel except as may be allowed with a Minor Use Permit.				N/A			5 ft	10 ft		
Bars, liquor stores and taverns							0 ft except 10 ft when adjacent to residential districts			
Commercial recreation including boat rental, fishing supplies, other recreational equipment rental and repair.										
A single apartment unit or security quarters only when secondary to permitted commercial uses and on the rear one-half of a lot or upper story.										
Service stations and car washes.		~~25 ft.~~ 30 ft.								80%
Parking lots, parking structures.										
Parks, plazas, public open space.										60%

17.24.120 VISITOR SERVING COMMERCIAL (C-VS) DISTRICT TABLE II

17.24.120 Visitor-Serving Commercial (C-VS) District Table II

Unless otherwise designated, the following uses, or other uses which are found to be similar and consistent with the ~~LUP~~ General Plan and Local Coastal Plan ~~will~~ may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Overnight R-V camping, in-park stores for sundries and other R-V related goods.	Yes	30 ft.	Refer to Subdiv. Regs. for sizes for new lots	2900 sq. ft.	25 ft	15 ft	10 ft	10 ft	Plan Required per Section 17.48.290. All street yards shall be landscaped in addition to parking lot land-scaping	60%

17.24.130 ~~080~~ GENERAL OFFICE (G-0) DISTRICT

CONTENTS

A. Purpose
G-O District Table

A. PURPOSE

The purpose of ~~this~~ the General Office (G-O) District is to accommodate public, general business and professional offices and commercial uses which complement and support office development along with residential uses which are compatible with office and commercial uses. (Ord. 263/1 (part), 1984)

17.24.130 General Office (G-O) District Table

Unless otherwise designated the following uses, or other uses which are found to be similar and consistent with the ~~LUP~~ General Plan and Local Coastal Plan ~~will~~ may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Police and fire stations; professional Offices; general Business Offices; not ~~including~~ retail sales within a building ~~of items on the premises~~	None except Minor Use Permit if within 100' of or across the street from a residential zone	25ft.	~~3500 sq.ft.~~ Refer to Subdv. Regs. for sizes for new lots		5ft.	5 ft.	0 ft. except 10 ft. when adjacent to a residential district	Plan required in accordance with Chapter 17.48 in addition to any parking related landscaping and screening as provided in Chapter 17.44	80%	
Governmental offices; offices or meeting facilities of non-profit organizations; medical & dental offices & clinics										
Residential Uses per R-2 standards			~~Per CUP~~	2,900 sq. ft.	Must meet R-2 standards		Must meet R-2 standards			Must met R-2 standards
Medical, dental, and optometrical laboratories, ~~with not more than (2) employees~~ for the fabrication and processing of products for general sale and distribution; pharmacies; stationes; printing and duplicting	Yes									
Plant Nurseries										
~~Coffeeshops~~										
~~Personal services permitted in the C1 zone such as barber shops, beauty shops and shoe repair.~~										
Municipal parking lots										
~~Dwelling units only when accessory to the principal use to be located on the rear half of the property or second story~~										

17.24.140 ~~090~~ LIGHT INDUSTRIAL (M-1) DISTRICT

A. Purpose
M-1 District Table

A. PURPOSE

The purpose of the Light Industrial ~~or~~ (M-1) District ~~and the coastal dependent industrial district and the M-2 district is as follows:~~ is to provide districts for ~~sound~~ industrial development wherein manufacturing and other industries can locate and operate, while maintaining an environment minimizing offensive or objectionable noise, dust, odor or other nuisances, all well designed and properly landscaped. (Ord. 263/1 (part), 1984)

17.24.140 Light Industrial (M-1) District Table

Unless otherwise designated, the following uses, or other uses which are found to be similar and consistent with the ~~LUP~~ General Plan and Local Coastal Plan ~~will~~ may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
The following uses within a building or surrounded by landscaping and a solid fence or wall at least six (6) feet high; blacksmith shop; lumber yard; boat building; machine shop; bottling plant; heavy equipment & building materials sales & storage; cabinet shop; pipe yard; locker plant; contractor's yard; service yard; feed and fuel yard; outdoor storage and sales but not including self-service fuel dispencing facilities; sheet metal shop; auto mechanic shop; auto body paint and repairs shop; warehousing; dry cleaning plant and laundry; nursery for plants.	~~No~~ None except when within 300' of other non M-1 Districts a Minor Use Permit is required, or within 100' or across the street from a residential zone in which case a regular CUP is required	30 ft.	Refer to Subdiv. Regs. for sizes for new lots ~~6,000~~	NA	25 ft.	10 ft.	~~10 ft.~~ 0 ft. except 10 ft. when adjacent to residential zone or use		Plan Required	90%
Light manufacturing, fabrication; component assembling; small parts processing.										
Residence for security purposes	~~Yes~~									
Food and seafood processing	Yes									
Aquaculture										

17.24.150 ~~090~~ COASTAL DEPENDENT INDUSTRIAL (M-2) DISTRICT

CONTENTS

A. Purpose

M-2 District Table

A. PURPOSE

The purpose of the ~~light industrial, or "M-1" district and the~~ Coastal-Dependent Industrial ~~or~~ (M-2) District is ~~as follows~~ to provide districts for ~~sound~~ industrial development wherein manufacturing and other industries which require a site on or close to the ocean or harbor can locate and operate while maintaining an environment minimizing offensive or objectionable noise, dust, odor or other nuisances, all well designed and properly landscaped. (Ord. 263/1 (part), 1984)

17.24.150 COASTAL DEPENDENT INDUSTRIAL (M-2) DISTRICT TABLE

17.24.150 Coastal Dependent Industrial (M-2) District Table

Unless otherwise designated, the following uses, or other uses which are found to be similar and consistent with the ~~LUP~~ General Plan and Local Coastal Plan ~~will~~ may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Thermal power plant and support facilities; pipelines; storage tanks; wastewater treatment facilities; other industrial uses which must be located on or adjacent to the sea in order to function; ~~at all~~ Excluding: OCS land-based support facilities, including but not limited to support bases, pipe storage yards and pipeline coating yards	Yes	~~Per Cup~~							Plan Required	90%
		30 ft. (For new construction only - does not apply to replace-ment or repair of existing structures)	Refer to Subdiv. Regs.	NA	25 ft.	10 ft.	0 ft. except 10 ft. when adjacent to residential use or zone.			
Aqua-culture and fish processing plants										
Uses allowed in the M-1 Zone if coastal related, such as, but not limited to: boat construction, marine supply and repair, Recreational Vehicle service and other Coastal Related manufacturing uses.										

17.24.160 ~~110~~ OPEN AREA (OA) DISTRICT [FORMERLY 17.35]

CONTENTS

A. Purpose
B. Special OA Zone Standards
O-A District Table

A. PURPOSE

The purpose of the Open Area ~~district or~~ (OA) District is ~~as follows~~ to provide for the maintenance of areas in a natural state and preservation of scenic values and the utilization of natural features and resources of the area and bay for the recreational and aesthetic benefit of the public. (Ord. 263/1 (part), 1984)

The Open Area District is divided into two subzones OA-1 and OA-2. The OA-2 District allows for a wider range of recreational uses than the OA-1 District.

B. SPECIAL OA ZONE STANDARDS

1. Prohibited uses
   All nonauthorized motor vehicles shall be prohibited from the beach areas of the OA district. (Ord. 263/1 (part), 1984)

17.24.160 OPEN AREA (OA) DISTRICT TABLE I

17.24.160 Open Area (OA) District Table I

Unless otherwise designated, the following uses, or other uses which are found to be similar and consistent with the ~~LUP~~ General Plan and Local Coastal Plan ~~will~~ may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
The following uses shall be allowed in the open area (OA-1) or (OA-2) district: Public and private open space areas including those which can be used for recreational functions not involving significant structures; Beaches, pedestrian and bicycle trails, viewing areas, and nature study and other educational activities; Minor support structures such as informational signs and fences (Ord. 263 § 1 (part), 1984)	No	25 ft. except where lower heights are necessary to protect public views.	NA	NA	NA				NA	NA
Conditionally Permitted Uses in the OA-1 District: Parks, playgrounds, and picnic areas; Refreshment stands and sports equipment rental; Other support structures such as restrooms, dressing rooms, parking lots, lifeguard stations and informational kiosks (Ord. 263 § 1 (part), 1984)	Yes				Per CUP				Plan required	

17.24.160 OPEN AREA (OA) DISTRICT TABLE II

17.24.160 Open Area (OA) District Table II

Unless otherwise designated, the following uses, or other uses which are found to be similar and consistent with the ~~LUP~~ General Plan and Local Coastal Plan ~~will~~ may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Conditionally Permitted Uses in the OA-2 District: **Golf course, driving range, boating club, campground and picnic areas;**	**Yes**	Per CUP							Plan required	
Commercial uses (concessions) accessory to permitted uses, such as refreshment stands, restaurants, sports equipment rental and sale;										
Museums, art galleries, libraries;										
Parks, playgrounds, athletic fields, swimming pools, and other recreation uses;										
Ranger stations, maintenance buildings and other uses clearly ancillary to the primary use and intended for administration, maintenance and security purposes;										
Other support structures such as restrooms, dressing rooms and parking lots										

17.24.170 ~~120~~ WATERFRONT (WF) DISTRICT [FORMERLY 17.33]

[Changes to the Waterfront (WF) District will be proposed as part of the implementation of the Waterfront Plan]

CONTENTS

A. Purpose
B. Special WF Zone Standards
WF District Table

A. PURPOSE

The purpose of the Waterfront ~~or~~ (WF) District is ~~as follows~~ to provide for the continued mixture of visitor-serving commercial and recreational and harbor-dependent land uses in appropriate waterfront areas, as provided in ~~Chapter 17.33~~ this Chapter. (Ord. 263/1 (part), 1984)

B. SPECIAL WF ZONE STANDARDS

1. Existing residential uses
The number of residential uses existing in the waterfront (WF) district at the time of adoption of this chapter shall be permitted to remain. (Ord. 263/1 (part), 1984)

2. Development priority
~~The following uses may be allowed in the waterfront (WF) district, subject to a Conditional Use Permit as provided in Chapter 17.60 of this Title.~~ Development priority shall be given to coastal-dependent uses ~~and~~ which are consistent with traffic, circulation and parking constraints as determined by the City.

3. View corridors required
Permitted development including structures, landscaping, parking and signs shall be designed and sited so as to preserve and enhance view~~s~~ corridors ~~to and along the coast and specifically to the ocean, bay, sand spit and Morro Rock~~. Consideration shall be given to view corridors from adjacent public roadways and from bluff top areas. ~~Structures shall be subordinate to the character of the setting.~~ (Ord. 263/1 (part), 1984)

4. Landscaping and screening

   a. Plan
   Applications for a Conditional Use Permit shall include a plan for landscaping and screening in conformance with the provisions of Section 17.48.310 of this Title.

b. Refuse containers
Refuse containers shall be enclosed. Where possible they shall be located away from public view or where not possible the receptacle area shall be landscaped. (Ord. 263/1 (part), 1984)

5. Signs programs
Applications for a Conditional Use Permit shall include a plan for signs, in conformance with Chapter 14.64 of this Title. (Ord. 263/1 (part), 1984)

6. Parking
Applications for a Conditional Use Permit for new development shall include a plan for parking and landscaping of parking areas in accordance with Chapter 17.44 and Section 17.48.310 of this Title, and with the following additional provisions. ~~a.~~ In reviewing applications for visitor-serving uses in the West Embarcadero, provisions of off-street parking shall be found to be sufficient to serve the needs generated by the development as required by Chapter 17.44 and as follows:

a. Off-street facilities
Parking demands shall be satisfied by the provision of off-street facilities on the development site or within three hundred feet;

b. Parking management plan
When a parking management plan which provides off street parking resources for the Embarcadero has been developed and implemented applications for development in this district shall be allowed to satisfy their parking requirements through participation in the program including any provisions for an in-lieu fee system. (Ord. 263/1 (part), 1984)

7. Architectural treatment.
Exterior treatment of structures in new development and redevelopment shall be considered in the review for a Conditional Use Permit in accordance with Section 17.48.~~200~~ 190 of this Title. The following criteria will be used in the review of applications:

a. The architectural and landscape design of a project, including materials, shall be consistent with the character of a working fishing village ~~integrate harmoniously into the character of the immediate area~~.

b. The design shall protect aesthetic environmental qualities.

c. The design shall enhance the desirability and/or enjoyment of the immediate area.

d. The design shall improve community appearances by preventing extremes of dissimilarity or monotony in new construction or redevelopments. (Ord. 263/1 (part), 1984)

9. Public access requirements.
Public access from the nearest public roadway to the shoreline and along the bay front shall be provided in new development projects, subject to the provisions set forth in Chapter 17.48 of this Title, and in the Coastal Land Use Plan/ Coastal Element. (Ord. 263/1 (part), 1984)

17.24.170 WATERFRONT (WF) DISTRICT TABLE I

17.24.170 Waterfront (WF) District Table I

Unless otherwise designated, the following uses, or other uses which are found to be similar and consistent with the ~~LUP~~ General Plan and Local Coastal Plan ~~will~~ may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Visitor-serving commercial and recreational uses, including but not limited to those provided in Section 17.24.120 ~~17.32.070~~ of this title, but excluding service stations, parking structures and overnight R-V camping;	Yes	The height limit for structure shall be twenty five (25) feet, except for development on the west side of the Embarcadeo, which shall be limited to seventeen (17) feet; height determined by average grades of the land portion of the site, not including bank Exception: see 17.48.070	Refer to Subdiv. Regs. for new commercial lots	NA	5 ft. average	5 ft. average	0 ft.	0 ft. except 10 ft. in areas where public board-walks and viewing platforms are required ~~according to special standards Section M.9~~	Plan required	90%
Retail and wholesale seafood markets and seafood processing;										
Dockage and support facilities for licensed commercial fishing and recreational (including sport fishing) boats, and subject to the following additional conditions: ~~New licensed commercial fishing facilities may be allowed in the district on an interim basis as long as facilities and space allow, and until adequate comparable facilities are provided on the bay north of Beach Street;~~ Prior to allowing support structures and uses for new recreational boating facilitites, the planning commission shall consider the present and future demand for such facilities and for other coastal-dependent uses, to ensure that new recreational boating facilities will not preclude reasonable expansion of commercial fishing facilities and other coastal dependent uses.										

17.24.170 WATERFRONT (WF) DISTRICT TABLE II

17.24.170 Waterfront (WF) District Table II

Unless otherwise designated, the following uses, or other uses which are found to be similar and consistent with the ~~LUP~~ General Plan and Local Coastal Plan ~~will~~ may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Support uses, structures, connections and appurtenances to water uses including wharves, docks, pier, slips, quay, launches, fuel docks, hoists and other facilities necessary or convenient for the promotion and accommodation of commerce and navigation;	Yes	The height limit for structure shall be twenty five (25) feet, except for development on the west side of the Embarcadeo, which shall be limited to seventeen (17) feet; height determined by average grades of the land portion of the site, not including bank Exceptions: see 17.48.070	Refer to Subdiv. Regs. for new commercial lots	NA	0 ft. with a 5ft. average	0 ft. with a 5 ft. average	0 ft.	0 ft. except 10 ft. in areas where public board-walks and viewing platforms are required ~~according to special standards Section M.9~~	Plan required	90%
Parks, observation decks and platforms, patios, boardwalks, benches, kiosks and other facilities necessary or convient for the promotion and accommodation of public access to the waterfront;										
Revetments, bulkheads, seawalls, cliff retaining walls and other such structures that alter shoreline processes which are found to be necessary for protection of existing development (new development must ensure stability · without depending on shoreline protection deveices) or public recreation areas, or other coastal dependent uses (Ord. 263 § 1 (part), 1984)										

17.24.180 ~~130~~ COMMERCIAL/RECREATIONAL FISHING (CF) DISTRICT [FORMERLY 17.34]

[Changes to the Commercial/Recreational Fishing District will be proposed as part of the implementation of the Waterfront Plan.]

CONTENTS

A. Purpose
B. Special CF Zone Standards
CF District Table

A. PURPOSE

The purpose of the Commercial/Recreational Fishing ~~or~~ (CF) District is ~~as follows~~ to promote and accommodate both the commercial fishing industry and non-commercial recreational fishing activities in appropriate waterfront areas ~~as provided in Chapter 17.34~~. (Ord. 263/1 (part), 1984)

B. SPECIAL CF ZONE STANDARDS

1. Expressly prohibited uses
The City shall not grant any permit, authorization or other approval of any state owned tidelands subject to City lease between Beach Street and Target Rock, unless such development or use is primarily for the purpose of serving or facilitating licensed commercial fishing activities or non-commercial recreational fishing activities, or if clearly incidental thereto. For purposes of illustration, and not by way of limitation, no approval shall be granted for any new passenger-for-hire boats or supporting facilities, or for any new restaurant, cafe, gift shop, or other retail establishment servicing the general public and any existing such uses shall hereafter be considered non-conforming and shall not be expanded or enlarged. (Ord 263/1 (part), 1984)

2. Required buffer
New development shall not encroach within the buffer areas of the sensitive habitat located on Morro Rock. (Ord. 263/1 (part), 1984)

3. View corridors required
Permitted development, including structures, landscaping, parking and signs, shall be designed and sited so as to preserve and enhance views to and along the coast and specifically to the ocean, bay, sandspit and Morro Rock. Consideration shall be given to views from adjacent public roadways and from the harbor. Structures shall be consistent with ~~subordinate to~~ the character of a working fishing village ~~the setting~~. (Ord. 263 1 (part), 1984)

4. Landscaping and screening
Applications for a Conditional Use Permit shall include a plan for landscaping and screening in accordance with the provisions of Section 17.48.310 of this Title. (Ord. 263/1 (part), 1984)

5. Signs programs
Application for a Conditional Use Permit shall include a plan for signs. (Ord. 263/1 (part), 1984)

6. Design criteria
The following criteria shall be considered in the review of proposed new development and redevelopment in the CF district.

a. Harmonious integration
The architectural and landscape design of a project, including materials, shall ~~integrate harmoniously into~~ be consistent with the character ~~of the immediate commercial/recreational~~ a working fishing village ~~area~~.

b. Aesthetic environmental qualities
The design shall protect aesthetic environmental qualities.

c. Desirability and/or enjoyment
The design shall enhance the desirability and/or enjoyment of the immediate area and shall, wherever feasible, incorporate design features which help to screen nearby industrial uses from public view;

d. Community appearance
The design shall improve community appearance by preventing extremes of dissimilarity or monotony in new construction or redevelopment;

e. Structures along Coleman Drive
Structures along Coleman Drive shall not exceed fourteen feet in height, but excepting multistory government structures which are necessary to meet public need and for the protection of public safety. The maximum allowable height in other areas in this district shall be thirty feet. (Ord. 263 1 (part), 1984)

7. Public access requirements
Public access from the nearest public roadway to the shoreline and along the bay front shall be provided in new development projects, subject to the provisions set forth in Section 17.48.280 of this Title. (Ord. 263/1 (part), 1984)

17.24.180 COMMERCIAL/RECREATIONAL FISHING (CF) DISTRICT TABLE I

17.24.180 Commercial / Recreational Fishing (CF) District Table I

Unless otherwise designated, the following uses, or other uses which are found to be similar and consistent with the ~~LUP~~ General Plan and Local Coastal Plan ~~will~~ may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Fishing, nature observation and access to water uses in accordance with the provisions of Title 15;	No	14 ft. along Coleman Drive; 30 ft. othe areas (see exception, Section 17.24.180. B.6.e)	Refer to Subdiv. Regs. for new commer-cial lots	NA	5 ft.	5 ft.	0 ft.	0 ft.	Plan Required	50%
Existing uses may remain and be redeveloped in the same use but shall not be expanded or enlarged , as long as there are no parking demands unmet on the site;										
Maintenannce and repair of the existing revetments, bulkhead, and seawalls as permitted by PRC Section 30610(d). (Ord. 263 § 1 (part), 1984)										
Licensed commercial fishing and noncommercial recreational fishing facilities and support facilities;	Yes									
Parking lots for allowed uses in accordance with Chapter 17.44 and the provisions of this chapter;										
Support uses, structures, connections and appurtenances to water uses including wharves, docks, piers, slips, quays, launches, fuel docks, hoists and other facilities necessary or convenient for the promotion and accommodation of commerce and navigation;										

17.24.180 COMMERCIAL/RECREATIONAL FISHING (CF) DISTRICT TABLE II

17.24.180 Commercial / Recreational Fishing (CF) District Table II

Unless otherwise designated, the following uses, or other uses which are found to be similar and consistent with the ~~LUP~~ General Plan and Local Coastal Plan ~~will~~ may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Parks, public open spaces, beach, bike lanes, benches, boardwalks, kiosks, fences and other facilities necessary or convenient for the promotion and accommodation of public access to the waterfront;	Yes	14 ft. along Coleman Drive; 30 ft. othe areas (see exception, Section 17.24.180.B. 6.e)	Refer to Subdiv. Regs. for new commer-cial lots	NA	5 ft.	5 ft.	0 ft.	0 ft.	Plan Required	50%
Government buildings and land based support facilities, including but not limited to connections and appurtenances to docks and piers, which are necessary and convenient for the safety & maintenance of waterways;										
Power plant cooling water intake facilities, if found to be consistent with Section 17.24.180.B.1 (Ord. 263 § 1 (part), 1984)										

17.24.190 ~~140~~ HARBOR AND NAVIGABLE WAYS (H) DISTRICT [FORMERLY 17.38]

[Changes to the Harbor and Navigable Ways (H) District will be proposed as a part of the implementation of the Waterfront Plan]

CONTENTS

A. Purpose
B. Uses Allowed Without a Conditional Use Permit
C. Uses Allowed Only With a Conditional Use Permit
D. Special H Zone Standards

A. PURPOSE

The purpose of the Harbor and Navigable Ways ~~or~~ (H) District, is to designate the area within ~~the~~ City limits covered by water excluding sensitive habitat areas, for those uses which must be located on the water in order to function, or as an accessory use to a land based/shore facility or structure as provided in this Chapter ~~17.38~~. (Ord. 263/1 (part), 1984)

B. USES ALLOWED WITHOUT A CONDITIONAL USE PERMIT

~~Permitted Uses.~~ The following uses are permitted in the Harbor and Navigable Ways (H) District: commercial and recreational boating and fishing; swimming, scuba diving and wind surfing in areas designated by the City Council pursuant to Title 15 of the Morro Bay Municipal Code; bird and animal observation; viewshed; moorage in inclement weather.

C. USES ALLOWED ONLY WITH A CONDITIONAL USE PERMIT

~~Conditionally Permitted Uses.~~ The following uses may be permitted in the harbor and navigable ways (H) district subject to a Conditional Use Permit and if the Planning Commission determines they will not impede navigation, nor adversely affect the current tidal flushing of the harbor, or increase shoaling, or otherwise substantially alter the natural shoreline processes and/or existing land forms, unless there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

1. Mariculture;

2. Houseboat or vessel habitation
   Houseboat or vessel habitation as regulated by Title 15 of the Morro Bay Municipal Code and subject to the provision of adequate parking as determined by the Planning Commission;

3. Promotion and accommodation of commerce and navigation
Wharfs, docks, piers, slips, quays, launches, moorings, fuel docks, hoists, observation decks and other facilities necessary or convenient for the promotion and accommodation of commerce and navigation;

4. Recreational boating and commercial fishing
Recreational boating and commercial fishing facilities ~~and~~ subject to the following additional conditions:

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

b. Only new licensed commercial fishing facilities may ~~shall~~ be located in the bay north of Beach Street;

c. ~~Commercial fishing facilities may be allowed on an interim basis south of Beach Street until adequate comparable facilities are provided north of Beach Street;~~ Existing recreational boating and passengers for hire facilities located north of Beach Street may be modified but not expanded.

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

5. Protection of existing development
Revetments, bulkheads, breakwaters, groins, harbor channels, seawalls, cliff retaining walls and other such structures that alter shoreline processes which are found to be necessary for protection of existing development (new development must ensure stability without depending on shoreline protection devices), or public recreation areas or other coastal dependent uses;

6. Preservation of the Morro Bay wetland estuarine system
Diking, dredging and filling where the Planning Commission finds such activities are consistent (both on an individual and cumulative project basis) with the preservation of the Morro Bay wetland estuarine system, and limited to the following:

a. New or expanded port, and coastal-dependent industrial facilities, including commercial fishing facilities;

b. Maintaining existing, or restoring previously dredged depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps;

c. Incidental public service purposes, including but not limited to burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines;

d. Mineral extraction, including sand for restoring beaches;

e. Restoration purposes and off-site Biological Improvement Area for mitigation offset purposes;

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

D. SPECIAL H ZONE STANDARDS.

1. Applicability of H Zone
~~The regulations of this chapter shall apply to those areas of the city in the H, harbor and navigable ways district, zone.~~ This zone shall be applied to the harbor entrance, the harbor area and the navigable waterways to the southern and western City limits. (Ord. 263 1 (part), 1984)

2. Limitations in Wetland Area
Any alteration of the Morro Bay wetland area shall be limited to very minor incidental public facilities, restorative measures and nature study. (Ord. 263 1 (part), 1984)

3. Special Performance Standards for the "H" District.
All other sections of this chapter notwithstanding, no uses shall be permitted unless the following performance standards are met, as applicable.

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

b. Adequate safety and navigational standards
New development shall contain adequate safety and navigational standards to ensure compatibility with existing uses within the bay and harbor areas;

c. Maintenance dredging mitigation measures
Maintenance dredging of the channels shall include mitigation measures to prevent potential damage to benthic organisms including mollusks and eel grass beds. Channel configurations, turning basins and anchorage areas shall be limited to those which may exists, or which are authorized in Title 15 of the City s Municipal Code, or a harbor master development plan;

d. Preservation of right-of-way
Any permitted use of the tidelands, harbor or bay, as defined and regulated

by this chapter shall be prohibited from excluding the right-of-way to such water whenever it is required for any public purpose, and from destroying or obstructing the free navigation of such water. Abandonment of vessels shall be prohibited as defined by Title 15 of the Morro Bay Municipal Code;

e. Construction standards
Construction of marine docks and structures shall be subject to the standards contained in Title 14, of the Morro Bay municipal Code;

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

g. "H" District conformance with Harbor Master Plan
In the event the City prepares and adopts a revised Harbor Master Development Plan, all new developments within the H district, shall also be in conformance with the provisions of such plan. (Ord. 263/1 (part), 1984)

4. Midway Marina Area.
As a condition to approval of any permit for development within the Midway Marina Area, the City shall require that the State Department of Parks and Recreation include the Midway Marina Area in its Morro Bay State Park Master Plan. Permitted uses shall be limited to recreational boat dockage and support services. (Ord. 263 1 (part), 1984)

17.24.200 ~~180~~ MARICULTURE AND MARINE RESEARCH (MMR) DISTRICT [FORMERLY 17.41]

CONTENTS

A. Purpose
B. Special MMR Zone Standard
MMR District Table

A. PURPOSE

The purpose of the Mariculture and Marine Research ~~or~~ (MMR) District is to provide locations within the City for the establishment and operation of coastal-dependent mariculture and marine research utilizing sea water for research and breeding, hatching and raising fish, shellfish and marine organisms for scientific and commercial purposes. (Ord. 338/2 (part), 1988)

B. SPECIAL MMR ZONE STANDARDS

1. Prohibited uses
Processing, cleaning, shelling, canning, preparation or packaging of processed fish and shell fish shall be prohibited in the MMR district. (Ord. 338/2 (part), 1988)

2. Landscaping and screening

a. Conditional Use Permit
Applications for a Conditional Use Permit shall include a plan for landscaping and screening in conformance with the provisions of Section 17.48.~~310~~ 290 of this Title.

b. Refuse containers
Refuse containers shall be enclosed. Where possible, they shall be located away from public view or where not possible, the receptacle area shall be landscaped. No refuse containers shall be located in public view corridors designated in the LCP land use plan. (Ord. 338/ 2 (part), 1988)

3. Signs programs
Applications for a Conditional Use Permit shall include a plan for signs, in conformance with Chapter 17.68 of this Title. (Ord. 338/ 2 (part), 1988)

4. Parking
Applications for a Conditional Use Permit for new development and redevelopment shall include a plan for parking and landscaping of parking areas in accordance with Chapter 17.44 and Section 17.48.~~310~~ 290 of this Title. (Ord. 338 / 2

(part), 1988)

5. Architectural Treatment
Exterior treatment of structures in new development and redevelopment shall be considered in the review for a Conditional Use Permit in accordance with Section 17.48.200 of this Title. The following criteria will be used in review of applications:

a. The architectural and landscape design of a project including materials, shall integrate harmoniously into the character of the immediate area;

b. The design shall protect aesthetic and environmental qualities;

c. The design shall enhance the desirability and/or enjoyment of the immediate area;

d. The design shall improve community appearances by preventing extremes of dissimilarity or monotony in new construction or redevelopment. (Ord. 338 2 (part), 1988)

6. Lighting
Exterior lighting for security purposes shall be limited so as to avoid adversely impacting adjacent uses, or the public s enjoyment of a dark sky. Night lighting shall be low intensity and downcast. (Ord. 338/2 (part), 1988)

17.24.200 MARICULTURE AND MARINE RESEARCH (MMR) DISTRICT TABLE

17.24.200 Mariculture and Marine Research (MMR) District Table

Unless otherwise designated, the following uses, or other uses which are found to be similar and consistent with the ~~LUP~~ General Plan and Local Coastal Plan ~~will~~ may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Mariculture, marine biology and oceanographic commercial and scientific research;	Yes	14 ft. except 4 ft. within a public viewshed corridors defined in the LCP Land Use Plan	Refer to Subdiv. Regs. for new commercial lots	NA	20 ft.	10 ft.	5 ft.	10 ft.	Plan Required	20%
Breeding, hatching and propagation of fish, shellfish and marine organisms;										
Grow-out and raising of fish and shellfish in ponds, tanks or raceways utilizing seawater;										
Seawater intake and outlet pipelines providing a source of seawater used in mariculture and research activities;										
Related administrative and office uses ancillary to the primary mariculture and marine research uses;										
Parking, delivery and service facilities related to the primary mariculture or research uses (Ord. 338 § 2 (part), 1988)										

17.24.210 ~~170~~ SCHOOL (SCH) DISTRICT [FORMERLY 17.37]

CONTENTS

A. Purpose
B. Special SCH Zone Standards
SCH District Table

A. PURPOSE

The purpose of the School ~~or~~ (SCH) District is to designate properties appropriate for school uses and to provide for the continuation of public educational facilities on established sites within the City. (Ord. 338/2 (part), 1988)

B. Special SCH Zone Standards

1. Landscaping and screening.

   a. Conditional Use Permit
   Applications for a Conditional Use Permit shall include a plan for landscaping and screening in conformance with the provisions of Section 17.48.~~310~~ 290 of this Title.

   b. Refuse containers
   Refuse containers shall be enclosed. Where possible, they shall be located away from public view or where not possible, the receptacle area shall be landscaped. No refuse containers shall be located in public view corridors designated in the LCP land use plan. (Ord. 338/2 (part), 1988))

2. Sign~~s~~ program
   Applications for a Conditional Use Permit shall include a plan for signs in conformance with Chapter 17.68 of this Title. (Ord. 338/2 (part), 1988)

3. Parking
   Applications for a Conditional Use Permit for new development shall include a plan for parking and landscaping of parking areas in accordance with Chapter 17.44 and Section 17.48.~~130~~ 290 of this Title. (Ord. 338/2 (part), 1988)

4. Architectural treatment
   Exterior treatment of structures in new development and redevelopment shall be considered in the review of a Conditional Use Permit in accordance with Section 17.48.200 of this Title. The following criteria will be used in the review of applications:

a. The architectural and landscape design of a project, including materials, shall integrate harmoniously into the character of the immediate area.

b. Landscaping shall utilize drought resistant planting where feasible. ~~The design shall protect aesthetic environmental qualities.~~

~~c. The design shall enhance desirability and/or enjoyment of the immediate area.~~

~~d. The design shall improve the community appearence by preventing extremes of dissimilarity or monotony in new construction or redevelopments. (Ord. 338/2 (part), 1988)~~

5. Compatibility with Residential Areas.
New development and additions shall be designed or include measures to limit the impacts of noise, traffic and security for adjoining residential zone properties.

17.24.210 SCHOOL (SCH) DISTRICT TABLE

17.24.210 School (Sch) District Table

Unless otherwise designated, the following uses, or other uses which are found to be similar and consistent with the ~~LUP~~ General Plan and Local Coastal Plan ~~will~~ may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Classrooms for preschools, nursery schools, elementary, junior high, high schools and adult education facilities, and college and universities (Ord. 338 § 2 (part), 1988)	No	25 ft. ~~35 ft~~	NA	NA	20 ft.	15 ft.	15 ft.	15 ft.	Plan required	30%
Support facilities, including parking areas, sports field, recreation areas, administrative and service buildings, and similar uses (Ord. 338 § 2 (part), 1988)	Yes	~~35 ft.~~ As provided in the CUP								

17.24.220 ~~190~~ GOLF COURSE (GC) DISTRICT [FORMERLY 17.43]

CONTENTS

A. Purpose
B. Special GC Zone Standards
GC District Table

A. PURPOSE

The purpose of the Golf Course ~~or~~ (GC) District is to provide for the development and operation of golf courses and related facilities and passive recreation activities within large undeveloped areas of the City. New golf courses should be sited, designed and maintained to avoid adverse impacts to environmentally sensitive habitats, the quality and biological productivity of coastal waters and the protection of coastal agricultural resources. (Ord. 338/2 (part), 1988)

B. SPECIAL GC ZONE STANDARDS

1. Height limits exception
~~The height limit for structures shall be fourteen feet except in areas where there are public viewshed corridors defined in LCP Land Use Plan within which the height limit shall not exceed four feet. An exception is the public restrooms which may be higher. (Ord. 338 2 (part), 1988)~~

2. Landscaping and screening.

   a. Conditional Use Permit
   Applications for a Conditional Use Permit shall include a plan for landscaping and screening in conformance with the provisions of Section 17.48.~~310~~ 290 of this Title and applicable standards and policies of the LCP land use plan. Except for trees, greens and fairways, landscaping shall be limited to native plants and trees.

   b. Refuse containers
   Refuse containers shall be enclosed and located away from public view. No refuse containers shall be located in public view corridors designated in the LCP Land Use Plan. (Ord. 338/2 (part), 1988)

3. Signs program
Applications for a Conditional Use Permit shall include a plan for signs in conformance with Chapter 17.68 of this Title. (Ord. 338 2 (part), 1988)

4. Parking
Applications for a Conditional Use Permit for new development and redevelopment shall include a plan for parking and landscaping of parking areas in accordance with Chapter 17.44 and Section 17.48.~~310~~ 290 of this Title. Applicable policies of the LCP land use plan shall limit the location of parking facilities. (Ord. 338 /2 (part), 1988)

5. Architectural treatment
Exterior treatment of structures shall be considered in the review of a Conditional Use Permit in accordance with Section 17.48.200 of this Title. ~~The following criteria will be used in the review of applications:~~ ~~a.~~ The architectural and landscape design of a project, including materials, shall integrate harmoniously into the character of the immediate area.
~~b. The design shall protect aesthetic and environmental qualities.~~
~~c. The design shall enhance the desirability and/or enjoyment of the immediate area;~~
~~d. The design shall improve community appearances preventing extremes of dissimilarity or monotony in new construction or redevelopment.~~ (Ord. 338 2 (part), 1988)

6. Lighting
Exterior lighting for security purposes shall be limited so as to avoid adversely impacting adjacent uses, or the public s enjoyment of a dark sky. Night lighting shall be low intensity and downcast. (Ord. 338 2 (part), 1988)

7. Irrigation
The source of water for irrigation shall be limited to recycled water from the municipal waste water treatment plant; potable water from the City s water supply system shall not be used for golf course irrigation. (Ord. 338 2 (part), 1988)

8. Coastal resource protection
Environmentally damaging herbicides, pesticides and poisons shall be prohibited in the maintenance of golf courses. Selection of materials and substances applied to a course should be planned to avoid adverse impacts to the biological quality of coastal waters and ESH areas. All development and uses of a golf course shall comply with applicable resource protection policies of the LCP Land Use Plan. (Ord. 338/2 (part), 1988)

17.24.220 GOLF COURSE (GC) DISTRICT TABLE

17.24.220 Golf Course (GC) District Table

Unless otherwise designated, the following uses, or other uses which are found to be similar and consistent with the ~~LUP~~ General Plan and Local Coastal Plan ~~will~~ may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Golf courses, including: Tees, greens, fairways, traps and related landscaping; Clubhouses and pro shops; Support facilities, including maintenance and storage shops, irrigation systems, pedestrian and golf cart pathways and parking areas; Administrative and office uses ancillary to the golf course;	CUP required	14 ft. except 4 ft. within public viewshed corridors defined in the LCP Land Use Plan ~~(see exception in Section M.1)~~	Per CUP	NA	20 ft.	15 ft.	10 ft.	10 ft.	Plan required	10%
Passive recreational uses and facilities, including walking and bicycling paths and picnic facilities, nature observation and similar uses (Ord. 338 § 2 (part), 1988)										
Public restrooms		14 ft.								

Chapter 17.30

SPECIAL USES, SPECIAL USE PERMITS AND TEMPORARY USE PERMITS

[NOTE. THIS IS A NEW CHAPTER COMBINING SEVERAL PORTIONS OF 17.48 AND 17.60.]

SECTIONS:

17.30.010	Special Uses, Special Use Permits and Temporary Use Permits - General Provisions
17.30.020	Special Use Permit and Temporary Use Permit Application, Form
17.30.030	Special Use Permits (from Overlay 17.40.090) **[Formerly 17.60.040]**
17.30.040	Outdoor Sales, Display, Dining or Storage **[Formerly 17.48.245]**
17.30.050	Temporary Use Permit **[Formerly 17.60.090.B]**
17.30.060	Prohibition of New Off-Shore Oil Development Support Facilities **[Formerly 17.72]**

17.30.010 SPECIAL USES, SPECIAL USE PERMITS AND TEMPORARY USE PERMITS GENERAL PROVISIONS

Special Use Permits and Temporary use permits may be issued as provided in this Chapter. The Zoning Administrator and Planning Commission may impose conditions upon the approval of a Special and/or Temporary Use Permit as deemed necessary to secure the purposes of this Title, and may require tangible guarantees or évidence that such conditions are being, or will be, complied with. Such permits shall be revocable and a term may be set for the validity of any permit issued.

17.30.020 SPECIAL USE PERMIT AND TEMPORARY USE PERMIT APPLICATION - FORM

Application for Special use and/or Temporary Use Permits shall be made in writing by the owners of the property, lessee, purchaser in escrow or option holder with the consent of the owners on a form prescribed by the Zoning Administrator. The application shall be accompanied by a fee, set by the City Council and plans showing the details of the proposed use to be made of the land or building.

17.30.030 SPECIAL USE PERMITS [FORMERLY 17.60.040]

The special uses listed in this Section may be allowed by the Planning Commission upon approval of a Conditional Use Permit processed in accordance with the provisions of Chapter 17.60. All of the uses listed in this section and all matters directly related thereto are declared to be Special Uses possessing characteristics of such unique and special form as to make impractical their inclusion in any class of use set forth in the various districts defined in this Title and, therefore, the authority for a location of the operation of any of the uses designated herein shall be subject to the issuance of a Special Use Permit in accordance with the provisions of this Chapter. In making the findings required by Section 17.60.030 the Planning Commission shall, in addition to other relevant data, explicitly consider the following factors to determine that the characteristics of the listed uses will not be unreasonably incompatible with the uses permitted in surrounding areas:

- damage or nuisance from noise, smoke, odor, dust or vibration;
- hazard, or nuisance from explosion, contamination, or fire;
- hazard occasioned by unusual volume or character of traffic or the congregating of a large number of people or vehicles; or
- height of structure. Except for necessary pipelines, transmission lines and roadway crossings, Special Use Permits shall not be applicable in the ESH or OA-1 zones. The uses referred to herein are as follows:

A. Airports and Landing Fields;

B. Cemeteries;

C. Columbarium, Crematories, Mausoleums, or Mortuaries;

D. Assembly Facilities

Establishments or use ~~enterprises~~ involving large assemblages of people or automobiles as follows:

1. Amusement parks and racetracks
2. Circus or carnivals
3. Open air theaters
4. Public buildings, parks and other public recreational facilities, except as otherwise provided in this Title

5. Privately operated recreational facilities

6. Museums

~~6~~7. Exceptions
Establishments listed hereabove or other special events involving the congregation of large numbers of persons, where the use of property will not exceed one-week occupancy, a Special Use Permit need not be secured so long as the applicant first gives written notice to the City and deposits a bond sufficient to guarantee the removal of all structures, litter, and debris for the property at the termination of the use, and may be approved by the Director as a Temporary Use Permit. The amount of bond shall be determined by the City administrator.

E. Plant Nurseries

~~E~~F. Antennas
Radio or television transmitters satellite dish antennas or similar receivers in conjunction with commercial or industrial uses;

~~F~~G. Refuse Dumps and Disposals and Recycling Centers;

~~G~~H. Hospitals, Senior Care, and Sanitariums;

~~H~~I. Institutions of philanthropic or charitable nature;

~~I~~J. Churches, temples, or places of religious worship;

~~J~~K. Lodges or Meeting Houses
For service groups, clubs and other private associations;

~~K~~L. Schools and Other Educational Institutions not located in the SCH district;

~~L~~M. ~~Nursery Schools and~~ Child Day Care Facilities [Formerly 17.46]

1. The use of single-family dwellings as Small Family Day Care Homes (17.12.272.B) The use of a single-family dwelling as a Small Family Day Care Home which is properly licensed under the California Child Day Care Facilities Act shall be considered a principle permitted use of such property and shall be allowed as a matter of right in all areas of the City which are zoned for residential uses. No permit, use permit, Coastal Development Permit, tax, fee, or business license shall be required or imposed for such use. (Ord. 443, 1995)

2. Use of single-family dwellings as Large Family Day Care Homes [17.12.272.A].

a. Minor Use Permit Required

The ~~Community Development~~ Director shall grant ~~an Administrative Coastal Development~~ Minor Use Permit pursuant to Section ~~17.20.130~~ 17.60.040 and an Administrative Home Occupation Permit for the use of single-family dwellings as a Large Family Day Care Home, only if such single-family dwelling complies with the requirements of this Code concerning spacing and concentration of large family day care homes, traffic control, parking and noise control, and any regulations adopted by the State Fire Marshal pursuant to the California Child Day Care Facilities Act, and is properly licensed under the Califonria Child Day Care Facilities Act. No tax, fee or business license shall be required or imposed for such use.

b. Home Occupation Permit

The ~~Community Development~~ Director shall grant such Home Occupation Permit for a Large Family Day Care Home subject only to the following conditions:

(1) Activities

Activities shall be conducted entirely within the dwelling unit or enclosed rear yard area and shall not alter the appearance of such structure.

(2) Sales or Display

There shall be no sales or display on the premises.

(3) Signs

There shall be no signs other than address and names of residents.

(4) Off-Street Parking

Off-street parking for each employee's vehicles used in connection with the home occupation shall be provided in addition to parking required for the residence in accordance with Section ~~17.44.020.B.1~~ 17.44.020.C.1(d).

(5) Additional Off-Street Spaces

A minimum of one additional improved off-street drop-off and pickup parking space shall be provided unless the paved width of the street includes on-street paved parking in front of the residence for a minimum of one space.

(6) Fire Safety or Occupancy Classifications

Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the premises, nor use utilities different from those normally provided for residential use.

(7) Noise created by said use shall be consistent with the City Noise Element and any City Noise Ordinances. (Ord. 443, 1995)

3. Child Day Care Facilities ~~Centers~~

a. Permitted Uses

Child Day Care Facilities ~~Centers~~ shall be principle permitted uses in ~~MCR, C-VS, C-1-N,~~ C-1, C-2 and G-O zones on properties that do not adjoin a residential zone. A regular Conditional Use Permit shall be required for properties adjoining Residential zones. ~~Notwithstanding Sections 17.71.040 and 17.38.070 which require Conditional Use Permits for all uses in such~~ Within the MCR and C-VS zones, only an ~~Administrative~~ Minor Use Permit as established herein is required for Child Day Care Facilities ~~Centers~~.

b. Permit Standards

Pursuant to Section A, The ~~Community Development~~ Director may grant an ~~Administrative~~ Minor Use Permits for the use of facilities other than single-family dwellings for Child Day Care Facilities ~~Centers~~ only if such residence or facility complies with Morro Bay Municipal Code Chapter 8.14 and Titles 14 and 17 o~~f this Code~~, and any regulations adopted by the State Fire Marshal pursuant to the California Child Day Care Facilities Act and is properly licensed under California Child Day Care Facilities Act, and:

(1) Minimum Standard

Meets a minimum standard of seventy-five square fee of outdoor space for each child who is not an infant. The above described minimum outdoor area per child must be either owned or leased by the applicant and cannot be shared with other property owners unless permission is granted by the other property owners. The above space requirements can be waived if the applicant can demonstrate that there is a public park, school or other public open areas in close proximity to the Family Day Care Home;

(2) Privacy

Does not materially reduce the privacy otherwise enjoyed by residents of adjoining property;

(3) Access and Parking

Provides adequate access to the facility with minimum disruption to local traffic and circulation, and provide parking pursuant to Section 17.44.020.C.2(d).

(4) Noise

Will not result in noise which may be a nuisance to neighbors.

(5) Water Equivalencies
Has adequate water equivalency credits based upon Section 13.20

c. Tax, Fee or Business License
No tax, fee or business license shall be required or imposed for such use unless otherwise provided for by State Law. (Ord. 443, 1995)

~~M~~N. Mining of Natural ~~Mining~~ Resources
The mining of natural ~~mining~~ resource, pipelines and material conveyance facilities, together with the necessary buildings and appurtenances incidental thereto (see pipeline provisions of Section P below);

~~N~~O. Excavations
Removal or deposit of earth other than in connection with excavations or deposits ~~in connection with~~ for the construction of buildings, roadways, or other public or residential improvements;

~~O~~P. Public Utility Facilities
Public utility facilities, including but not limited to public parking lots, roads, bridges, pedestrian trails, bikeways, communications equipment building, water wells, substations, switching stations, pipelines, transmission lines, and similar utility uses provided, however, that new or expanded electrical generating facilities or structures associated with such facilities in a Zoning District with a PD suffix shall be governed by the regulations contained in ~~Chapter 17.36~~ Section 17.40.030, all other provisions of this section notwithstanding.

~~1.~~ **[Moved to 17.30.030.P.2]**

~~2~~1. Within the coastal zone
In addition to making the findings required in Section 17.60.030 the Planning Commission/City Council shall consider the following before approving a Special Use Permit for new pipelines and electric transmission lines:

a. Routes of all new lines
The routes of all new lines shall, to the maximum extent feasible, avoid important coastal resources such as recreation and environmentally sensitive areas. Where such resources cannot be avoided, and will be adversely affected, the Planning Commission/City Council shall require appropriate mitigation measures. These measures may include, but are not limited to precluding construction during peak visitor seasons in recreational areas, precluding construction during nesting or breeding seasons in sensitive habitat areas, the vegetation of graded areas, the undergrounding of utility facilities, the preparation of an oil spill contingency plan for new pipelines, restrictions of the use of herbicides, and various erosion control measures (as appropriate);

~~3~~b. Electric distribution and communications lines
All new electric distribution and communications lines shall be installed and maintained underground, except where it is environmentally or economically unfeasible to do so.

~~1~~2. Exemptions
The following utility facilities shall not be required to obtain a Special Use or Coastal Development Permit: those facilities exempted from acquiring Coastal Development Permits under Government Code Section 30610(d) and (f) shall be as defined by the State Coastal Zone Conservation Commission s interpretive guidelines (adopted September 5, 1978) and subsequent revisions thereto.

~~P~~Q. Visitor-Serving Commercial and Recreation Uses in Certain Areas
The base zoning district notwithstanding, visitor-serving commercial and recreation uses, which shall include all uses permitted or conditionally permitted in the C-VS district, may be permitted subject to obtaining a Special Use Permit, in the area labeled the Embarcadero in the Coastal Land Use Plan/Coastal Element and defined as the area between Beach Street on the north, Olive Street on the south, Main Street on the east and the waterfront on the west;

~~S~~R. Desalinization Plants (Ord 363/2 (2), 1989; Ord. 288 Exh. B (part), 1986; Ord. 263/1 (part), 1984)

~~Q~~S. Compatible Multiple Use of Public School Sites and Facilities
The Special Use Permit is to provide for certain buildings and structures pursuant to provisions of the California Education Code (Section 39500 and its successors) which permits joint occupancy of buildings for certain uses and users which are of a scale and intensity compatible with the public school and its neighborhood (i.e. school attendance area). It is further the purpose of the permit to maintain the continued operation of neighborhood schools, including public recreational uses at the schools, while allowing for the joint occupancy of vacant school property and buildings during periods of less than capacity enrollment.

1. Permitted uses, subject to the securing of a Special Use Permit.

   a. Parochial and private schools and colleges.

   b. Activities of religious organizations including regular church services;

   c. Private day or residential schools and colleges;

   d. Library and library extension services;

   e. Activities and administrative offices of community/charitable organizations, including senior citizens services;

f. Activities and administrative offices of civic and service organizations (e.g. Rotary, Lions, Kiwanis, YMCA, etc.)

g. Nursery schools and day care centers;

h. Tutorial related services for elementary/secondary age students;

i. Uses by other school districts, federal government or its agencies, the state, county, City and county, City or special districts as permitted and regulated by the State Education Code as it may be amended.

j. Private business enterprises (as specified in a listing in the permit approval) which do not engage in direct retail sales on the school site..

2. Special Use Permit - Issuance
In addition to the provisions of Section ~~17.60.030~~ 17.30.030 the Special Use Permit for joint school use shall receive final approval by the City Council at a duly noticed public hearing. The Planning Commission shall first consider the permit at a public hearing and forward their report and recommendation to the Council.

3. Special Use Permit - Application
Joint occupancy of any school shall not be permitted until a school utilization plan has been approved by the City Council pursuant to the permit provisions of this section. (The limitation shall not apply to specific uses lawfully established prior to the effective date of Ord. 204. ~~However,~~ Any new joint occupancies shall only be permitted after the approval of a school utilization plan.)

Such a school utilization plan shall provide for at least the following:

a. Proposed amount, use and location of space
A site plan delineating the proposed amount, use and location of space for both school and non school uses. The plan shall identify access and parking as related to all existing and proposed uses;

b. List of uses
A list of uses to be accommodated on the site. Each use shall be described in sufficient detail as to permit a clear understanding of any potential site and neighborhood impacts;

c. Enrollment projection
A minimum five-year school enrollment projection, and a statement of the time period the joint occupancy program for the school shall be in effect;

d. Other information
Such other information as may be required by the Planning Commission or City Council;

e. Change to the approved site plan or list of allowed uses
Once such a utilization plan has been approved by the City Council, no additional Special Use Permit shall be required unless a change is proposed to the approved site plan or list of allowed uses. However, each specific lease shall be reviewed and certified by the Director as conforming with the provisions of the school utilization plan. In addition, each approved school utilization plan shall be reviewed by the Planning Commission biannually at a fully noticed public hearing to insure that the plan and joint occupancy continue to meet the objectives of this section.

4. Special Use Permit General Provisions

a. Separation
It shall be the responsibility of the school district to provide for and insure acceptable separation between the school and non school use dependent upon such conditions as locations, shared facilities and intensity of proposed non school use.

b. Off-street parking and loading space
Off-street parking and loading space shall be provided in accordance with Section ~~Chapter~~ 17.44.020.C.

c. Joint occupancies
All joint occupancies shall be designed and conducted to minimize noise, traffic congestion, safety hazards, or any other condition that could significantly affect public health, safety or welfare.

d. Commercial uses
As a general rule, no more than fifty percent of the total floor area of any school should be used for commercial uses. This is a guideline based on the belief that a higher non school utilization would mean that public education is no longer the primary use of the school. A school utilization plan exceeding the fifty percent guidelines may be approved only if the City Council finds that such a plan is consistent with the purposes and objectives stated in this section.

e. Accordance with other provisions
In addition to all of the preceding requirements, all uses of school facilities and buildings shall be in accordance with the provisions of the Morro Bay Municipal Code or any other law or ordinance of the City.

~~R~~T. ~~Embarcadero~~ Nonpermanent Vendors

The Special Use Permit is to provide retail sale from a moveable structure, stand or appurtenance in commercial zones. ~~in the area labeled Embarcadero. The Embarcadero is defined as the area between Beach Street on the north, Main Street on the east, Olive Street on the south and the waterfront on the west, and including the Embarcadero north of Coleman Drive.~~

1. Non-permanent vendor(s) General Provisions.

~~a.~~ **[Moved to 17.30.030.T.1.c]**

a. Vending on private property
Non-permanent vending on private property shall be limited to flower and balloon sales except on sites which the Planning Commission has approved special facilities or buildings to accommodate other types of commercial vending. Said structures and site improvements shall be compatible with a seaport village character.

b. Vending on public property
Vending on public property shall be reviewed by the City Administrator prior to a public hearing by the Planning Commission. ~~Non-permanent~~ Vendor application(s) on the waterfront shall be reviewed by the Harbor ~~commission~~ Director prior to public hearing by the Planning Commission.

~~a~~c. Site plan
A non-permanent vendor shall submit a site plan indicating the location of the operation, relative surrounding buildings, parking lots and public right-of-way, as well as such other information deemed necessary by the Director.

~~c~~d. Permits and licenses
A ~~non-permanent~~ vendor shall, where necessary, obtain County health permits and a City business license, and any state required licenses or permits.

~~d~~e. Public liability and property damage insurance
On City administered property (lease sites) comprehensive public liability and property damage insurance shall be secured naming the City as the additional insured by all ~~non-permanent~~ vendors as required by ~~of~~ the Master Leasehold with the City. The Planning Commission may require similar insurance provisions for vendors not located on lease sites as deemed necessary.

~~e~~f. Sublease agreement
On City administered property (lease sites), the vendor shall submit a sublease agreement with the lessee and lease amendment agreement for City approval, as necessary. Such lease operations shall be permitted lease

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.30-10 TO .30-12

use or use amendment as requested. All retail sales resulting from lease operations are subject to percentage of gross sales when calculating lease rent payments on certain City leases.

~~f~~g. Daily close of business
All vending apparatus shallbe removed at the close of business daily unless otherwise specified by the Palnning Commission.

~~g~~h. Roving
Vendors shall be at designated locations; roving (i.e., moving from one location to another) shall not be permitted.

~~h~~i. Public rights-of-way
Vendors are precluded from operations on all public rights of way. A vendor, therefore, is restricted to private or city leased property.

2. Non permanent Vendor(s) - Standards
The follwing standards shall apply to all vendors:

a. Design
Vending apparatus shall be visually harmonious with the ~~waterfront~~ area and shall visually enhance its surrounding.

b. Signs
Signs should be affixed to the apparatus and shall not exceed 8 square feet.

c. Hours
Vending operations shall be set up prior to peak visitor hours and shall be removed after such hours. The Planning Commission may set specific times for movement of the operation comsidering location and season.

d. Lighting
Any associated lighting shall be located downward and of such an intensity to avoid glare or visual distraction ~~on the Embarcadero.~~

e. Litter
Applications shall include provisons for litter containment and cleanup of sales items or packaging, as appropriate.

f. Noise
Excessive noise shall not be permitted. Requests for music shall be considered individually and shall be permitted only if the Planning Commssion finds that nearby establishments will not be disturbed.

g. Vandalism
Vendors shall provide for the security of vending apparatus.

h. Conflict with Merchants
Vendors shall not interfere with access to any public or private facility.

i. Utility Hookups
Utility hookups shall be installed as needed. Hookups may be similar to those utilized by recreational vehicles. Hookups shall be located to avoid danger to pedestrians. Such utility facilities shall be underground or otherwise visually screened.

j. Pedestrian Access
Vendors shall be permitted only in locations which will not conflict with pedestrian access.

k. Emergency Access
Vendors shall be permitted only in locations which will not interrupt traffic flow or emergency access.

l. Circulation
Locations for all such operations shall be reviewed and approved by the City Engineer, Fire Chief and Police Chief, to ensure that the operations will not interfere with vehicular or pedestrian circulation patterns. Furthermore, existing public parking shall not be curtailed or restricted by the operations.

m. Sanitation Facilities
All vendors shall arrange for access to a restroom for the operator; such facility for any vendor with food operations shall have hot and cold running water.

n. Parking
After considering the nature of the business and the expected number of employees and customers, the Planning Commission may require the provision of employee parking as a condition of approval.

17.30.040 OUTDOOR SALES, DISPLAY, DINING OR STORAGE [FORMERLY 17.48.245]

A. Generally Prohibited:
Except as may be permitted in the M-1 or M-2 zone districts, or as a temporary use allowed under a Temporary Use Permit obtained pursuant to Section ~~17.60.090~~ 17.30.050, outdoor sales, display, dining or storage is strictly prohibited either on public or private property, unless and until a Conditional Use Permit is obtained for same pursuant to Chapter 17.60 or except as provided in this section.

B. Temporary Special Events and Outdoor Sales, Displays, Dining, or Storage
Outdoor sales, display or storage may be permitted in non-residential zones without a Conditional Use Permit for temporary special events, pursuant to the following:

1. Special events or sales
~~The special event or~~ Events or sales shall not exceed seven consecutive days nor more than ten days cumulatively in a year. Additional days may be granted by the Director if the applicant has applied for and is in the process of obtaining a Conditional Use Permit for the outdoor use.

2. Public property or public right-of-way
If sales, display, dining, or storage is to occur on any public property or public right-of-way, written permission for same shall be first obtained from the City Administrator; and

3. Private property
If sales, display, dining, or storage is to occur on any private property, written permission for same shall be first obtained from the Director; and

4. Other conditions
The City Administrator or Director may impose such conditions on the granting of permission for temporary sales, display, dining, or storage as deemed reasonable or necessary to ensure that the activity is not detrimental to the public health, safety or general welfare. (Ord. 288 Exh. b (part), 1986)

C. Longer Term Temporary Special Events and Outdoor, Sales, Display, Dining or Storage

1. Minor Use Permit
Outdoor sales, display, dining, and storage may be permitted with a Minor Use Permit for longer periods of time than in Section B for an area of less than 125 sq. ft. in conjunction with an existing business. Outdoor dining and plant sales may be permitted for an area of up to 600 sq. ft. when in conjunction with an existing restaurant or business.

2. Outdoor uses
Said outdoor uses may include the addition of one non-permanent sign not to exceed four (4) sq. ft. in area. Said sign shall be subject to a Sign Permit. Fees applicable to permanent signs are appicable to these non-permanent signs.

D. Procedures for Special Event Outdoor Sales, Display, Dining or Storage
Application for a Temporary Special Event, Outdoor Sales, Display Dining, or Storage

shall be made by the applicant as provided in Section 17.30.020.

17.30.050 TEMPORARY USE PERMIT [FORMERLY 17.60.090.B]

~~B~~A. Temporary Use Permits

The temporary uses listed in this Section may be allowed by the Zoning Administrator under an Administrative Temporary Use Permit. The Administrator may attach such conditions to the permit as are necessary to assure that the temporary use complies with the intent of this section.

1. Subdivision real estate sales office
   A temporary real estate sales office may be established in a residential development for the first sale of property in that development. Such an office may be located within a residence or a common or temporary building. If a temporary building is used, it shall be removed upon termination of the use. Sales offices shall not be used for more than six months except that upon approval of the Pl~~anning Commission~~ Director, they may be continued for one successive period of not more than six months or until sale of the residences or lots.

2. Christmas Tree Sales
   Premises within nonresidential districts may be used for the temporary sale of cut or growing Christmas trees, provided that:

   a. Dates permitted
      Sales shall not be conducted before ~~December 1st~~ Thanksgiving Day or after December 31st; and

   b. Trees, signs and temporary structures
      All trees, signs and temporary structures shall be kept within the limits of the property and shall be removed within ten days after the close of the sale.

3. Temporary refrigeration
   Premises within nonresidential districts on or near the waterfront that are associated with the processing or wholesale sale of fish, may be used to place temporary refrigeration facilities, provided that:

   a. Length of use
      The temporary refrigeration facilities will be allowed only for a period not exceeding two weeks within any six months;

   b. Use conflicts
      The installation of the facilities is found by the Director not to conflict with the use of the premises or with the enjoyment of neighboring premises;

c. Power source
The temporary refrigeration facilities shall be operated by a power source from the electric public utility.

4. Temporary Storage for Construction, Utility and Public Works Projects
A temporary storage area may be allowed ~~for not longer than ninety days~~ for materials and equipment use for approved construction, utility or public works projects.

5. Other Temporary Events and Uses
Temporary events or uses may be allowed by the Director which are not intended to extend longer than six months and which are determined to not impact neighboring uses, environmentally sensitive habitat areas, or otherwise create significant impacts.

6. Special conditions of approval
A temporary use ~~may~~ shall require the approval of a regular use permit when the Zoning Administrator determines that special conditions of approval may be necessary to insure compliance with this section or special circumstances require a Planning Commission determination that the temporary use complies with the intent of this Section.

B. Procedures for Approval of Temporary Use Permits [Formerly 17.60.090.D]
A public hearing shall not be required on the application for Temporary Use Permits ~~or variances~~ on which the Zoning Administrator is authorized to act. However, the site of said use shall be visibly posted 10 days prior to the approval authorizing the said use. ~~prior to the decision on such applications, notice shall be given of the proposed action in the same manner as provided in Section 17.60.110 below~~.

C. Appeal of the Zoning Administrator's Decision

1. Issuance and appeal
Use permits and variances shall not be issued until 10 days have elapsed from the granting thereof and, in case an appeal is filed from the Zoning Administrator s decision thereon, shall not be issued until decision shall be made by the Planning Commission on such appeal. In case the applicant or any other person is not satisfied with the action of the Zoning Administrator or any use permit or variance application, he may, within 10 days appeal in writing to the Planning Commission. The fee for such appeal shall be set by the City Council.

2. Public hearing of appeal
Upon receipt of such appeal, the Planning Commission shall set the matter for public hearing; said hearing shall be held within sixty days following such receipt, notice thereof to be given as provided by law. Notice shall also be given to the Zoning Administrator who shall submit a report to the Planning Commission setting forth the reasons for the action by theZoning Administrator.

Such report shall be submitted in writing or by representation at the hearing.

17.30.060 PROHIBITION OF NEW OFF-SHORE OIL DEVELOPMENT SUPPORT FACILITIES [FORMERLY 17.72.030]

There shall be no construction, reconstruction, operation or maintenance of any commercial or industrial facility within the City, including but not limited to business or personnel office, oil or gas storage facilities, pipe, drilling materials, or equipment repair or storage facilities, or any other aid or support which operates directly or indirectly in support of any offshore oil or gas exploration, development, drilling, pumping or production; nor shall there be any construction, reconstruction, operation or maintenance of any pipeline within the City for the transmission of nay oil or natural gas taken or removed from any offshore oil or gas drilling or pumping operations. (Ord. 297 (part), 1987)

A. Zoning Changes [Formerly 17.72.040.B]

No zoning changes to accommodate onshore support facilities for offshore oil or gas exploration, developmentk, drilling, pumping or production shall be enacted without a vote of the people of the City of Morro Bay. (Ord. 297 (part), 1987)

B. Ordinance [Formerly 17.72.040.A]

The ordinance codified in this Chapter shall not be amended or repealed without a vote of the people.

Chapter 17.40

SPECIAL TREATMENT OVERLAY AND COMBINING DISTRICTS AND SPECIFIC PLANS

SECTIONS:

17.40.010	Application of regulations
17.40.020	Scope
~~17.40.030~~	~~Standards~~ **[Moved to 17.40.050]**
17.40.030	Planned Development (PD) Overlay Zone **[Formerly 17.36]**
~~17.40.040~~	~~Procedure~~ **[Moved to 17.40.050.J]**
17.40.040	Environmentally Sensitive Habitat (ESH) Overlay Zone **[Formerly 17.42]**
~~17.40.050~~	~~Appeal to City Council~~
17.40.050	Special Treatment (S) Overlay Zone **[Formerly 17.40.030.A-D]**
17.40.060	Mobile Home (M) Overlay Zone **[Formerly 17.40.030.F]**
17.40.070	Combining Mixed Use Overlay Zone **[Formerly 17.40.030.E]**
17.40.080	Interim Uses (I) **[Formerly 17.60.050]**
17.40.100	Beach Street Specific Plan (SP) **[Formerly 17.70]**
17.40.110	North Main St. Specific Plan (SP) **[Formerly 17.71]**

17.40.010 APPLICATION OF REGULATIONS

The Planned Development (PD), Environmentally Sensitive Habitat (ESH), Special Treatment (S), Mobilehome (M), Interim (I), and Specific Plan (SP) districts are overlay zones which apply special standards to primary zoning districts. In any primary District which is combined with an PD, ESH, S, M, I, Sp or ~~MW~~ special treatment combining District, and in mixed use areas where a primary and secondary District are combined, this Chapter shall apply in addition to those uses and regulations specified for such districts; provided, however, in the event of a conflict with the regulations applicable, the provisions of this Chapter shall govern and shall take precedence over the standards and uses specified in the Primary Zone. (Ord. 263/1 (part), 1984)

17.40.020 SCOPE

~~The regulations in the special treatment combining districts are designed to provide maximum utilization of land by allowing for combinations of compatible uses under certain circumstances. Furthermore,~~ These districts may be used to require special treatment or regulations such as the application of special design criteria including architectural, structural, physical, environmental, and visual characteristics for new development in unique areas of the City of Morro Bay. (Ord. 263/1 (part), 1984)

17.40.030 PLANNED DEVELOPMENT, (PD) OVERLAY ZONE [FORMERLY 17.36]

~~SECTIONS~~ CONTENTS

A. ~~Intent~~ Purpose
B. Chapter Applications
C. Permitted Uses
D. General development standards
E. Consistency with General Plan and Local Coastal Program
F. Conceptual plans required for proposals involving public lands or large parcels
G. Precise plans required
H. Expiration of plan and permit approvals
I Phased development
J. Minor improvements to PD ~~suffix~~ Overlay Zone properties

A. ~~Intent~~ Purpose

The purpose of the ~~P-D~~ Planned Development (PD) ~~suffix~~ Overlay Zone, is to provide for detailed and substantial analysis of development on parcels which, because of location, size or public ownership, warrant special review. ~~Furthermore,~~ This ~~suffix~~ Overlay Zone is also intended to allow for the modification of or exemption from the development standards of the primary zone which would otherwise apply if such action would result in better design or other public benefit. (Ord. 263/1 (part), 1984)

B. Chapter Application

The requirements and procedures contained in this Chapter shall apply to all properties which have, in addition to a primary or base zone District, the ~~P-D~~ Planned Development ~~suffix~~ (PD) Overlay Zone, unless otherwise provided in this Chapter. (Ord. 263/1 (part), 1984)

C. Permitted Uses

Subject to the granting of a Conditional Use Permit for a conceptual and/or a precise

plan of development:

~~A~~1. Any principal or conditional use which is allowed by the primary zoning District is a permitted use;

~~B~~2. Community housing projects as defined in Chapter 17.49, may be permitted in PD ~~suffix~~ overlay residential zones. The provisions of that Chapter shall, also apply to the review of such PD ~~suffix~~ Overlay Zone projects.

~~C. The requirement for a PD suffix Conditional Use Permit shall be in lieu of all other base zone requirements for such permits. The processing procedures of Chapter 17.60 shall apply to PD suffix, except as may be superseded by these provisions. (Ord. 263/1 (part), 1984)~~

D. General Development Standards

The standards for development within a PD ~~suffix~~ Overlay Zone shall be those of the base zoning District, provided however, that standards may be modified by the Planning Commission or City Council as they relate to: building heights; yard requirements; and minimum lot area for dwelling units ~~if~~ in the density range provided that any specific design criteria of the General Plan and Coastal Land Use Plan, applicable to the property, is not exceeded. Modifications of standards shall only be approved upon a finding that greater than normal public benefits may be achieved by such deviations. Such benefits may include, but are not limited to improved or innovative site and architectural design, greater public or private usable open space and provisions of housing for the elderly or low/moderate income families, provision of extraordinary public access, provision for protecting environmentally sensitive habitat (ESH) areas, but in all cases these provisions shall meet the Coastal Land Use policies. (Ord. 263/1 (part), 1984)

E. Consistency With General Plan And Local Coastal Program

New development and uses may be permitted only if found to be consistent with the applicable policies of the Morro Bay General Plan and Local Coastal Program. (Ord. 263/1 (part), 1984)

F. Conceptual Plans Required For proposal Involving Public Lands Or Large Parcels

A concept plan shall be submitted and approved pursuant to this Chapter ~~as a prerequisite to any new development or uses on parcels or series of commonly held contiguous parcels of land~~ prior to submittal of any new development; new use or change in use; or subdivisions of a series of two or more commonly held contiguous parcels of land, on property within a PD ~~suffix~~ Overlay Zone ~~new development or uses on parcels or series of commonly held contiguous parcels of land within a PD suffix zone~~ which ~~are~~:

- ~~¥~~ is publicly owned, including tidelands, or ~~which~~
- ~~¥~~ in ~~their~~ its gross or aggregate area exceeds one ~~three~~ acres.

1. Contents of the Conceptual Plan

The Concept Plan shall be a general development plan and shall not include construction plan drawings such as complete engineering or Tentative Maps. The following information shall be included in the concept plan:

a. Plot plan

A proposed plot plan for the development, including project boundary designation, perimeter of the ownership, location and dimensions of any existing property lines and easements within the site, tentative location of buildings, roads, parking and open areas;

b. Streets

The width and location of surrounding and adjoining streets and proposed street alignments within the site, and connections to existing streets;

c. Adjoining properties

The use of adjoining properties, any building within fifteen feet of the property line shall be precisely located;

d. Topography

The existing and proposed changes in topography of the site, including the degree of land disturbance, the location of drainage channels or water courses and the direction of drainage flow;

e. Utilities

The locations and capacities of existing utilities in the vicinity of the site, and tentative extensions to the site;

f. Structures and existing trees

The location of any structures and existing trees in excess of ~~three~~ six inches in diameter upon the site designated for retention or removal;

g. Phased development

The approximate timetable and priorities of any phased development.

h. Architectural concepts

Sketches showing architectural concepts of the proposed building, including heights, design, exterior materials of proposed buildings, other structures, fencing and signing;

i. Open space plan

Proposed open space plan including landscape concept and type of plant materials, recreation area, parking, service and other public area used in common on the property; a description of intended improvements to the open area of the property.

j. Other information
The Planning Commission and City Council may require such other information as deemed necessary, which may include but not be limited to, economic analysis, habitat analysis, archaeological analysis, visual quality analysis, public access analysis, thoroughfare plans, public services and facilities plans, utilities service plans, and conceptual method of land subdivision or ownership arrangement described by a preliminary parcel or tract map, pursuant to the provisions of Title 14 of this code.

2. Concept Plan Approval
In addition to the review provisions of Chapter 17.60 describing the processing of Conditional Use Permits, concept plans for PD ~~suffix~~ Overlay Zone properties shall receive final approval from the City Council at a duly noticed public hearing. The Planning Commission shall first review the concept plan by conducting a public hearing. If the Commission consideration is to approve the plan, it shall report such findings and recommendation to the City Council. If the Commission determines to deny the plan, it need not be forwarded to the Council and the Commission decision shall become final unless appealed. (Ord. 263/1 (part), 1984)

G. Precise Plans Required

Upon approval by the City Council of a concept plan, or where no conceptual approval is required, a precise plan of development shall be submitted to the Planning Commission showing the details of property improvement and uses or activities to be conducted on the site, and any subdivision proposals. Precise plans shall be processed in accordance with procedures for a Conditional Use Permit as contained in Chapter 17.60.

1. Precise Plan Content
Plans shall be prepared containing all the general information required of concept plans, which has been further developed to a precise level of detail. Any data or calculations necessary to evaluate the precise plan proposal, shall accompany such plans. A precise plan shall contain the following minimum information:

a. Total development plan
The total development plan showing the precise dimensions and locations of proposed structures, buildings, streets, parking, yards, pathways, open spaces and other public or private facilities;

b. Architectural elevations
Fully developed architectural elevations of all buildings, structures, signs and fencing, showing colors and materials of construction.

c. Landscaping plan
A landscaping plan showing plant materials, type and size of plants at the time of planting, and method of maintenance;

d. Engineering plans
Engineering plans showing site grading, and amount of cut and fill, including finished grades and proposed drainage facilities;

e. Proposed site uses or activities
Listing all of proposed site uses or activities to be conducted on the site, with related floor area depicted or calculations of site area to be devoted to such uses;

f. Miscellaneous plans
Miscellaneous plans (as appropriate) showing any exterior lighting, roof plans, site cross-sections, view sight lines, ESH mitigation plans, archaeological mitigation plans, visual quality plans, public access mitigation plans, or other features necessary to evaluate the specific proposal including the information required of community housing projects;

g. Tentative tract or parcel map
Tentative tract or parcel map, where lands involved in the proposal are to be divided or joined together.

2. Precise Plan approval
The Planning Commission, in granting a Conditional Use Permit for PD ~~suffix~~ Overlay Zone precise plans, shall make the findings required by Section 17.60.030; and, further find that precise plans are in substantial conformance with any conceptual plan approval granted by the City Council. (Ord. 263/1 (part), 1984)

H. Expiration Of Plan And Permit Approvals

1. Precise plans
Where a conceptual plan is required, precise plans must be submitted to the Planning Commission within one year from the date of City Council approval or approval of the State Coastal Commission where said plan requires their approval. Without further action, concept plans shall automatically become null and void after one year has elapsed.

2. Percise Plan expiration
Precise plans shall expire ~~one~~ two years from the date of approval if not initiated, except where a tentative subdivision map has been approved in conjunction with a PD ~~suffix~~ overlay zone project, in which case, the Conditional Use Permit shall expire upon the expiration of the tentative map.

3. Extensions of time
The Planning Commission may grant extensions of time as provided for Use Permits, Coastal Development Permits and Subdivisions ~~one time extension of up to one year for any approvals required in P-D suffix districts, upon application for a Conditional Use Permit amendment~~. (Ord. 263/1 (part), 1984)

I. Phased Development
In the event that the applicant intends to develop the proposal in phases, and the Planning Commission or City Council as applicable, approves phased development, said plans shall remain in effect so long as not more than one year lapses between the end of one phase and the beginning of the next phase. (Ord. 263/1 (part), 1984)

J. Minor Improvements To PD ~~suffix~~ Overlay Zone Properties
Other provisions of this Chapter notwithstanding, ~~conceptual plans~~ a Minor Use Permit shall ~~not~~ be required for PD ~~suffix~~ Overlay Zone development involving any of the following:

1. An increase in existing building floor area or building height, of not more than ten percent or 5,000 square feet whichever is less, and the construction of minor accessory buildings or appurtenances;

2. Minor changes to architectural facades, or other embellishments;

3. Minor revisions to parking layout;

4. A change in signing programs;

5. Revisions to site landscaping;

6. A change in property use to add or replace an existing use with one permitted in the base zone, if associated improvements are no more intensive than previously approved uses ~~do not exceed the limitation specified in subsection A of this Section.~~ (Ord. 263/1 (part), 1984)

17.40.040 ENVIRONMENTAL SENSITIVE HABITAT (ESH) OVERLAY ZONE ~~DISTRICT~~ [FORMERLY 17.42]

CONTENTS

A. Purpose
B. Uses Allowed Without a Conditional Use Permit
C. Uses Allowed Only With a Conditional Use Permit
D. Special ESH Overlay Zone Standards

A. Purpose [Formerly 17.24.150]

The purpose of the environmentally sensitive habitat ~~District~~ overlay zone or ESH ~~District~~ overlay zone is ~~as follows~~ to protect and preserve areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities and development. Environmentally sensitive habitat ~~districts~~ overlay zones shall extend not only over an ESH ~~environmentally sensitive habitat~~ area itself but shall also include buffers necessary to ensure continued protection of the habitat areas. Only uses dependent on the sensitive resources and which do not result in significant disruption of habitat values ~~as provided in Chapter 17.42~~ shall be permitted in the ESH ~~District~~ overlay zone. The ESH overlay zone may apply to areas not currently mapped as ESH designation. (Ord. 263/1 (part), 1984)

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

B. Uses Allowed Without a Conditional Use Permit

1. Wetlands **[Formerly 17.42.030.B.1]**
The following uses are permitted in wetlands: wildlife refuge; wildlife habitat management; noncommercial clamming and related activities on mudflats; passive recreation; noncommercial fishing and other educational or scientific activities including bird watching and nature study on the waters covering mudflats during high tides.

2. Estuary **[Formerly 17.42.030.C.1]**
The following uses are permitted in estuaries: wildlife refuge; wildlife habitat management; educational or scientific studies including bird watching and nature study; passive recreational uses, including boating and fishing.

3. Sand Dunes, Sandspits **[Formerly 17.42.030.D.1]**
The following are permitted uses on sand dunes and sandspits: wildlife refuge; wildlife habitat management; passive recreation that does not significantly impair dune vegetation; scientific and educational activities.

4. Stream Corridors **[Formerly 17.42.030.E.1]**
The following are permitted uses in stream corridors: wildlife refuge; wildlife habitat management; educational and scientific activities.

5. Restricted Areas **[Formerly 17.42.030.F]**
The following are permitted uses in restricted areas: wildlife refuge; wildlife habitat management; scientific and educational activities.

6. Other Environmentally Sensitive Habitat Areas **[Formerly 17.42.030.G.1]**
The following are conditionally permitted in other environmentally sensitive area; wildlife refuge; wildlife habitat management; scientific and educational activities; controlled public access and passive recreational activities.

C. Uses Allowed Only with a Conditional Use Permit

1. Wetlands **[Formerly 17.42.030.B.2]**
The following are conditionally permitted uses in wetlands: road and bridge replacements, very minor, incidental public facilities when there is no other feasible, environmentally less-damaging alternative; other scientific and educational work; restorative measures; and commercial mariculture where no alteration of the wetland is necessary.

2. Estuaries **[Formerly 17.42.030.C.2]**
The following are conditionally permitted in estuaries: road and bridge replacements, restorative measures; commercial mariculture; and diking, dredging or filling, where there is no feasible, less environmentally damaging alternative, where feasible mitigation measures have been provided to minimize adverse environmental effects and where the functional capacity of the estuary is maintained or enhanced for the following purposes only:

a. New or expanded energy or coastal dependent industrial facilities;

b. Non governmental agencies maintaining existing, or restoring, previously dredged depths in existing navigational channels, ~~and~~ berthing and mooring areas and boat launching ramps;

c. New or expanded boating facilities;

d. Incidental public service purposes, including but not limited to burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

e. Restoration purposes;

f. Nature study, aquaculture, or similar resource dependent activities.

g. Road and bridge replacements.

h. Biological mitigation program areas.

3. Sand Dunes, Sandspits **[Formerly 17.42.030.D.2]**
The following are conditionally permitted uses: road and bridge replacements, incidental public facilities such as buried cables or pipelines where there is no other feasible, less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effect.

4. Stream Corridors **[Formerly 17.42.030.E.2]**
The following are conditionally permitted uses: controlled public access including public trails within the buffer; necessary pipelines and water supply projects where no alternative location exists; flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development; road and bridges where no alternative route/location is feasible and if support structures are not sited in the environmentally sensitive habitat.

5. Restricted Area.
The are no conditionally permitted uses allowed.

6. Other Environmentally Sensitive Habitat Areas **[Formerly 17.42.030.G.2]**
The following are conditionally permitted: all other resource-dependent uses which do not significantly degrade the habitat values. (Ord. 263/1 (part), 1984)

D. Special ESH Zone Standards

1. General Application & Requirement for Uses ~~of regulations~~ **[Formerly 17.42.010]** ~~The regulations in this chapter shall apply to those areas of the City so designated in the ESH, environmentally sensitve habitat District, zone. This~~ The ESH overlay zone shall be applied to all environmentally sensitive habitat areas and to buffers around such habitat areas necessary to ensure continued protection of the habitat values. (Ord. 263/1 (part), 1984)

2. Expressly prohibited uses **[Formerly 17.42.040]**

a. Significant disruption
No uses which will cause significant disruption to the ecosystem or habitat values shall be permitted.

b. Vehicular traffic
Vehicular traffic shall be prohibited on wetlands and dune areas (this does not apply to previously filled wetlands landward of an established bulkhead or revetment)

c. Spoil disposal
Further dredge spoil disposal shall be prohibited on the sand spit (Ord. 263/1 (part), 1984)

3. Types of environmentally sensitive habitat areas **[Formerly 17.42.020]**
A number of types of environmentally sensitive habitat areas exist within the City of Morro Bay. The nature of these ecosystems and their susceptibility to possible degradation by different human activities varies among habitat types. Uses acceptable in one type of habitat area may be unacceptable in a more sensitive one. Therefore, environmentally sensitive habitat areas must be classified into one of the following types before determining permitted uses:

a. Wetlands
Lands which may be covered periodically or permanently with shallow water, including saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens.

b. Estuary
A coastal water body usually semi-enclosed by land, but which has open, partially obstructed, or intermittent exchange with the ocean and in which ocean water is at least occasionally diluted by freshwater runoff from the land. The salinity may be periodically increased above the open ocean by evaporation. In general, the boundary between wetland and estuary is the time of extreme low water;

c. Sand Dunes, Sandspit
Sand dunes are mounds of sand deposited by wind and frequently vegetated by characteristic plant species. The Sandspit is that geographic portion of the City surrounded on three sides by water and separating Morro Bay from the open ocean; much of the spit is covered by sand dunes;

d. Stream Corridors (Streams and Adjacent Riparian Habitats)
A stream is a natural water course as designated on the most recently published United States Geological Survey map, or any well-defined channel with distinguishable bed and bank that shows evidence of having contained flowing water as indicated by scour or deposit of rock, sand, gravel, soil or debris. A riparian habitat is an area characterized by an association of plant species which grow adjacent to freshwater watercourses, including perennial and intermittent streams, lakes and other bodies of fresh water;

e. Restricted Areas
Those habitats which have resources so environmentally sensitive that even passive recreational uses must be prohibited;

f. Other

All other environmentally sensitive habitat areas designated on the Zoning Map not herein defined. ~~Figure 1 as set out in this Chapter~~ The Zoning Map indicates the location of known environmentally sensitive habitat areas by type; additional areas may be added to this ~~figure~~ map as further information is developed related to sensitive habitats in the City. (Ord. 263/1 (part), 1984)

4. Buffers required, general
The following minimum buffers shall be applied to Environmentally Sensitive Habitat areas, except as provided elsewhere in this Chapter.

   a. Wetlands
   The minimum buffer surrounding wetlands shall be ~~two hundred fifty feet (250)~~ one hundred (100) feet. Review area: minium of two hundred fifty (250) feet.

   b. Streams
   The minimum buffer for streams shall be one hundred feet (100) in non urban areas and fifty feet (50) in urban areas.

   c. Sand Dunes
   The minimum buffer for sand dunes shall be one hundred (100) feet, fifty feet if fenced. ~~in non urban areas and fifty (50) feet in urban areas~~.

   d. Other
   The minimum buffer for estauries, restricted areas and all other environmentally sensitive habitat areas shall be one hundred (100) feet. (Ord. 263/1 (part), 1984)

5. Greater buffers ~~may be~~ required
In some habitat areas, a buffer greater than that called for in Section ~~17.42.050~~ 17.40.040.D.4 shall be required if an initial study and/or environmental impact report prepared ~~pursuant~~ according to the California Environmental Quality Act indicates that such buffers are necessary for the protection of the habitat values. (Ord. 263/1 (part), 1984)

6. Reducing buffers

   a. In all cases, except for wetlands
   In all cases, except for wetlands, buffers may be reduced in accordance with the following standards if the application of the buffer specified in Section ~~17.42.050~~ 17.40.040.D.4 on a previously subdivided parcel would render that subdivided parcel unusable for its designated use.

   b. Accommodation of designated use

Buffers may be reduced only to the point where the designated use is accommodated but in no case shall it be less than fifty (50) percent of the width called for in Section ~~17.42.050~~ 17.40.040.D.4. ~~Lesser~~ Said reduction in setbacks may be permitted by the City, as provided above, only after consultation with the California Department of Fish and Game; the applicant shall implement as part of the development all mitigation measures deemed necessary for habitat protection after such consultation. All permitted reductions in buffer areas shall be found consistent with Policies 11.01, 11.05, 11.06 and 11.14 of the Coastal Land Use Plan. (Ord. 263/1 (part), 1984)

"For lots of 4,000 square feet or less in aggregate area, the Director may approve a reduction of the buffer to 25% of the average depth of the lot in consultation with the Department of Fish and Game for said reduction.

7. Uses in buffer area **[Formerly 17.42.080]**

a. General
The uses permitted in buffers shall generally be limited to those permitted in the adjacent habitat area.

b. Permanent Structures
No permanent structures shall be permitted within buffer areas except for those of a minor nature such as:

(1) In residential areas:
a) fences;
b) open uncovered decks (including cantilevered);
c) eaves;
d) at grade level patios; and
e) vegetation.

(2) In other districts:
a) at grade improvements for pedestrian or equestrian trails;
b) instructional or informational signs;
c) designated observation areas, or other public access or educational facilities;
d) fences;
e) eaves; and
f) vegetation.

Applications for all such improvements shall be submitted to the Department of Fish and Game for review and comment before the issuance of a Coastal Development Permit. (Ord. 263/1 (part), 1984)

8. Subdivisions prohibited **[Formerly 17.42.090]**

The further subdivision of any ~~environmentally sensitive habitat~~ ESH area shall be prohibited except where the sensitive habitat area is to be transferred in fee to a public agency for a wildlife refuge or for a wild life management area. (Ord. 263/1 (part), 1984)

9. Performance Standards **[Formerly 17.42.100]**
All other sections of this Chapter notwithstanding, no uses shall be permitted unless the following performance standards are met, as applicable, in new developments:

a. Significant Adverse Effects
New development shall not result in significant adverse effects upon habitat values.

b. Revegetation
Where permitted uses require the removal of riparian or dune related plant species, such removal shall be limited to the minimum amount necessary and revegetation with:

(1) native vegetation in the habitat areas of rare or endangered species, or

(2) native, drought-tolerant plants where determined feasible and approved by the City. All such proposals calling for removal of vegetation and subsequent revegetation shall be submitted to the Department of Fish and Game for review and comment.

c. Walkways, Trails and Similar Uses
Walkways, bicycle trails, overlooks and other structures for nature study and passive recreational use shall be designed to minimize the disturbance of wildlife and vegetation. For example, in dune areas elevated walkways may be required.

d. Culverts,Ponds
Any culverts or ponds created as part of a permitted use shall be sited and designed to insure against the risk of flood damage to adjacent properties.

e. Diking, Dredging, Filling
Any permitted diking, dredging or filling activities in wetlands and estuaries shall maintain or enhance functional capacity of the habitat.

f. Breeding and Nesting Season Restrictions
On dune habitats, all permitted uses shall be regulated to protect critical bird habitats during the breeding and nesting seasons. Any mitigation measures deemed necessary after consultation with the Department of Fish and Game, including but not limited to access controls and noise abatement,

shall be implemented.

g. Other Agency Permits
Prior to any construction, alteration or other improvement in areas designated as wetlands or estuaries the following shall be presented to the City:

(1) 404 Permit
A Section 404 permit (or its equivalent successor) from the U.S. Army Corps of Engineers.

(2) Letter from CDFG
A letter from the California State Department of Fish and Game stating compliance with Section 1601 and 1603 (or their equivalent successors) of the State Fish and Game Code. (Ord. 263/1 (part), 1984)

17.40.050 SPECIAL TREATMENT (S) OVERLAY ZONE [FORMERLY 17.40.030.A-D]

CONTENTS

A. Purpose of S Overlay Zones
B. S.1 Standards
C. S.2 Standards
D. S.2A Standards
E. S.2B Standards
F. S.3 Standards
G. S.4 Standards
H. S.5 Standarsds
I. S.6 Standards
J. Procedures for Special Treatment Overlay Zones

A. Purpose

The purpose of the Special Treatment (S) Overlay Zone is to provide standards to permit development of properties which, because of their location, size or configuration, require unusual or unique design criteria.

~~In order that new development will occur, be developed in an orderly manner and will be in harmony with other structures and improvements in the area; that the maximum utilization of land may be permitted through the combination of compatible~~

~~uses; and that areas with unique character and visual resources are preserved and protected, the following special treatment combining districts are established.~~

~~A~~B. S.1 Overlay Zone Standards ~~Special Building Site and Yard Width Requirements - S.1 District~~

The following special standards apply to the S.1 Overlay Zone:

~~¥ Minimum building site required - two thousand four hundred square feet.~~

1. Minimum lot width required at property line, forty (40) feet.

2. Minimum front yard setback required, ten (10) feet (including garage entry setback).

3. Minimum interior side yard setback required, three (3) feet.

4. Minimum exterior side yard setback required, six (6) feet (10' setback for garage entry).

5. Minimum rear yard setback required, five (5) feet.

6. Minimum off-street parking required, one garage or carport per unit for residences under 1000 sq. ft.

7. Maximum lot coverage permitted, fifty percent for lots 4,000 sq. ft. or less.

R-1 standards apply otherwise.

C. S.2 Overlay Zone Standards ~~District~~

The following special standards apply to the S.2 Overlay Zone:

~~¥ Minimum building site required, four thousand square feet.~~

1. Minimum lot width required at property line, forty (40) feet.

2. Minimum front yard setback required, fifteen (15) feet (including garage entry setback).

3. Minimum interior side yard setback required, ten percent of the width of the lot, to a maximum of five (5) feet.

4. Minimum exterior side yard setback required, twenty (20) percent of the width of the lot to a maximum of ten(10) feet.

5. Minimum rear yard setback required, five (5) feet.

6. Maximum lot coverage permitted, fifty percent for lots 4,000 sq. ft. or less.

7. Lot area less than three thousand five hundred (3,500) square feet ~~lot area~~ with a residence under 1000 sq. ft., one car garage or carport permitted.

R-1 Standards apply otherwise.

D. S.2A Overlay Zone Standards ~~District~~

The purpose of this ~~suffix~~ overlay zone is to preserve the existing character of physical development in the area within the jurisdiction of the City, west of State Highway One, north of Azure Street. Where this ~~suffix~~ overlay zone fails to specify the location and type of development permitted, the existing R-1 classification shall be deemed to contain the applicable definitions and specifications. The following special standards apply to the S.2A Overlay Zone:

~~¥ Minimum building site required, four thousand square feet.~~

1. Minimum front yard setback, fifteen (15) feet, including garage.

2. Minimum interior side yard setback, five (5) feet.

3. Minimum exterior side yard setback (corner lot), fifteen (15) feet, including garage.

4. Maximum lot coverage permitted, fifty percent for lots 4,000 sq. ft. or less.

5. Lot area less than three thousand five hundred (3,500) square feet lot area, with a residence under 1400 sq. ft, one car garage or carport permitted.

6. Dwelling height limit, fourteen feet for flat roofs and top of deck railing; provided, however, that for peaked roofs (4 in 12 or greater pitch) and other architectural features, a height of up to seventeen feet may be permitted. ~~provided such space above fourteen feet is not habitable space but above a ceiling as attic space only.~~
   ~~¥ No guest house shall exceed sever hundred feet or sixty percent of the floor area of the main building.~~

R-1 Standards apply otherwise.

E. S.2B Overlay Zone Standards ~~District~~

The purpose of this ~~suffix~~ Overlay Zone is to protect the public viewshed from Highway One by limiting the height of new structures and by establishing various other performance standards as set forth below. Where stated, these shall be in-lieu of the normal standards of the R-1 District, where silent, standards of R-1 District shall be in force.

1. Dwelling and garage height limits
   No portion of any structure except for vents and chimneys may extend above the fifty-five foot elevation above sea level.

2. Accessory Buildings
Guest houses or accessory buildings other than garages are prohibited.

3. Setback from Bluff Face
All permanent structures shall be set back from the bluff face a distance sufficient to allow for 75 years of average bluff retreat. No retaining walls or other bluff stabilization devices, except for drainage structures shall be permitted.

4. Fire Protection
All residences shall be equipped with fire sprinklers, subject to the approval of the Fire Chief.

5. Light and Glare Mitigation
All new uses shall be designed so that light and glare are minimized.

6. Landscaping Standards
A landscaping plan shall be required in conjunction with any development proposal in that area. The landscaping plan shall provide for revegetation and restoration of native shrubs and ground covers within the open space portions of the area.

In order to protect public views to and along the coast, no landscaping shall be permitted that results in greater obstruction of public views from Highway One than result from residential and accessory structures. Landscaping in open space areas shall be limited to low growing drought resistant native shrubs and ground covers that at maturity will not exceed five (5) feet in height. Within residential yard areas, taller vegetation, including small or open, lacy trees may be used, providing no such vegetation exceeds the roof height of the residences.

~~B~~F. S.3 Special Mixed Use Overlay Zone Standards ~~District~~

In addition to all uses permitted in accordance with the base zone, except as otherwise provided herein, the following uses, subject to the conditions and procedures herein, may also be allowed:

1. Residential
~~a.~~All residential units in existence in the month of October 1982 shall be permitted uses. Additions to such residences not creating new units and not exceeding fifty percent of the existing habitable floor area ~~of the building or two thousand square feet, whichever is greater, shall be permitted. b. Additions to existing residential developments greater than fifty percent of the existing habitable floor area~~ and new residential units may be permitted subject to a Conditional Use Permit in accordance with Chapter 17.60 an provided that the following additional conditions are met:

a. Visitor serving commercial uses
Visitor serving commercial uses, as provided in Section ~~17.32.070~~ 17.24.120

are incorporated into the proposed development or redevelopment; and

b. Number of units
The total number of residential units in this ~~District~~ Overlay Zone does not exceed the number of units in the ~~District~~ Overlay Zone in existence in the month of October 1982.

2. Offices

a. All offices in existence in the month of October 1982
All offices in existence in the month of October 1982 shall be permitted uses. Additions to such office development not exceeding fifty percent of the exiting floor area of the building or two thousand square feet, whichever is greater, may be permitted subject to a Conditional Use Permit in accordance with Chapter 17.60; provided, however, that the total floor area of the office space in this ~~District~~ Overlay Zone does not thereby exceed the total in existence in the month of October 1982.

b. New offices or additions
New offices or additions to existing office development greater than fifty percent of the existing floor area or two thousand square feet may be permitted subject to a Conditional Use Permit and provided that the following conditions are met:

(1) Visitor-serving commercial uses
Visitor-serving commercial uses, as provided for in Section ~~17.32.070~~ 17.24.120, are incorporated into the proposed development or redevelopment; and

(2) Total floor area
The total floor area of office space in the ~~District~~ Overlay Zone does not thereby exceed that in the ~~District~~ Overlay Zone in existence in the month of October 1982.

~~Side yard setbacks as required by Chapter 17.32, Visitor-serving Commercial, may be reduced where necessary to allow reasonable use of the property due to existing lot size.~~

~~C~~G. S.4 Special Design Criteria Overlay Zone ~~S.4 District~~
In order to maintain and enhance the character and visual quality of these areas, special design review has been found to be necessary. Applications for development shall include (as appropriate) submittal of architectural, landscaping, lighting, signing and viewshed plans for review and approval.

~~D~~H. S.5 Precise Plan Areas Overlay Zone ~~S.5 District~~
Certain areas of the waterfront have been deemed to require special review due to

their sensitive nature. For development permitted in a S.5 Overlay Zone ~~suffix District~~, a precise plan in accordance with LUP policies 7.06 or 7.07 and 7.08 shall be required.

I. S.6 Residential Protection Overlay Zone ~~District~~

The intent of this ~~suffix District~~ Overlay Zone is to afford reasonable protection in case of accidental destruction for various residential uses which were made nonconforming when the city s LCP was adopted, subject to certain limitations.

In the S.6 ~~District~~ Overlay Zone, residential uses which were constructed prior to October 1984 shall be considered conforming uses regardless of the base zoning District and subject to the following limitations:

1. Length of conforming status
   The conforming status of such residential uses extended by this ~~suffix~~ Overlay Zone shall run for fifty years from the date of original construction of the building. After fifty years from date of original construction, such uses shall be considered legal, but nonconforming uses, if they do not conform to the base zoning District. Such uses may continue, but shall be subject to all applicable provisions of Chapter 17.56 regarding nonconforming uses.

2. Additions
   No addition to a residence in the S.6 Overlay Zone which is otherwise non-conforming to the base zone District and exceeding twenty-five percent of the existing floor area may be permitted unless a Conditional Use Permit is obtained pursuant to Chapter 17.60

J. Procedure for Special Treatment Overlay Zones [Formerly 17.40.040]

Depending on the primary zone in effect, plans, drawings, illustrations and other material necessary to support the proposal for improvement and to identify the development in relation to the requirements shall be submitted to the ~~planning and community development~~ Director, who shall review these plans and forward his recommendation to the Planning Commission for action. The Planning Commission shall thereafter approve, conditionally approve or disapprove said plans. Approval of the Planning Commission shall ~~thereafter~~ constitute authority for the issuance of a permit. (Ord. 263/1 (part), 1984)

17.40.060 MOBILEHOME (M) OVERLAY ZONE [FORMERLY 17.40.030.F]

CONTENTS

A. Purpose
B. Design Standards

A. Purpose

The purpose of the Mobilehome (M) Overlay Zone is to implement Government Code Section 65852.3 requirements allowing mobilehomes on certain R-1 zoned lots.

B. Design Standards

Where designated as an M ~~suffix~~ Overlay Zone to the principal single-family zone use and standards, or where assigned to a special treatment combining District, the placement of manufactured housing on permanent foundations (pursuant to Section 65852.3 or successor sections of the State Government Code) shall be permitted as the main dwelling structure in addition to conventional site-built and factory-built housing, under the following conditions and standards:

1. The manufactured housing (mobilehome) shall be certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401, et seq). ~~An exception to the above shall be permitted in the MCR mixed use district. The combination of a residential zone with the MCR zone will allow a mix of commercial and residential uses in any proportion, or, exclusive residential use may be permitted according to the standards of the residential zone so designated. All development in an MCR mixed use combining district shall comply with applicable standards of this section and of Chapter 17.71, North Main Street Specific Plan.~~

2. All other City zoning requirements shall be complied with;

3. City installation/construction requirements as administered by the ~~community development department building division~~ Planning and Building Department, shall be complied with;

4. The Building Official shall certify that all main dwelling structures meet the following architectural standards:

   a. Eave overhangs of at least eighteen inches;

   b. Minimum three inch in twelve inch roof pitch;

   c. Exterior wall materials of wood, stone, masonry, stucco, or other similar material (excluding metal or plastic product;

   d. Roof materials of wood, asphalt, rock, clay, concrete or other similar material (excluding metal ~~where used for the main dwelling; exclusion does not apply to patio covers or similar roof surfaces~~).

17.40.070 COMBINING MIXED USE OVERLAY ZONE [FORMERLY 17.40.030.E]

CONTENTS

A. Purpose
B. Mixed Use Standards

A. Purpose of Combining Mixed Use Overlay Zone

The Local Coastal Plan has designated certain areas of the City as Mixed Use designation and shall be addressed for development of each of these areas.

B. Mixed Use Overlay Zone Standards

~~Combining districts to allow additional uses.~~ In those areas of the City where the General Plan has indicated that combinations of different, but compatible, uses may be appropriate, two or more zoning districts may be applied to the same property. The standards contained in General Plan policies LU-69 through LU-76 shall apply to the approval of new uses and development in the Mixed Use Overlay Zone. ~~In such cases, new developments may be permitted in accordance with the zoning districts and with the following provisions:~~

~~1. In mixed use areas combining two or more commercial designations, the area shall be devoted to approximately equal areas of the uses permitted in the respective commercial designations.~~

~~2. In mixed use areas combining commercial and residential designations, the commercial District shall be the primary District and at least fifty percent of the gross floor area of the project shall be devoted to commercial or office uses. An exception is for those areas in which the Coastal Land Use Plan text specifically describes the mixed use relationship that shall be allowed.~~

~~3. Residential uses may be permitted in conjunction with the primary use, and shall be located on upper stories or to the rear of the primary use, but may be placed in separate buildings as part of an overall integrated plan for large parcels.~~

~~4. All residential uses shall be subject to a Conditional Use Permit as provided in Chapter 17.60 of this Title. The following criteria shall be considered in review of Conditional Use Permit applications for such developments:~~

~~a. Provisions of private outdoor space for residences~~

~~b. Provisions of separate access for residences~~

~~c. Compatibility of the commercial use component with the residential use and the surrounding neighborhood~~

17.40.080 INTERIM USE (I) OVERLAY ZONE [FORMERLY 17.60.050]

CONTENTS

A. Purpose
B. Uses Allowed
C. Term
D. Applicability to ESH
E. Screening and Landscaping

A. Purpose

Certain properties being held for future use may be approved for interim uses to allow for proper utilization of the land.

~~A~~B. Uses Allowed with Interim Use Permits

The following uses may be permitted on all M-1 or M-2 industrial-zoned properties which are also designated in the Coastal Land Use Plan/Coastal Element as appropriate for interim uses, on a temporary basis until the properties are needed for their principally permitted uses, and subject to the issuance of an interim use permit in accordance with the provisions of this Chapter.

1. Commercial fishing and boating industries
   Uses serving the needs of the commercial fishing and boating industries, including but not limited to temporary boat storage and repair, and ancillary uses for same; and

2. Temporary Visitor-Serving or recreation
   Temporary Visitor-Serving or recreation uses, including but not limited to paths, R-V parks, camping facilities and ancillary uses for same, playground, exercise courses, restrooms, drinking fountains, sewage dump stations, and parking.

~~B~~3. Conditions Required
   The Planning Commission may grant an interim use permit only if the following conditions are met:

   ~~1~~a. The proposed use~~s~~ is ~~are~~ limited to relocatable, nonpermanent structures, or existing structures; and

   ~~2~~b. The proposed use is subordinate to the character of the visual setting; and

   ~~3~~c. The non-owner applicant agrees to remove the interim use after ~~reasonable~~ notice from the property owners that the site is necessary for the primary use in the base zoning District.

C. Term Of Interim Permit

The Planning Commission shall set such term for the interim use permit as deemed appropriate after considering the level of improvements of the interim use and anticipated demand for the primary uses. An applicant may apply for renewal of an interim use permit. ~~D.~~ For the industrially zoned, City owned property south of Atascadero Road, an interim use permit may be granted for the following uses only, subject to short term leases of five to ten years, or until such time as the property is needed for its primary permitted use: commercial fishing and boating facilities, RV parks, overflow camping facilities, temporary boat storage and repair and ancillary uses for the same.

~~E~~D. Applicability To ESH

The provisions of this Section shall not apply to any area which has been designated as an environmentally sensitive habitat (ESH) area by the City.

~~F~~E. Screening And Landscaping.

In addition to the permit application materials required by Section 17.60.020, the applicant shall also submit a screening and landscaping plan for approval by the Planning Commission. All parking areas and frontage on public rights-of-way shall be screened and landscaped so as to enhance viewsheds from such rights-of-ways. (Ord. 263/1 (part), 1984)

17.40.100 BEACH STREET AREA SPECIFIC PLAN (SP-BS) [FORMERLY 17.70]

~~Sections~~ Contents

~~17.70.010~~A Beach Street Area Specific Plan adopted.
~~17.70.020~~B Base zoning District
~~17.70.030~~C PD ~~suffix~~ Overlay Zone
~~17.70.040~~D Additional regulations
~~17.70.050~~E Area A~~17.70.060~~
~~17.70.060~~F Area B
~~17.70.070~~G Area C
~~17.70.080~~H Area D
~~17.70.090~~I Area E
~~17.70.100~~J Area F
~~17.70.110~~K Bluff development standards
~~17.70.120~~L Off-site improvements required

A Beach Street Area Specific Plan Adopted

The zoning regulations and standards for that part of the City of Morro Bay illustrated in Figure ~~2~~ 1 codified at the end of this ~~Chapter~~ Section, shall be the Beach Street Area Specific Plan which is established therefore and which provides for regulated development in accordance with the purpose, rationale and objectives set out herein; said Specific Plan is hereby incorporated herein by this reference in its entirety. (Ord. 288 Exh. A (part) 1986)

B. Base Zoning Districts

~~A.~~ ~~The following shall constitute~~ The base zoning districts for each of the areas of the Beach Street Area Specific Plan are as shown on Figure ~~4~~ 2, codified at the end of this ~~Chapter~~ Section.

~~¥ Area A: C-VS, as contained in Section 17.32.070 17.24.130;~~
~~¥ Area B: R-2, as contained in Section 17.32.040 17.24.050;~~
~~¥ Area C: R-2, as contained in Section 17.32.040 17.24.050;~~
~~¥ Area D: C-2, as contained in Section 17.32.100 17.24.110;~~
~~¥ Area E: C-VS, as contained in Section 17.32.070 17.24.130;~~
~~¥ Area F: R-2, as contained in Section 17.32.040 17.24.050;~~
~~¥ Area G: R-2, as contained in Section 17.32.040 17.24.050.~~

Uses may be permitted in accordance with the standards prescribed in the ~~aforementioned~~ base zones, provided however that they also meet all other applicable regulations of the Beach Street Area Specific Plan and Title 17. (Ord. 288 Exh. A (part) 1986)

C. PD ~~Suffix~~ Overlay Zone

A PD ~~suffix~~ Overlay Zone, as contained in Chapter ~~17.36~~ 17.40.030, is hereby applied to all land within the Beach Street Area Specific Plan boundaries. All new uses and development shall be reviewed in accordance with the procedures contained in said Chapter and may be approved only if all required findings are made in accordance with said Chapter. (Ord. 288 Exh. A (part) 1986)

D. Additional Regulations

~~Sections 17.70.050 through 17.70.100~~ The following subsections prescribe additional regulations which shall be applied to particular subareas within the Beach Street Area Specific Plan boundaries as illustrated on Figure ~~3~~ 1 codified at the end of this ~~Chapter~~ Section. Any new development or use shall comply with the additional regulations applied to the subarea in which it is found, as well as to the requirements of the applicable base zone and PD ~~suffix~~ Overlay Zone. In instances where the particular regulations in these sections conflict with those of the base zone, the particular regulations for the subarea shall apply. (Ord. 288 Exh. A (part) 1986)

E. Area A

In addition to those of the base zone and the PD ~~suffix~~ Overlay Zone, the following

development regulations and standards shall apply to the portion of the Beach Street Area Specific Plan labeled Area A on Figure ~~3~~ 1 codified at the end of this ~~Chapter~~ Section.

~~A~~1. Height Limit
No portion of any building shall exceed the height of the bluff top, as defined in Chapter ~~17.45~~ 17.12, except for view platforms; provided, however, that developments which include coordinated structures or other elements ~~above and~~ below the bluff may be permitted to be built on the bluff face in accordance with the provisions of Chapter 17.45.

~~B~~2. Public View Access

~~1~~a. New development or additions
For new development or additions of ten percent or greater to the floor area of existing buildings, a fee of two dollars per linear foot of property fronting along the toe of the bluff or one hundred dollars, whichever is greater, shall be paid to the City for the purpose of designing, construction and/or maintaining a public view deck to be constructed on Surf Street or such other location deemed appropriate by the City;

~~2~~b. Fee charged in-lieu
The fee is charged in-lieu of requiring an offer of dedication for a public accessway along the bluff. Unless an offer of dedication is required for every blufftop property, the opportunity for a coordinated accessway is lost; therefore, in lieu of such a requirement for an offer of dedication on all blufftop properties, all such properties shall pay the fee at the time of new development or redevelopment as a contribution toward the construction of the single public view deck;

~~3~~c. In-lieu fee uses
The fee shall be either placed in a special fund used exclusively for the design, construction, repair or maintenance of facilities contained in the approved public view access plan or may be paid to the general fund as reimbursement for previously incurred costs for the design, construction, repair or maintenance of such facilities.

~~C~~3. Light and Glare

~~1~~a. Exterior lighting plan
Prior to the installation of any new outdoor light, or as part of the materials submitted with the application for a Conditional Use Permit if part of a larger project, applicant shall submit to the ~~community development~~ Director an exterior lighting plan showing type, intensity, location and color of all lights. If deemed useful or necessary, the Director may also require an analysis of sight lines from the blufftop to help ascertain if the lights will be

visible from the residential area above the bluff. To the maximum extent feasible, nighttime light and glare shall not affect the residential area on the blufftop, and the Director in cases of administrative approvals, and the Planning Commission in other cases, may place such conditions on the approval as deemed useful or necessary to ensure that this requirement is met;

~~2~~b. Signs
No pole signs shall exceed fifteen (15) feet in height. No new lighted signs shall be directed toward the bluff top. ~~No lighted sign shall be permitted which is visible from the blufftop; prior to installation of any lighted sign the applicant shall submit a sight line analysis to ensure that the sign meets this standard. The Director may waive the requirement for a sight line analysis if it is clear that the sign is not visible from the blufftop.~~

~~D~~4. Rooftop View Decks
Any use of a rooftop for decks for viewing or similar uses may be permitted but subject to the approval of a Conditional Use Permit; in approving a permit for such a use, the Planning Commission shall find that by its location, screening, hours of operation or other features, the use will not significantly adversely affect residences on the blufftop, especially during night time hours. (Ord. 288 Exh. A (part), 1986)

F. Area B
In addition to those of the base zone and the PD ~~suffix~~ Overlay Zone, the following development regulations and standards shall apply to the portion of the Beach Street Area Specific Plan labeled Area B on Figure ~~3~~ 1 codified at the end of this ~~Chapter~~ Section.

~~A~~1. Front Yard Setbacks
~~Section 17.32.040 H not withstanding,~~ The minimum front yard setback on both sides of West Avenue shall be fifteen feet.

~~B~~2. Public View Access

~~1~~a. New development or additions
For new development or additions of ten percent or greater to the floor area of existing buildings, a fee of two dollars per linear foot of property fronting along the top of the bluff or one hundred dollars, whichever is greater, shall be paid to the City for the purpose of designing, constructing and/or maintaining a public view deck to be constructed on Surf Street or such other location deemed appropriate by the City;

~~2~~b. Fee charged in-lieu
The fee is charged in lieu of requiring an offer of dedication for a public accessway along the bluff. Unless an offer or dedication is required for

every blufftop property, the opportunity for a coordinated accessway is lost; therefore, in lieu of such a requirement for an offer of dedication on all blufftop properties, all such properties shall pay the fee at the time of new development or redevelopment as a contribution toward the construction of the single public view deck;

~~3~~c. In-lieu fee uses
The fee shall be either placed in a special fund used exclusively for the design, construction, repair or maintenance of facilities contained in the approved public view access plan or may be paid to the general fund as reimbursement to previously incurred costs for the design, construction, repair or maintenance of such facilities. (Ord. 288 Exh. A (part), 1986)

G. Area C
In addition to those of the base zone and the PD ~~suffix~~ Overlay Zone, the following development regulations and standards shall apply to the portion of the Beach Street Area Specific Plan labeled Area C or Figure ~~3~~ 1 codified at the end of this ~~Chapter~~ Section.

~~A~~1. Land Uses
In addition to the uses permitted in the R-2 base zone, public meeting halls may be permitted, subject to obtaining a Conditional Use Permit pursuant to the procedures and findings contained herein and as contained in Chapters ~~17.36~~ 17.40.030 and 17.60. Any addition, exterior modification or demolition of the existing Veteran s Memorial Building may be permitted only upon approval of a Conditional Use Permit. (Ord. 288 Exh. A (part), 1986)

H. Area D
The following development regulations and standards shall apply to the portion of the Beach Street Area Specific Plan labeled Area D on Figure ~~3~~ 1 codified at the end of this ~~Chapter~~ Section.

~~A~~1. Land Uses
In addition to the uses permitted in the C-2 base zone, all land uses permitted or conditionally permitted in the C-VS Zoning District, ~~as listed in Section 17.32.070 B~~ 17.24.120, may be permitted subject to the following:

~~1~~a. Prior use
The use existed at the time of the adoption of the Beach Street Area Specific Plan in 1986; and

~~2~~b. Conditional use permit
A Conditional Use Permit has been approved for said use pursuant to the procedures and findings contained herein and as contained in Chapters ~~17.36~~ 17.40.030 and 17.60.

~~B~~2. Special Findings for Approving a Conditional Use Permit
In addition to the findings required in Chapters ~~17.36~~ 17.40.030, 17.60 or any other applicable Section of this Title, the Planning Commission shall make the following special findings before approving a Conditional Use Permit in this Area D:

~~1~~a. Offensive odors
That no offensive odors will result from the proposed use; and, explicitly, that for any fish processing facility, all waste from cleaning, cutting or any other form of seafood preparation shall be stored in refrigerated enclosures.

~~2~~b. Outdoor storage
That all outdoor storage yards, and dumpsters or waste containers, shall be screened, landscaped and maintained in an attractive manner;

~~3~~c. Light or glare
That the proposed use will not result in excessive or unreasonable light or glare on adjacent residential or visitor-serving uses;

~~4~~d. Waste products
That adequate facilities shall be installed and maintained to collect oils, grease or other waste products from entering the storm drainage system; such facilities shall be incorporated into uses including but not limited to, repair and service yard.

~~C~~3. Signs
Other provisions of this Title notwithstanding, pole signs as defined in Chapter 17.68 are strictly prohibited.

~~D~~4. Minimum Lot Size for Fish Processing Plant
Because of the need for truck parking, loading and unloading areas, no new fish processing facility may be located on any lot less than six thousand five hundred square feet in size.

~~E~~5. Parking
New uses or expansions to existing uses shall provide parking spaces pursuant to the requirements of Chapter 17.44.020; provided, however, that the Planning Commission may approve payment of a parking fee in lieu of providing all or some of the required parking spaces on site. ~~subject to the following:~~

~~1. The fee shall be set by the Planning Commission as a condition of approval and shall be reasonable commensurate with the expected cost of providing an equal number of off-site parking spaces in accordance with the parking plan contained in the Beach Street Area Specific Plan. In calculating the appropriate fee, the Planning Commission shall consider the costs of curbs, gutters, paving, striping,~~

~~landscaping, irrigation and drainage, but not including sidewalks or lighting.~~

~~2. The fee shall be either placed in a special fund used exclusively for the design, construction, repair or maintenance of the facilities contained in the approved parking plan or may be paid to the general fund as reimbursement for previously incurred costs for the design, construction, repair or maintenance of such facilities.~~ (Ord. 288 Exh. A (part), 1986)

I. Area E

In addition to those in the ~~VS-C~~ C-VS base zone and the PD ~~suffix~~ Overlay Zone, the following development regulations and standards shall apply to the portion of the Beach Street Specific Plan labeled Area E on Figure ~~3~~ 1 codified at the end of this ~~Chapter~~ Section.

~~A~~1. Special Findings for Approving a Conditional Use Permit

In addition to the findings required in Chapters ~~17.36,~~ 17.40.030, 17.60 or any other applicable Section of this Title, the Planning Commission shall make the following special findings before approving a Conditional Use Permit in Area E:

~~1~~a. Potential conflicts

That potential conflicts with nearby service commercial or residential uses are minimized to the maximum extent feasible; in addition to any other conditions deemed necessary or reasonable by the Planning Commission, the proposal shall incorporate the following features:

~~a~~(1) All parking areas shall be landscaped;

~~b~~(2) Principal building entryways, signs and any noise-generating activities shall be oriented toward Beach Street and away from any service commercial or residential areas;

~~c~~(3) Activities which may be sensitive to impacts from service-commercial uses, whether noise, odor or visual, shall be adequately buffered or protected from same; the responsibility for designing and maintaining an acceptable visitor environment in this area lies primarily with the developer and operator of the visitor use, not with the residences or service-commercial activities nearby;

~~d~~(4) All dumpsters or thrash receptacles shall be screened and landscaped and shall be placed so as not to impact nearby residential uses.

B. Parking. New uses or expansions to existing uses shall provide parking spaces pursuant to the requirements of Chapter 17.44; provided however that the Planning Commission may approve payment of a parking fee in lieu of providing all or some of the required parking spaces on site. ~~subject to the following:~~

~~1. The fee shall be set by the Planning Commission as a condition of approval and~~

~~shall be reasonable commensurate with the expected cost of providing an equal number of off-site parking spaces in accordance with the parking plan contained in the Beach Street Area Specific Plan. In calculating the appropriate fee, the Planning Commission shall consider the costs of curbs, gutters, paving, striping, landscaping, irrigation and drainage, but not including sidewalks or lighting.~~

~~2. The fee shall be either placed in a special fund used exclusively for the design, construction, repair or maintenance of the facilities contained in the approved parking plan or may be paid to the general fund as reimbursement for previously incurred costs for the design, construction, repair or maintenance of such facilities. (Ord. 288 Exh. A (part) 1986)~~

J. Area F

In addition to those of the R-2 base zone and the PD ~~suffix~~ Overlay Zone the following development regulations and standards shall apply to the portion of the Beach Street Area Specific Plan labeled Area F on Figure ~~3~~ 1 codified at the end of this ~~Chapter~~ Section.

~~A~~1. Land Uses

a.~~1. Section 17.32.040 G notwithstanding,~~ Mobile homes parks of a density greater than that usually permitted in the R-2 ~~zone~~ District may be allowed, subject to the following:

(1) The mobilehome park existed at the time of the adoption of the Beach Street Area Specific Plan and its density does not exceed that at the time of the adoption of said specific plan; and

(2) A Conditional Use Permit has been approved for such use pursuant to the procedures and findings contained herein and as contained in Chapters ~~17.36~~ 17.40.030 and 17.60

b.~~2.~~ Travel trailer parks for short-term occupancy may be permitted subject to the following:

(1) The travel trailer park existed at the time of the adoption of the Beach Street Area Specific Plan; and

(2) A Conditional Use Permit has been approved for such use pursuant to the procedures and findings contained in this Chapter and as contained in Chapters 17.36 and 17.60.

~~B~~2. Special Findings for Approving a Conditional Use Permit

In approving a Conditional Use Permit for a mobilehome park or travel trailer park, the Planning Commission must find that the proposal incorporates a perimeter treatment which not only creates an attractive streetscape appearance

but also affords increased privacy to the tenants. Such perimeter treatment shall include features such as R-2 required setbacks, fencing or landscaping. (Ord. 288 Exh. A (part), 1986)

K. Bluff Development Standards

All development proposed in this ~~Chapter~~ Section on the face of or within ~~on top of~~ the Bluff Review Area shall be subject to all the requirements of Chapter 17.45. (Ord. 288 Exh. A (part) 1986)

L. Off Site Improvements Required

All development requiring a Conditional Use Permit shall be required as a condition of approval to install or, if necessary, to upgrade the curb, gutter, sidewalk, street trees, pave-out and handicap ramps in accordance with City standards and the improvement plan illustrated in Figures ~~7~~ 3 and ~~8~~4 codified at the end of this ~~Chapter~~ Section for the full length of the street frontage(s) of the subject property. The Planning Commission may defer the installation of such improvements if deemed necessary to make the project economically feasible or to better coordinate construction with other planned improvements, provided a bond or similar security ~~for~~ covering the estimated cost of the installation of the improvements, including an inflation factor, is provided to the City and approved by the City Engineer. (Ord. 288 Exh. A (part), 1986)

17.40.110 NORTH MAIN STREET SPECIFIC PLAN (SP-NM) [FORMERLY 17.71]

(**Note:** Portions of the Specific Plan language were relocated to the MCR District description, see Primary Districts Chapter 17.24.)

~~Sections~~ Contents

~~17.71.010~~	A.	North Main Street specific plan ~~adopted~~.
~~17.71.020~~	B.	Division into areas
~~17.71.030~~		~~Allowable Uses~~ **[Moved to 17.24.110.B]**
	C.	Allowable Uses
~~17.71.040~~	D.	Development standards **[17.71.040.A-C moved to 17.24.110.B.6]**
~~17.71.045~~	E.	Performance standards
~~17.71.050~~	F.	Off-site improvements

A. North Main Street Specific Plan Adopted.

The zoning regulations and standards for that part of the City of Morro Bay illustrated in Figure 1 (end of Section) ~~17.71.010~~ shall be the North Main Street Specific Plan which is established and provides for regulated development in accordance with the purpose, rationale and objectives set out therein; said specific plan is incorporated

herein by this reference in its entirety. (Ord. 382/2 (part), 1990; Ord 350/2 (part), 1989)

B. Division Into Areas.

The specific plan is divided into areas where different development standards, uses or mixes of use may be permitted. The areas are described below and illustrated in Figure ~~17.71.020~~ 2 (end of Section).

Area A:	Island to Zanzibar;
Area B.	Elena to Island;
Area C:	State Highway 41 to Elena;
Area D:	State Highway 41 to Radcliffe

(Ord. 382/2 (part), 1990; Ord 350/2 (part), 1989)

C. Allowable uses

Allowable uses are listed in the applicable primary zoning district. ~~Uses or mixed uses may be allowed in the MCR zone with compliance to the applicable development standards.~~

~~A. Definition and Purpose - Mixed Commercial/Residential (MCR) District. The MCR zone allows conditionally permitted C-1-N, C-1 and C-2 uses, mixed commercial and residential in any proportion or exclusive residential use. Unless designated with the R-2, R-3 or R-4 suffix, the MCR District would allow R-1 residential development. The purpose of the MCR District is to maximize the opportunity for commercial development and maintain the integrity of surrounding residential neighborhoods by allow mixture of appropriate commercial and/or residential uses to be evaluated according to any applicable development and performance standards during the implementation phase.~~

~~B. Generally. All uses in the MCR and VS-C zones of the NMSSP area are conditionally permitted only; that is, no use shall be allowed without first obtaining a Conditional Use Permit approved by the zoning administrator. Any applicant may elect to petition the Planning Commission for a Conditional Use Permit pursuant to Chapter 17.60 and this plan.~~

~~C. Residential Uses. Residential uses may be permitted in the MCR zone in conjunction with an approved office or commercial use in accordance with the provisions of this Chapter. Residential uses without accompanying commercial development as allowed in the R-1 zone may be permitted according to the applicable development standards of this plan. Designation of the MCR zone with an R-1, R-3, or R-4 suffix will permit residential development according to the designated density and applicable development standards of this plan.~~

~~D. 4. Visitor Serving Commercial. Bed and breakfast uses ad defined in Chapter~~

~~17.12.057 with ancillary facilities may be permitted in the VS-C zone or MCR zone with a Conditional Use Permit. The scale, layout and architectural treatment shall be compatible with and shall reflect that of a residential neighborhood.~~

~~E. 5. Service and Retail Commercial. All uses in the C-2, C-1 and C-1-N zones inclusive may be permitted in the MCR Zone with a Conditional Use Permit, subject to the developmental standards of this plan. (Ord. 382 S 2 (part), 1990; Ord 350 S 2 (part), 1989)~~ **[Moved to 17.24.110.]**

D. Development standards

In addition to the findings required by Chapter 17.60, the Zoning Administrator or the Planning Commission must find that the following development standards have been met before approving a ~~Conditional~~ Use Permit for any use in the North Main Street specific plan:

~~A. Mixed Uses. In any mixed use (i.e. commercial and residential) project, the project, in terms of specific types of uses, their locations and the development layout and design, shall provide for compatibility among the uses. Features such as building entrances and open parking shall be differentiated to the extent practical between residential and commercial uses on the same site. Adequate private and common open space generally in conformance with standards set forth in Chapter 17.49 of this Title shall be provided for all residences.~~

~~B. Side and Rear Yard Setbacks. The minimum side and rear yard setbacks shall be five feet. All setbacks shall be landscaped. larger setbacks may be required by the Planning Commission if deemed necessary to provide an adequate buffer between uses.~~

~~C. Front Yard Setbacks and Landscaping. A minimum of five feet of landscaped area shall be provided in front of any building or parking lot facing a public street. Where a developer elects Main Street realignment, the front yard setback will be reduced accordingly and the developer shall be responsible for landscaping the realignment island.~~ **[Moved to 17.24.110.B.6]**

~~D~~1. Mature Trees

Mature trees shall be shown on site plans submitted for development, use, or building permit. Any mature tree, defined as having a trunk circumference of seventeen inches measure twenty-four inches above grade shall be preserved unless preservation of the tree presents economic hardships to the owner of the property, safety problems, or is severely diseased. The burden of proof of economic hardship, safety or disease shall be on the applicant at the time of application for a development, use or building permit in the specific plan area. Removal of trees for economic hardship, safety, or disease shall be approved by the Planning Commission or the Director ~~of community development~~ as appropriate at the time of permit approval.

~~E~~2. Roofline Variation and View Corridors

The maximum height shall be generally two stories (above subterranean or semi-subterranean parking if provided) and not to exceed twenty-five feet; except that the Planning Commission may allow up to thirty feet to encourage roofline variations and sloping roof treatments provided that the additional height is necessary for such roof treatment and that corridors protecting significant views are provided. Furthermore, to prevent long, unvarying rooflines, the Planning Commission shall consider the following guidelines when allowing a project to exceed the usual twenty-five foot limit:

a. For buildings fronting on Main Street, not more than one-third of the west elevation of the building roofline and, if different, not more than one-third of the elevation of the longest building roofline shall exceed twenty-five feet in height. This standard is intended as a guideline, not a strict requirement, and the Planning Commission may vary from this guideline as deemed necessary and useful to meet the intent of this Section.

b. Flat roofs shall be discouraged wherever possible. All applications for buildings with more than one story ~~and/or with pole signs~~ shall include a view analysis from the residential neighborhood ~~to the~~ located east of the project. To the extent practical, significant view opportunities shall be preserved and protected through the use of view corridors and air space easements.

Assessments of scenic values and preservation of scenic views shall be prepared and implemented according to the Visual Resources Policies of the Local Coastal Program, in particular, policies 12.01, 12.02, 12.05, 12.06, 12.08 and 12.09.

~~F. Subterranean Parking. Where feasible, subterranean or semi-subterranean parking shall be employed to provide more usable open space or landscaped areas.~~

~~G~~3. Specific Plan Fee

Pursuant to the California Government Code, developers shall be assessed a fee reflecting a proportionate share of the cost of the preparation of this Specific Plan as a condition of approval. (Ord. 382/2 (part), 1990; Ord. 350/2 (part), 1989)

~~17.71.045 Performance Standards~~

~~In addition to the findings required by Chapter 17.60, the Planning Commission must find that the following performance standards have been met before approving a Conditional Use Permit for any use in the North Main Street specific plan.~~

~~A. Compatibility with Nearby Residential Areas~~

~~Potential conflicts with the adjacent residential areas shall be minimized particularly with regard to, but not necessarily limited to, noise, glare, odors, chemicals, and screening.~~

~~B. Noise~~

~~Any business operating with sustained or intermittent noise levels exceeding 70 Ldn as described by the Noise Element (June 1976, Fig. 4, Pg. 1.21) including, but not limited to, wood or machine milling, air hammers, generators, or prolonged or excessive truck deliveries, will not be allowed.~~

~~C. Hours of Operation~~

~~All deliveries shall be limited to the hours between 7:00 seven a.m. and 10:00 ten p.m.~~

~~D. Sign Height and Glare~~

~~Other sections of this Title notwithstanding, no pole sign shall exceed fifteen feet in height and no illumination may be directed toward the adjacent properties. Signs and their glare shall be screened from the residences to the east and from adjacent properties.~~

~~E. Odors~~

~~Any business involving the use or on-premises storage of products releasing noxious fumes or odors, including but not limited to tar, asphalt, oil, emulsions, sulfur dioxide, chlorine or animal and fish processing, will not be allowed.~~

~~F. Chemicals~~

~~Any business involving the uses or storage of noxious chemicals, including but not limited to pesticides and herbicides, other than those packaged for retail sales, or large volumes of solvents or flammable liquids (excluding gas stations), will not be allowed.~~

~~G. Screening~~

~~A solid five-foot fence, wall or other buffer shall be installed along rear and side property lines of any commercial or mixed development. Required buffers shall be sized and situated so as to protect views from driveways for a distance of fifteen feet from the affected street side property line. (Ord. 382/2 (part), 1990; Ord. 350/2 (part), 1989)~~ **[Integrated into Chapter 17.52]**

E. Off Site Improvements

In approving any Conditional Use Permit the following will be required as conditions of approval.

~~A~~1. Curb, Gutter, Sidewalk and Street Trees

In addition to any other improvements found necessary by the Planning Commission, all commercial and residential developments shall be required to install curb, gutter, ten foot wide sidewalks and street trees pursuant to City standards and/or planted and maintained concrete planter boxes subject to any encroachment permit. The Planning Commission shall have the option of granting a sidewalk width of not less than six feet where special conditions

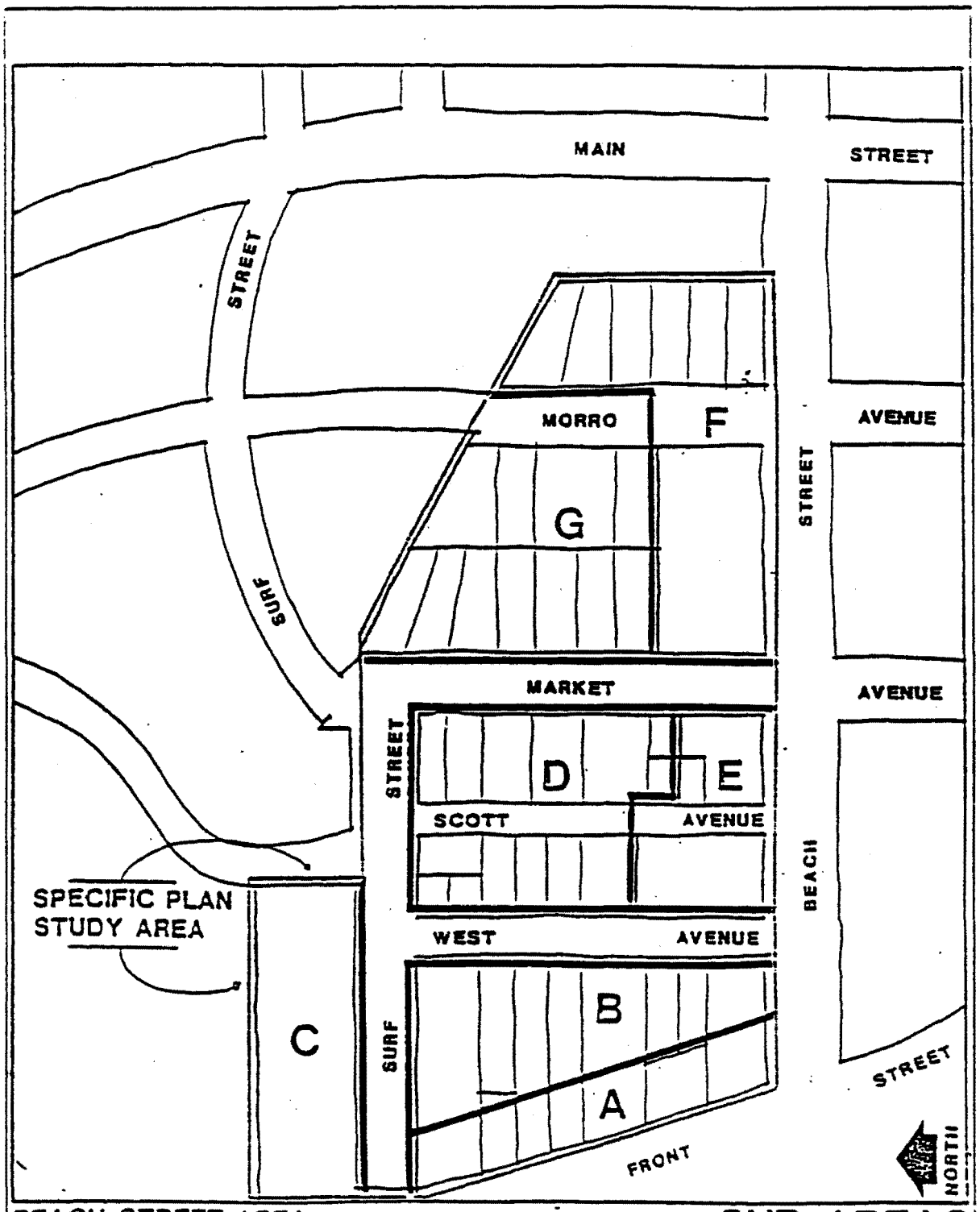
apply.

~~B~~2. Intersection Improvement Fees
As a condition of approval of any Conditional Use Permit, the developer shall pay a fee for signalization and related improvements at the intersection at Highway One, Highway 41 and Main Street as specified in the specific plan. Said fee shall be proportional to increased traffic generated by the subject project at said intersection as estimated by a traffic engineer and subject to review and approval by the City engineer. The fee shall be placed in a special fund and used strictly for the planning, design or construction of improvements to that intersection.

~~C~~3. Landscaping Improvement Fees
Developers shall pay a fee for the purpose of implementing the landscaping proposals on Main Street and the Highway entry corridors. Such moneys shall be placed in a special fund to be used for this purpose. Said fee shall be equal to two dollars per linear foot of Main Street and/or Highway 41 frontage.

~~D~~4. Other improvements
Other improvements and/or easements related to streets, sewers, water lines, storm drainage, fire hydrants and any other on-site or off-site facility deemed reasonable necessary to protect the public health, safety or welfare may be required by the Public Works Director or Planning Commission, as a condition of approval, to contribute in-kind or through fees to the mitigation of storm water drainage problems, as identified in the storm drain master plan, in proportion to the impacts created by the development.

~~E~~5. Deferments
When the Planning Commission deems that deferring installation of needed public improvements will help increase the feasibility of a desirable project and will not pose any immediate or unreasonable threat to the public health, safety or welfare, such time deferments may be permitted subject to the posting of adequate bonding or similar security to ensure the ~~eventual~~ installation of ~~such~~ the improvements, including an inflation factor, is provided to the City and approved by the City Engineer. (Ord. 382/2 (part), 1990; Ord. 350/2 (part), 1989)

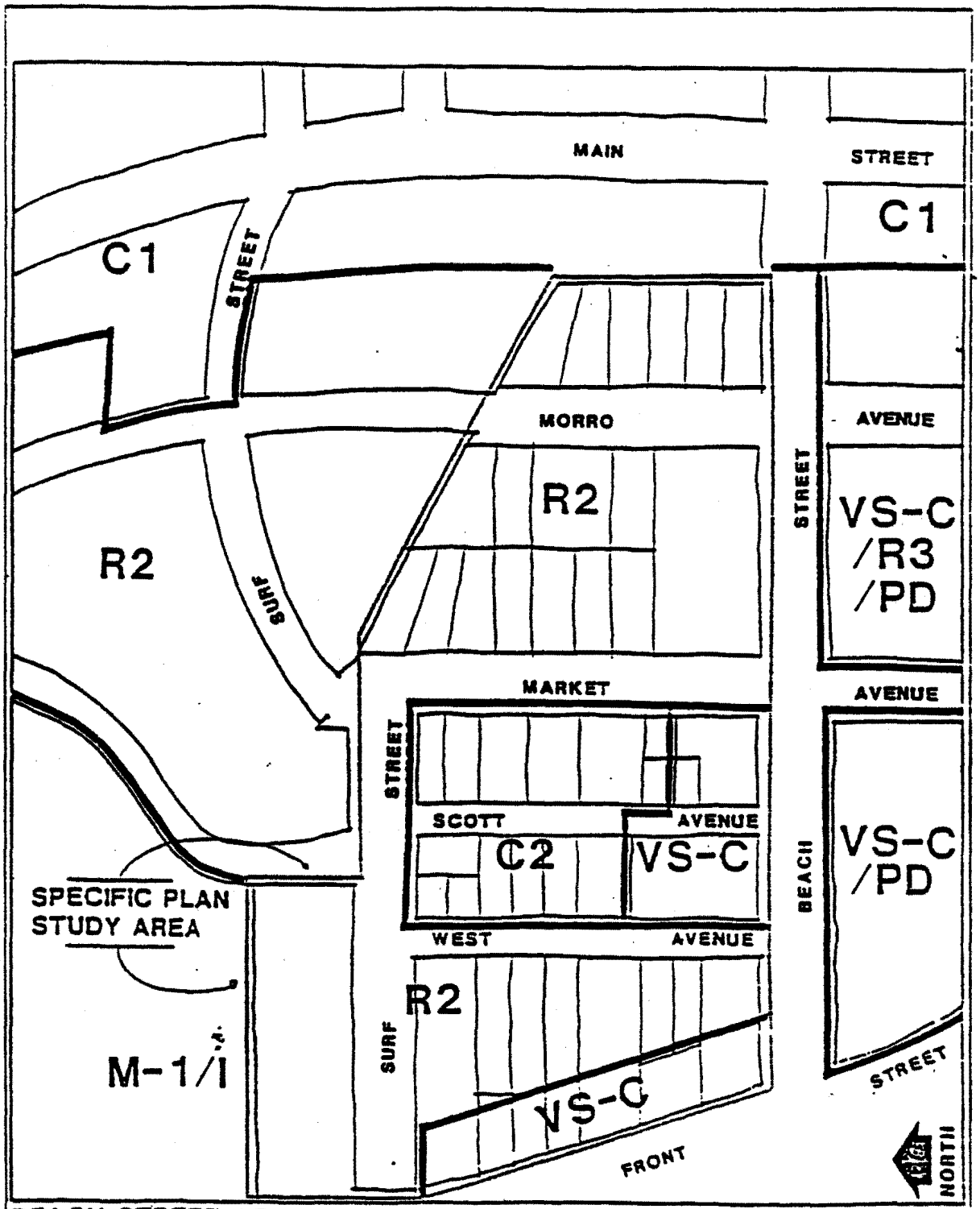


BEACH STREET AREA
SPECIFIC PLAN

SUB-AREAS

CITY OF MORRO BAY
COMMUNITY DEVELOPMENT DEPARTMENT

FIGURE NO 1

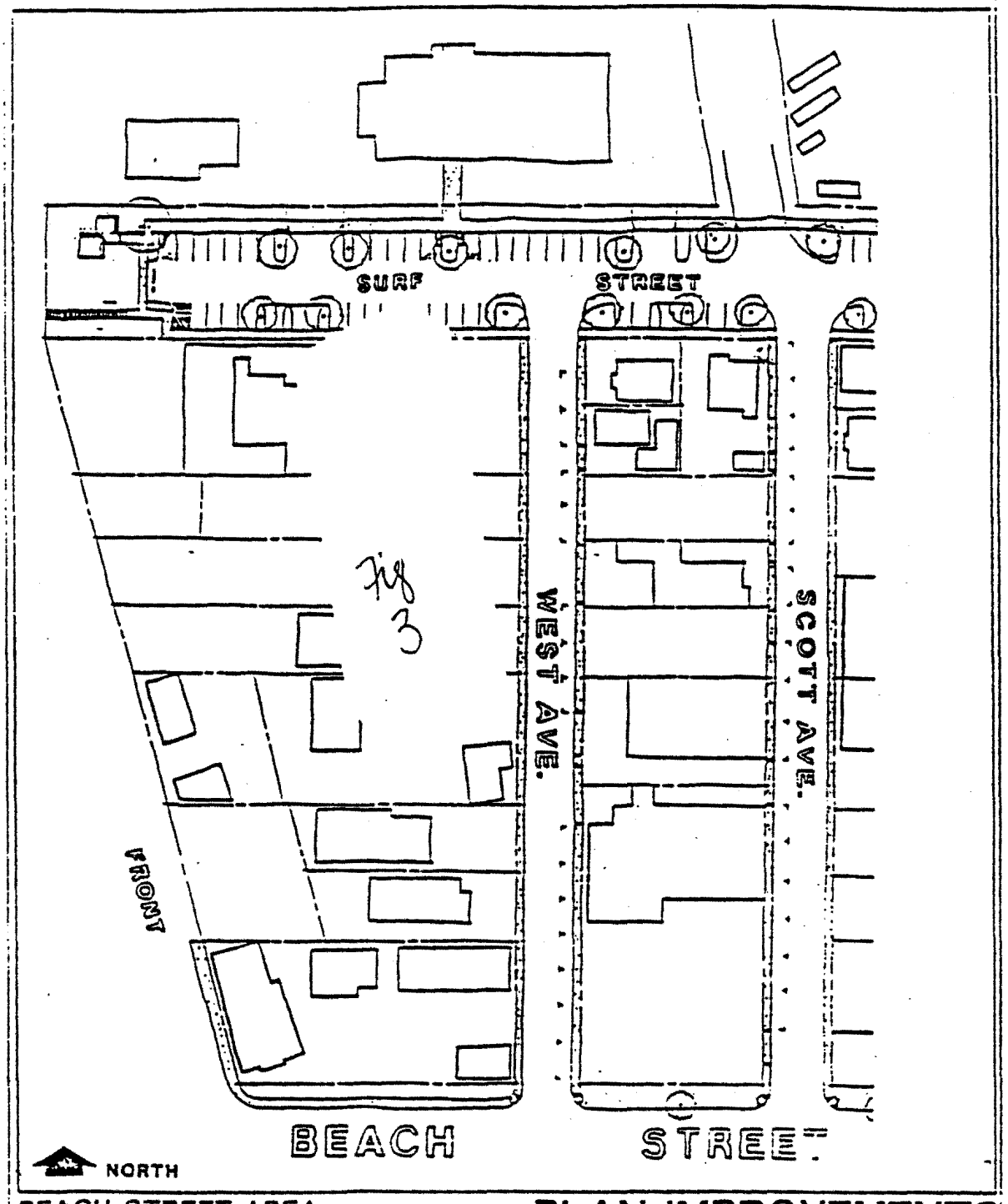


BEACH STREET AREA
SPECIFIC PLAN

BASE ZONES

CITY OF MORRO BAY
COMMUNITY DEVELOPMENT DEPARTMENT

FIGURE NO 2



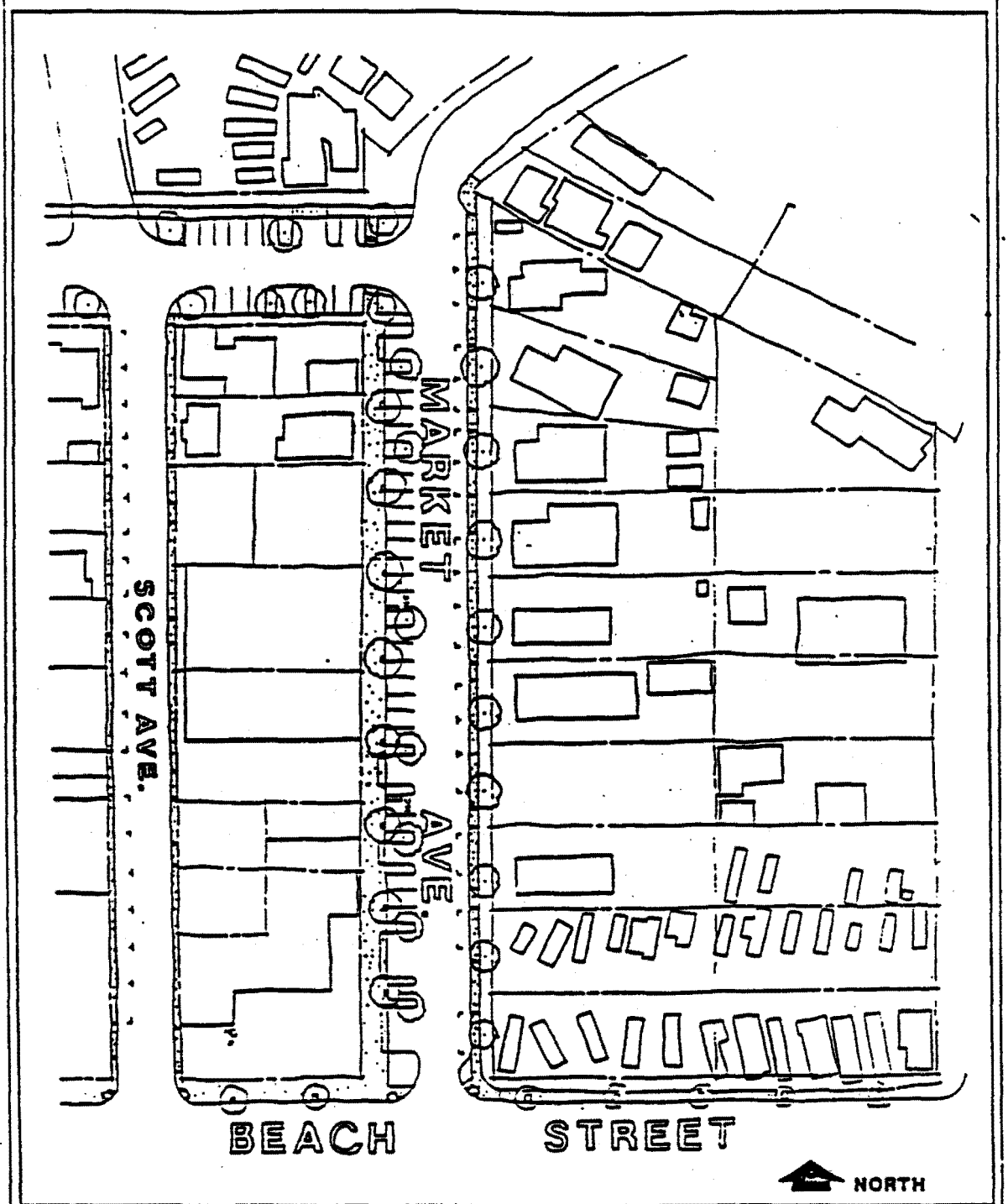
BEACH STREET AREA SPECIFIC PLAN

PLAN IMPROVEMENTS

Sheet 1 of 2

CITY OF MORRO BAY
COMMUNITY DEVELOPMENT DEPARTMENT

FIGURE NO 3



BEACH STREET AREA SPECIFIC PLAN

PLAN IMPROVEMENTS

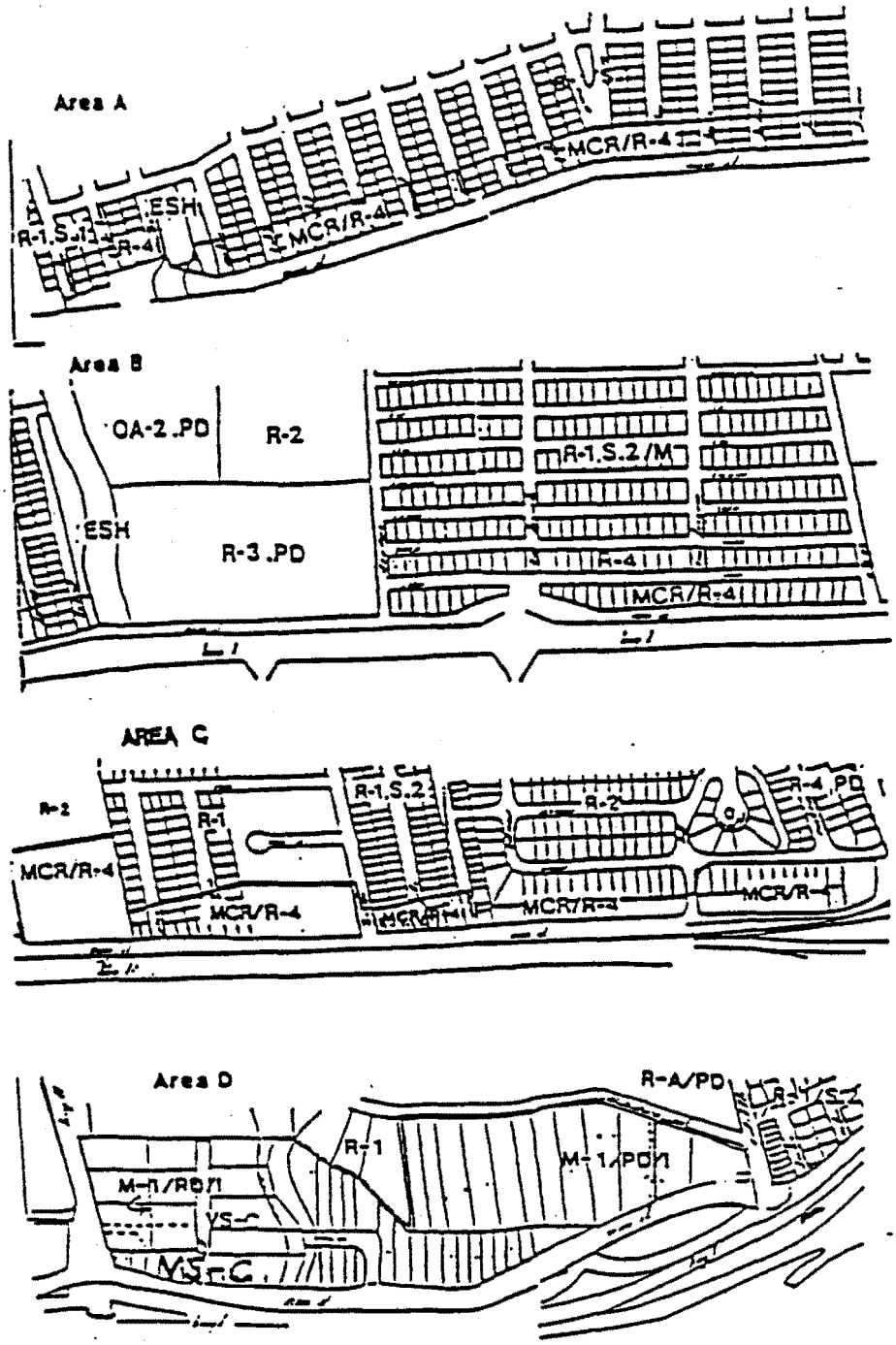
Sheet 2 of 2

CITY OF MORRO BAY
COMMUNITY DEVELOPMENT DEPARTMENT

FIGURE NO 4

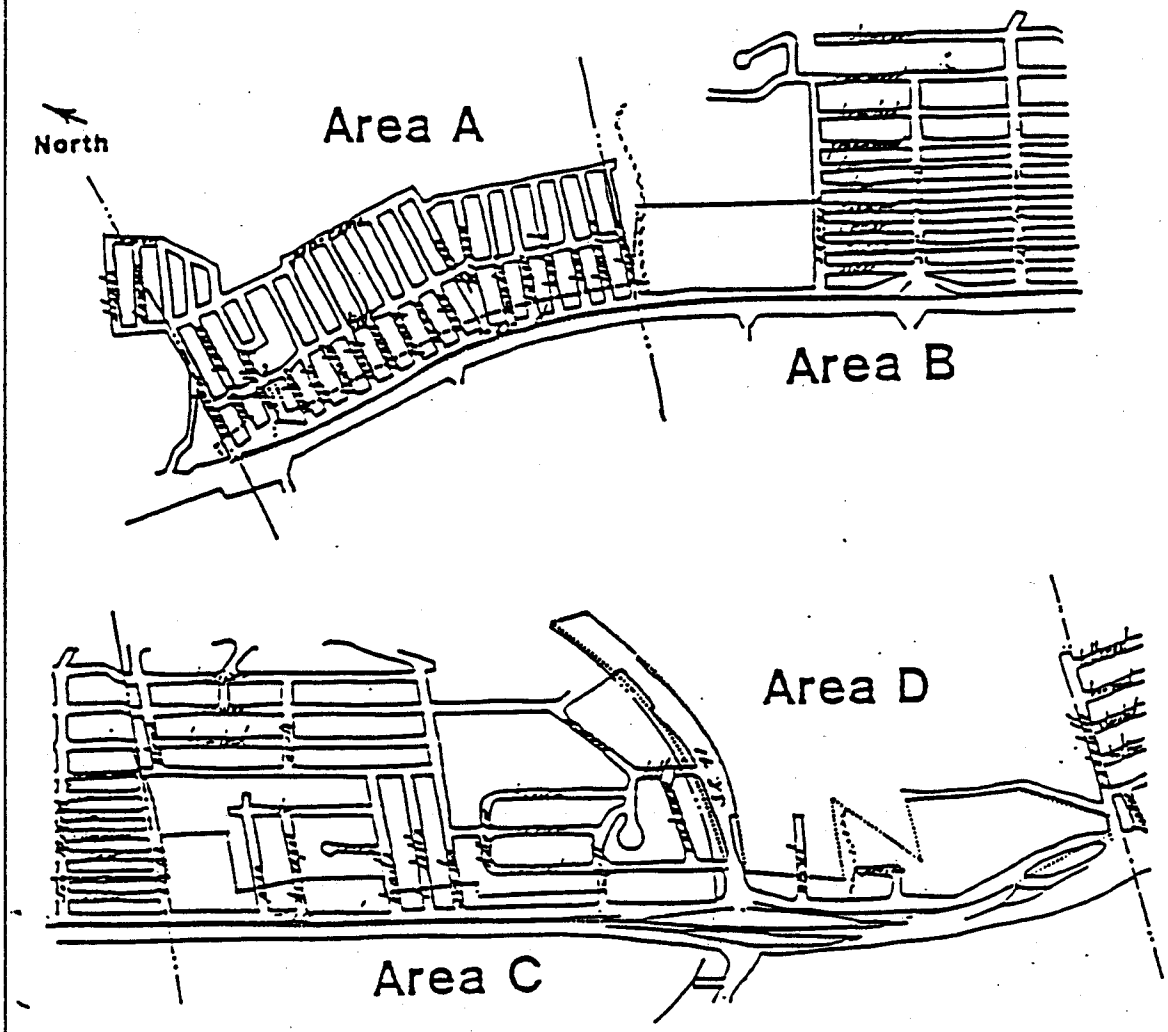
FIGURE NO 1

N. MAIN SPECIFIC PLAN



N. MAIN SPECIFIC PLAN

FIGURE NO 2



Chapter 17.44

PARKING, DRIVEWAY AND LOADING FACILITIES

SECTIONS:

17.44.010	Purpose~~ and intent~~
17.44.020	Parking facilities
17.44.030	Driveways and drive approaches
17.44.040	Loading facilities
17.44.050	Exceptions (Minor Variance)
17.44.060	Parking management programs and districts

17.44.010 PURPOSE~~ AND INTENT~~

The purpose ~~and intent~~ of these parking, driveway and loading regulations are as follows:

A. To Minimize Street Congestion And Traffic Hazards

B. To Provide Safe And Convenient Access To Land Uses. (Ord. 263 / 1 (Part), 1984)

17.44.020 PARKING FACILITIES

A. Off-Street Parking — General Requirements

1. Facilities Required
For every structure erected or enlarged, and for all land devoted to a new use, and for any structure or land changed to a more intensive use that would require the provision of more parking spaces over what already exists, ~~there shall be provided~~ off-street parking spaces shall be provided in accordance with the requirements and standards of this chapter. For Commercial and Industrial uses, a change, expansion or intensification of land use which would increase the number of parking spaces required as provided in this title shall be based only upon the number of spaces required for the change or expansion.

2. Requirements for Uses Not Listed
The Director shall determine the parking requirement based on the parking

required for the most similar use of equivalent intensity.

3. Mixed Uses Sites
Where more than one use is located on a site or within a master-planned development with common parking areas, the parking requirements shall be determined by adding the requirements for the individual uses.

4. Mixed Function Buildings
Where a building occupied by a single use contains several functions, the parking requirement is to be determined as that required for the principal use based on the total area of all internal functions.

5. Joint Use Parking Facilities
The Director may authorize the joint use of parking spaces where there is no conflict in the operating hours of the concerned uses or where the total number of spaces is not less than the sum of the individual parking requirements of the joint users, provided that the concerned parties submit an adequate executed agreement governing the joint parking.

6. Off-site Parking Facilities
Off-street parking requirements may be met partially or wholly upon a site other than the site on which the use ~~the~~ and/or structure is located. ~~to be served by the parking is located, provided that~~ Said site ~~is~~ shall be located within six hundred feet of the use to be served and ~~that~~ an adequate indenture ~~is~~ shall be recorded designat~~ed~~ing the off-street parking facility and the use or structure to be served, providing legal description of the sites, and certifying that the parking facility shall not be used for any other purpose.

Upon submission of satisfactory evidence that other off-street parking facilities that meet the requirements of this chapter have been provided, or that the use requiring off-site parking has ceased, been removed, or altered so as to no longer require the off-site parking facility, the Planning Commission shall remove the restriction.

7. Parking In-lieu Fees
Where it can be demonstrated that the reasonable and practical development of commercially zoned property precludes the provision of required off-street parking on the property located within or adjacent to the Parking Management Plan area defined in Figure ~~A~~ 44-1 (see end of chapter) and ~~attached to the ordinance~~ codified in this section and on file in the office of the City Clerk. The ~~City council~~ Planning Commission upon recommendations of the Director, may permit the applicant to satisfy parking requirements by payment of an in-lieu parking fee. The ~~City council~~ Planning Commission will determine the total parking requirements for ~~program with~~ each individual project at the time of permit ~~process~~ review.

Fees accepted under this provision will be used by the City to provide the additional required parking at another location in lieu of the applicant providing the required off-street parking ~~on his site~~. Such parking shall be provided within a reasonable distance from the contributing project or within close proximity to public transit providing access to the use. All such fees collected shall be used by the City for the planning, design, acquisition or lease of land, and development and redevelopment of public parking facilities within or adjacent to the Parking Management Plan area and for public transit facilities providing access to said parking.

Any off-street parking satisfied through this provision shall run with the land and any subsequent change of use that requires more parking shall require subsequent action to satisfy the additional parking requirement. No refund of such payment shall be made when there is a change to a use requiring less parking.

The number of parking spaces required and used to calculate the in-lieu fee shall be determined according to the provisions of this Chapter ~~17.44~~ and any other applicable provisions of the Zoning Ordinance and this Code.

A change of ownership or the dividing or merging of properties shall not affect an obligation for parking in-lieu fees or a determination that parking requirements have been met according to fees paid for a particular use.

The fee to be charged for each parking space required shall be set by resolution by the City Council and may be modified from time to time, and shall be payable in accordance with administrative policies established in this chapter. In setting such fees, the City Council shall consider all costs associated with the provision of the necessary parking including planning, design, land acquisition or lease costs and construction of improvements.

The per space fee for new construction, additions or changes in occupancy shall be paid in a lump sum, prior to the issuance of construction permits for the structure or occupancy for which the parking is required or prior to the issuance of a City business license for the activity for which the parking is required, if no construction permit is required.

All fees collected and all interest earned thereon shall be placed in the parking facilities fund established by the City Council and shall be used only for the purposes set forth in this section and for the benefit of the contributing projects.

Nothing in this section shall preclude the formation of a Parking Assessment District coterminous with the Parking Management Plan area. Any property participating in the in-lieu fee program shall be required to participate in the assessment District if a parking assessment District is established. Funds derived from each property through a combination of the in-lieu fee and assessment

payments shall equal the fair market value of the cost of converting the required parking into a municipal parking lot, as estimated by the Public Works Director. In-lieu fees accepted by the City shall be credited against a project s full obligation established by an assessment District formula.

B. Bicycle Facilities

Each non-residential use for which ten or more parking spaces are required shall provide facilities where bicycles may be locked, at the rate of one bicycle space for each five vehicle parking spaces unless otherwise determined by the Director. The location of such facilities shall be convenient to cyclists and shall be in an open location away from traffic flow near the front of the parking lot.

C. Off-street parking — Requirements by Use

When determining the parking requirements for land uses, the following standards shall be used:

1. Residential Uses

   a. Boardinghouses, Fraternities, Sororities
   One space for each one and one-half of occupants or one and one-half spaces for each bedroom, whichever is greater.

   b. Mobile Homes
   One space for each unit, to be located with the unit, plus one-half space for each unit, which may be located in common or guest parking areas.

   c. Single-family Dwellings
   Two covered spaces for each dwelling, ~~at least one of which shall be covered and enclosed~~ except as provided below. ~~Exception: existing dwellings where two spaces have not been previously required by this title may be altered or expanded with only one covered and enclosed space, provided that such alterations or expansions of an individual dwelling shall not cumulatively exceed twenty five percent of the original floor area at the time of the first expansion or alteration of more than four hundred square feet, whichever is greater. For purposes of calculating the original floor area of the dwelling, all covered and enclosed structures on the site shall be included.~~

   d. Large Family Day Care Homes
   One additional off-street parking space for each employee of the proprietor.

   e. Exceptions:

      (1) Overlay zones
      Lesser parking may be allowed if specified in an overlay zone, but in no case shall be less than two (2) parking spaces for a residence of greater than 1,000 sq.ft. of living area.

(2) Guest houses
Greater parking may be required for guest houses.

(3) Granny units
In accordance with the provisions of Section 17.48.320.F of this Title.

~~d~~ f. Multifamily Apartments
For studio apartments, one space per unit; for units with one or more bedrooms, one and one-half spaces for the first bedroom plus one-half space for each additional bedroom not to exceed two spaces per unit, plus one space for each five units in developments of five or more units for guest parking. All spaces except for those reserved for guest parking shall be covered. ~~and one space per unit shall be covered. and enclosed.~~

~~e~~ g. Community Housing Project
For studio units, one space per unit. For units with one or more bedrooms, one and one-half spaces for the first bedroom plus one-half space for each additional bedroom, not to exceed two spaces per unit, plus one guest parking space for each five units in developments with more than five units ~~for guest parking~~. All spaces except those reserved for guest parking shall be covered. ~~and enclosed.~~

~~f~~ h. Elderly Housing
Housing under 600 square feet designed for the elderly, wherein individual units are specifically designed to be inhabited by residents at least one of whom must be aged sixty ~~two~~ or older, may provide less parking than required above (pursuant to 17.44.050), but in no case fewer than one-half space~~s~~ for each dwelling unit.

~~g~~ i. Very Low, Low or Moderate-income Housing
Very low, low or moderate-income units ~~which~~ that are reserved for this purpose for a minimum of ~~five~~ thirty years, may be approved with only one covered ~~and enclosed~~ space for each studio or one-bedroom unit ~~and only one covered and enclosed space~~, plus one uncovered space for any unit with two or more bedrooms. The guest parking requirement may be waived or reduced if the Planning Commission finds that such waiver or reduction will not have a significant adverse affect on the project or surrounding neighborhood.

~~h~~ j. Motels, Hotels
One space for each room or group of rooms intended to be occupied as a unit, plus one space for each ten rooms, plus two spaces for each resident manager s quarters.

k. Bed and Breakfast

Two spaces, plus one for each room or group of room intended to be occupied as a unit.

2. Public/Institutional Uses

a. Elementary and Junior High Schools
Two spaces for each classroom plus one space for each three hundred square feet of office, assembly or common facility gross floor area.

b. Secondary Schools
Four spaces for each classroom plus one space for each three hundred square feet of office, assembly, or common facility gross floor area.

c. Adult, Business and Trade Schools
One space for each fifty square feet of classroom assembly floor area.

d. Nursery Schools or Day Care Facilities
One and one-half spaces for each ~~two~~ four hundred twenty (420) square feet ~~gross~~ net classroom floor area plus a minimum of one space for administration.

e. Hospitals
One space for each bed.

f. Rest Homes, Convalescent Hospitals
One space for each three beds.

g. Animal Hospitals, Veterinary Clinics, Small Animal Boarding
One space for each three hundred square feet of gross floor area plus one space for each one thousand five hundred square feet of kennel area.

h. Mortuaries, Funeral Homes
One space ~~for each four permanently located seats or one space~~ for each forty square feet of floor area in the assembly room (s)~~, whichever is greater~~.

i. Churches, Lodges, Clubs
One space ~~for each four permanently located seats or space~~ for each forty square feet of floor area in the assembly room(s)~~, whichever is greater~~. For classroom requirements, see ~~Schools~~ a & b above.

j. Libraries
One space per five hundred square feet of gross floor area plus one space per 50 square feet of assembly rooms.

k. Conference Facilities
One space for each fifty square feet in the assembly room(s).

3. Commercial Recreation Uses

a. Assembly Halls, Auditoriums, Theaters, Stadiums
One space for each four permanently located seats or one space for each forty square feet of ~~un~~nonfixed seating space. For booth or bench seating, each two feet of length or fraction thereof shall count as one seat.

b. Bowling Alleys
Two spaces for each lane plus one space for each ~~two~~ three hundred square feet of floor area devoted to spectator or other customer use.

c. Billiards
One space for each one hundred square feet of gross floor area.

d. Golf Courses
Five spaces per hole plus that required for clubhouse uses.

e. Golf Driving Ranges
Two spaces per tee.

f. Games, Amusements, Outdoor Game Areas
One space for each one hundred square feet of gross floor area.

g. Gymnasiums
One space for each two hundred square feet of exercise space, plus one space for each one hundred square feet of floor area devoted to spectator or other customer use.

h. Handball, Racquetball, Tennis
Two spaces per court, plus one space for each three hundred square feet of shower, locker, or changing area.

i. Skating Rinks, Dance Halls
One space for each three hundred square feet of skating surface or dance floor plus one space for each one hundred square feet of floor area devoted to spectator or other customer use.

j. Skateboard Parks
One space per five hundred square feet of use area.

k. Community Swimming Pool
One space per one hundred square feet of pool area, plus one space per three hundred square feet of deck area.

l. Marinas & Moorings

One space for each thirty-five lineal feet of boat tie-down area or two spaces for each thirty-five lineal feet of boat tie-down area to be used by live aboard boats. One space for each mooring location.

m. Cruise Ships or Other Passenger for Hire Vessels
One space for each 6.5 lineal feet of boat length.

~~m~~ n. Studios Art, Music, Dance, Photography
One space for each ~~two~~ three hundred square feet of ~~gross~~ floor area plus one space for each one hundred square feet of instruction area.

o. R-V Parks
One space per camping space plus one common space per each five camping spaces.

4. Retail Commercial Uses

a. General (such as but not limited to food, clothing, books, hardware, automotive accessories)
One space for each ~~two hundred fifty~~ three hundred square feet of gross floor area. Outdoor sales (secondary to indoor sales) of up to 125 sq.ft. in area requires 0 spaces. Above 125 sq.ft. of outdoor sales require 1/2 the parking ratio required for indoor sales.

b. Restaurants, Cafes, Bars
One space for each ~~four permanently located seats or one space for each~~ sixty square feet of floor area to be occupied by customers, ~~whichever is greater~~, plus one space for each thirty square feet of dance floor. For restaurants in combination with a hotel, motel or R-V park, a minimum of one space per 90 square feet to be occupied by customers. Outdoor seating up to 125 sq. ft. requires 0 spaces. Above 125 sq. ft. requires 1/2 the parking ratio for indoor seating. ~~Where resaurants are part of a hotel or motel one space for each six permanently located seats or one space for each ninety square feet of floor area to be occupied by customers, whichever is greater, plus one space for each thirty square feet of dance floor. For booth or bench seating, each two feet of length or fraction thereof shall count as one seat.~~

c. Furniture and Appliance
One space for each five hundred square feet of gross floor area. Outdoor sales (secondary to indoor sales) of up to 125 sq.ft. in area requires 0 spaces. Above 125 sq.ft. of outdoor sales require 1/2 the parking ratio required for indoor sales.

d. Outdoor Sales
Outdoor Sales such as but not limited to Lumberyard, Plant Nurseries,

Sales of Building Materials, Mobilehomes, Farm Implements and Automobiles). One space for each two thousand square feet of outdoor or warehouse storage area plus one space for each three hundred square feet of indoor sales or accessory office area, plus one space for each five hundred square feet of enclosed processing or milling area.

5. General Service Commercial Uses

a. Service Commercial
Service Commercial such as but not limited to Auto Repair, Welding, Tire Recapping, Industrial Laundries, Wholesale or Contractors Supply Outlets . One space for each five hundred square feet gross floor area plus one space for each three hundred square feet gross floor area of accessory offices.

b. Service Stations
One space for each office or attendant booth plus two spaces for each service bay, plus one for each two fuel pumps, plus one space for each 300 sq. ft. of sales area.

c. Personal Services
Personal Services such as but not limited to Barbershops and Beauty Shops, Small Appliance Repair, Clothing Alteration and Shoe Repair. One space for each ~~two~~ three hundred square feet of gross floor area but not less than two spaces for each separate tenancy in a development or shopping center.

d. Rental of Appliances, Furnishing, Tools, or Equipment
One space for each three hundred square feet of indoor office, display or storage area plus one space for each five hundred square feet of outdoor storage/display,

e. Laundromats Self Service Laundries or Dry Cleaners
One space for each ~~two~~ three washing machines.

f. Car washes
One space plus tandem reservoir spaces equal to five times washing capacity.

g. Printing, Publishing, Duplicating, Blueprinting
One space for each five hundred square feet of gross floor area;

6. Office Uses

a. General Business and Professional Services
One space for each three hundred square feet of gross floor area but not fewer than two for each tenancy in an office complex.

b. Banks, Savings and Loans

One space for each three hundred square feet of gross floor area.

c. Title Insurance Companies
One space for each three hundred square feet of gross floor area but not fewer than two spaces for each tenancy in an office complex.

d. Medical and Dental
One space for each three hundred square feet of gross floor area, but not fewer than two spaces for each tenancy in an office complex or clinic.

7. Industrial Uses

a. Manufacturing, Industrial Uses
One space for each five hundred square feet of gross floor area, ~~unless reliable information is available to accurately determine the anticipated number of employees, in which case there shall be one space for each two employees for the number of employees expected on the largest shift.~~

b. Contractor s Storage Yard
One space for each one thousand five hundred square feet of yard area, plus one space for each five hundred square feet of building area.

c. Truck Stops
One space per six hundred square feet of land area used.

d. Warehousing not Associated with Another Use
One space for each one thousand square feet gross floor area plus one space for each three hundred square feet of accessory office area.

e. Wrecking Yards, Junkyards
One space per one thousand square feet of use area.

D. Parking Facility Standards

1. Permits

a. Parking lots
For any new parking lot or lot which is proposed to be extended in area or capacity which is not proposed as part of a larger development, an Administrative Coastal Permit shall be obtained from the ~~community development~~ Planning and Building Department. To obtain such a permit, the applicant shall submit plans for improvements which conform to all City standards. In some zones, a Conditional Use Permit may be required or a regular Coastal Development Permit if located in a coastal appeal zone. When parking lot construction is proposed as part of other development

on the property, permits for the development shall cover the construction of the parking lot.

b. Parking facilities
Plans for parking facilities shall show the design, arrangement, and landscaping of a parking lot as well as trash enclosures, light standards and other parking lot furniture. Permits shall be approved by the Director except when approval of such facilities must be made by any pertinent boards or commissions as required in this Title.

2. Location and Number of Spaces. (All Zones)

a. Required parking location
Required parking spaces shall be on the same lot as the use served. However, off-site parking may be allowed under subdivision 6 of Subsection A of this section.

b. Parking space or aisle in setback areas
No portion of any parking space or aisle, except entrance and exit driveways, shall be permitted in a required ~~street~~ front yard area.

3. Design and Layout

a. Size and arrangement
Size and arrangement of spaces shall be as shown in Figure 44-2 or as otherwise stated in the subsections below.

b. Vehicle entry
Except for individual residences, parking must be designed to allow vehicles ~~must be able~~ to enter all parking spaces with one continuous movement and exit with no more than two movements. This provision does not apply to parallel parking spaces. A vehicle in one space shall not block another space.

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

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

e. Minimum parking space dimensions

Protection must also be provided between the back of a City sidewalk and a planting area to prevent material from washing onto the sidewalk; this may be done by a curb or header.

e. Parking lot planting areas
Parking lot planting areas shall have a minimum dimension of four feet by four ~~fifteen~~ feet. Landscape areas defining ends of rows shall extend to the minimum inside turn radius shall not conflict with an aisle or backup area, obstruct the driver s visibility, nor be less than four feet in width.

f. Required planting areas
Areas between the parking area and the street and side and rear property lines, and unused spaces resulting from the design or layout of parking spaces or accessory structures, shall be landscaped.

g. Parking lots with parking spaces adjoining a street
Any parking lot with ~~five or more~~ parking spaces adjoining a street shall have the street frontage and their outside perimeter screened by a three-foot-high decorative masonry wall, mature hedge, or landscaping berms, except at those points ~~of access for~~ of vehicular or pedestrian access. However, parking lots next to a residential development or an office on an adjacent site shall be screened by a minimum six foot high decorative wall, fence or mature hedge.

h. Screening requirements
Landscaped earth berms may be used to meet the screening requirements only if the berm is to be at least two feet in height and is planted with appropriate shrubs and ground cover.

i. Visibility requirements
Landscaping, landscape berms, or other screening for parking facilities shall be so located as to not impair visibility at driveway areas or in other areas of the parking facility where maintaining visibility is necessary to the safe use of the facility.

~~5~~ 6. Parking Lot Maintenance
It shall be the duty of the property owner to maintain and repair the parking lot and related improvements in accordance with the above standards and any

In open ~~residential~~ parking lots, ~~the minimum parking space dimensions shall be eight and one half by eighteen feet. In commercial parking lots~~ the minimum parking space dimensions shall be nine ~~eight and one-half~~ feet by twenty feet with two feet allowed for bumper overhang. Standard size parallel spaces shall be eight ~~and one-half~~ feet by twenty ~~two~~ three feet.

f. Parking lots with four or more spaces
In residential and commercial parking lots with four or more spaces, twenty-five percent of the parking spaces may be compact-size spaces. For perpendicular or angled compact spaces, the minimum dimensions shall be eight and one-half feet by eighteen feet with two feet allowed for bumper overhang ~~sixteen feet~~. The backup space and turn radius requirements shall be the same as the standard size spaces. For parallel compact spaces the minimum dimensions shall be eight ~~and one-half~~ feet by twenty-one feet. Compact size spaces shall be signed as such by either marking on the pavement or on the wheel stop.

~~f~~ g. Parking lots with five or more spaces
Parking lots with five or more spaces shall meet all criteria in Section 17.44.020.D.3.f and be designed so that automobiles will exit onto a public street moving forward. No space may be allowed that requires a vehicle to be maneuvered on the public sidewalk in order to exit. No vehicles may be allowed to back onto an arterial street.

~~g~~ h. Handicap parking spaces
For handicap parking spaces, the minimum dimensions shall be ~~twelve~~ fourteen feet by twenty feet and such spaces shall be so located so that the driver may exit the vehicle directly onto a curb ramp. Such spaces shall be designed, located and in the quantity consistent with State law.

~~h~~ i. Open parking spaces that back directly onto a public street
Open parking spaces which back directly onto a public street shall be set back a minimum of twenty feet from the back of the sidewalk, regardless of the zoning of the property and shall not encroach into the street yard setback.

j. Minimum allowable inside turning radius
The minimum allowable inside turning radius in parking and driveway areas shall be twenty feet. Where fire truck access is necessary, the minimum inside radius shall be twenty-eight feet, and the outside radius shall be forty-eight feet clear.

k. Curb or wheel stops
Curb or wheel stops shall be required where parking spaces head into a wall, fence, building or the side of another parking space, or as determined necessary by the City Engineer wherever conditions warrant.

l. Exit and entrance directional arrows
Exit and entrance directional arrows shall be marked on the pavement where one-way driveways are used. Pavement signing shall be marked and maintained as required by the City Engineer. Entrance signing may be required by the City Engineer wherever conditions warrant.

m. Off-street parking areas
Off-street parking areas and features constructed on them shall be perpetually maintained. The layout of parking lots shall be retained as originally approved by the City.

n. Parking lot and driveway construction
Parking lots and driveways shall be constructed in compliance with engineering and material standards available at the ~~community development~~ Planning and Building Department, Except for temporary uses, asphalt or concrete paving is required for the surface. Optional surfacing material such as brick or ecoblock, which meet design requirements for parking, may be approved by the City Engineer.

o. Parking lots that abut residential Districts
Parking lots serving commercial or industrial land uses that abut an area of residential land uses shall not have their access through the area of residential ~~land uses~~ Districts.

p. Residential single-family and multi-family parking:

(1) Garages and carports shall be setback 20 feet from street property line except as otherwise provided in this title. Any garage space located closer than twenty (20) feet from property line shall have an automatic rolling type garage door opener.

(2) Garage and carport parking spaces shall be a minimum of ten (10) feet by twenty (20) feet for two or more spaces and eleven feet by twenty feet for one space.

(3) For individual residences, one tandem parking space may be allowed (see Section 17.44.050).

(4) Where only one (1) covered and enclosed space is required, one hundred fifty cubic feet of enclosed storage space shall be provided for each parking space serving a residential use that is required to be covered or enclosed residential unit.

(5) Where only one (1) open or carport space is required, three hundred cubic fee per unit shall be required.

4. Parking Lot Lighting
Parking lots shall have security lighting when required by the Police Chief. All parking lot light fixtures shall be designed so that they will not direct glare into the street or into adjacent residential uses. Lighting poles shall not exceed 20 feet in height unless a greater height is approved by the Planning Commission.

~~4~~ 5. Landscaping and Screening

a. Minimum landscape area
In order to prevent large, unbroken expanses of parking area, parking lots shall have at least five percent of their surface devoted to landscaping, exclusive of setbacks and street screening, arranged in an appropriate and effective manner.

b. Planting materials and irrigation
Landscaping shall consist of combinations of trees, shrubs and ground covers with careful consideration given to eventual size and spread, susceptibility to disease and pests, durability and adaptability to existing soil, and climatic conditions. Utilization of native vegetation shall be encouraged. Landscaped areas shall have a permanent underground irrigation system wherever feasible and said system shall be consistent with Section 17.48.290.C.4. All landscaped planting shall be watered and maintained and dead plants shall be replaced.

c. Parking lot planter spacing and minimum tree requirements
Parking lot planter areas shall be provided after each five parking spaces in any row and at the ends of each row of parking spaces to encourage the use of trees in parking areas. An average of at least one tree of a minimum fifteen gallon size and of a species satisfactory to the Director shall be planted for every five single-row parking stalls or every ten double-row parking stalls within the parking lot, with a minimum of two such trees being provided regardless of the number of parking stalls.

d. At risk planting areas
Planting areas which may be hit by automobiles or where drainage control is necessary shall be defined by a six inch curb or berms of reinforced concrete, brick or block. A header board protected by parking bumpers or other suitable permanent material may be approved by the City Engineer.

other conditions imposed at the time of approval. If the ~~community development~~ Planning and Building Department finds that the lot is in need of maintenance or repair, the Code Enforcement Official may cite the owner or use the nuisance abatement procedure for correcting violations of this code. (Ord. 421/7, 1992; Ord. 337/2. 1988; Ord. 288 Exh. B (part), 1986; Ord. 263/1 (part), 1984)

17.44.030 DRIVEWAYS AND DRIVE APPROACHES

A. Driveway Dimensions

1. ~~a.~~ Two-way Driveways
Generally, two way driveways serving parking lots or developments with seven or more spaces shall be twenty ~~four~~ feet in width. Variations from this general requirement which otherwise meet the standards of this section may be approved by the City Engineer based on site constraints, expected traffic volumes or speeds or other relevant variables related to the site or use.

2. Driveways serving parking lots
~~b.~~ The following minimum and maximum widths apply to driveways and drive approaches serving parking lots.

	Minimum Width (in feet)	Maximum Width (in feet)
Lots with six or fewer spaces serving residential uses, existing structures converted to office use and newly constructed offices	10	~~16~~ 20
Lots with six or fewer spaces serving commercial and industrial uses ~~and where any building to be served is more than one hundred fifty feet from the street right-of-way~~	12	~~16~~ 20
Lots with seven or more spaces but fewer than twenty spaces and with separate entrances and exits (one-way driveways)	12	20
Lots with seven or more spaces but fewer than twenty spaces and with only one point for entering and leaving (two way driveways) and lots with twenty or more spaces serving office and residential uses.	~~16~~ 20	30

Lots with twenty or more spaces serving commercial and industrial uses and where any type of use requires fire truck access	20	30

~~2~~ 3. Commercial or Industrial Driveways
No single commercial or industrial driveway (excepting transitions) shall be wider than fifty percent of the actual lot frontage on any one street or more than thirty feet, whichever is less. When more than one driveway serves a parcel, the total width of driveways (excepting transitions) shall not exceed fifty percent of the actual lot frontage on any one street. When a parcel has more than one driveway, there shall be at least twenty-two feet of standard curb and gutter between the tops of the driveway transition. (see limitations for arterial streets 17.44.030.D)

~~3~~ 4. Residential Driveways
~~Residential lots shall not have more than one driveway for each street frontage which is less than seventy feet.~~ In cases of one or more driveways the total width of residential driveways (excepting transitions) shall not exceed ~~thirty~~ fifty percent of the frontage, and there shall be at least twenty-two feet of standard curb and gutter between the top of driveway transitions on any one parcel. (see limitations for arterial streets 17.44.030.D)

~~4~~ 5. Driveway Widths Greater Than Thirty Feet
Driveway widths greater than thirty feet may be permitted or required by the Director when needed for safety purposes or to avoid awkward vehicle maneuvers.

~~5~~ 6. Driveways Widths Greater Than Minimum
Driveway widths greater than the minimum specified above may be required by the Director when the site layout and safety dictate.

~~6. There shall be at least twenty-two feet of standard curb and gutter between the top of a driveway transition and the back of sidewalk of a street intersecting the street to which the driveway has access.~~

B. Driveway Design

1. Maximum slope of driveways serving residential development
The maximum slope of driveways serving residential development shall be ~~fourteen~~ fifteen percent. Those serving commercial lots shall slope no more than ten percent. Vertical curb transitions shall be provided consistent with City standards at either end of the driveway.

2. Exceptions to residential driveway slopes
The City Engineer may allow residential driveways to have slopes as high as twenty percent providing that special construction procedures and materials

are used.

3. Commercial or multifamily development driveways which exceed one hundred feet in depth
Driveways ~~which~~ that serve commercial or multifamily development which exceed one hundred feet in depth shall provide a turnaround to ensure that cars can safely exit in a forward direction. Driveways which serve single-family residential developments characterized by extreme topography may also be required to provide turnarounds.

4. Driveway transitions
No part of the driveway transition shall extend ~~beyond~~ closer than one foot to side property line of the property being served by the driveway unless approved by the City Engineer and unless a written agreement is obtained from the adjacent property owner and filed with the City Engineer for recording with the County Recorder. The agreement shall be in a form approved by the City Attorney.

5. Curb height
~~Depressed or recessed curbs for driveway entrances shall not be allowed unless standard concrete driveway ramps are constructed.~~ Full height curbs shall be provided except for locations with approved driveways and/or handicap ramps.

6. Residential paved wheel tracks
For residential uses, in lieu of a full width paved driveway and where the driveway serves only one residence; paved wheel tracks are allowed as long as the tracks are located where the wheel traffic will most probably occur, the tracks are located only behind the sidewalk ramp, each track is at least three and one-half feet apart.

C. Replacement of Curb and Sidewalks of Abandoned Driveway

The Director of Public ~~services~~ Works shall determine whether a driveway has been abandoned. Any such abandoned driveway shall be removed by the owner and replaced with standard curb, gutter and sidewalk to fit the existing line of grade of adjacent standard curb, gutter and sidewalk. The Director of Public ~~services~~ Works shall cause an abandoned drive to be removed if it has not been removed within thirty days after the owner has been notified to do so. The procedure for repair and collection of the cost of repair shall be as set forth in Division 7, Part 3, Chapter 22 of the Streets and Highways Code.

D. Limited-Access and Arterial Street

Driveway encroachments ~~may~~ shall be restricted onto ~~some~~ arterial streets ~~by a use permit~~ and highways if alternative points of access to the property ~~exist~~ are feasible or if the City Council has, by resolution, restricted access to the street. A list of any such limited-access streets shall be held on file and available at ~~City Hall in~~ the ~~community development~~ Planning and Building Department.

E. Common Access Driveways

1. Permitted
Common access driveways may be permitted in either of the following cases:

   a. Lots of record
   On lots of record existing before the effective date of this section if associated with the issuance of a Use Permit; or

   b. New subdivisions
   In new subdivisions where a common driveway is proposed as part of subdivision approval.

2. Basic Criteria
A common access driveway must meet all of the following criteria:

   a. Inappropriately located driveways prohibited
   The driveway must not inappropriately located; for example, too close to a dwelling, play area or sloped bank,

   b. Significant potential for conflict
   It must be determined that there is no significant potential for conflict between the parties sharing the driveway because of its location, length, grade, usage or other characteristics

   c. Common driveway justification
   The driveway must be justified for one of the following reasons

      (1) It will minimize grading or prevent excessive driveway slope

      (2) It will preserve significant existing vegetation

      (3) It will clearly be safer than a standard driveway

      (4) It will enable development of a lot which is excessively narrow or is occupied by a structure that prevents access to a portion of the lot which can reasonably be developed

3. For Residential Uses
The following provisions apply to common access driveways to serve premises zoned or used for residential purposes. Before granting any permit authorizing construction of a common access driveway or structures to be served by said driveway, the City shall require an easement or covenant to be filed with the County Recorder setting forth driveway usage rights and responsibilities for each parcel served. At minimum, the required easement or covenant shall include

the following statements:

a. All affected property owners will be jointly responsible for the improvement and maintenance of all parts of the common access driveway,

b. All parking on the commonly used portions of the driveway is prohibited,

c. Any affected property owner may avail himself or herself of the vehicle-removing authority granted private property owners in Section 22658 of the California Vehicle Code when any vehicle is parked in the common access driveway so as to interfere with entry or access to a parcel it serves,

d. Property owners agree to hold the City harmless from all claims of damages or liability arising from any action to tow away vehicles pursuant to subdivision 3 of this subsection, and

e. If the easement or covenant is abandoned or dissolved, each lot previously served by the common access driveway shall be provided with standard access as required by these regulations.

(1) The driveway shall serve no more than four residential units unless special circumstances warrant the grant of an exception by the Director

(2) The Director or Planning Commission may add other requirements or conditions deemed necessary or appropriate

(3) The ~~community development~~ Planning and Building Department shall supply the police department with copies of all easements or covenants

4. For Commercial and Industrial Uses
Before granting any permit authorizing the construction of any common access driveway to serve premises zoned or used for commercial or industrial purposes, the City may impose the requirements listed above for residential uses as well as any additional requirements or conditions it deems necessary or appropriate, except that the City will not be responsible for towing away a vehicle unless it blocks an access for emergency vehicles. (Ord. 288 Exh. B (part), 1986; Ord. 263/1 (part), 1984)

17.44.040 LOADING FACILITIES

A. Required

For uses requiring regular deliveries of goods by truck, off-street loading facilities for trucks shall be provided in accordance with the regulations and standards prescribed in this section.

For all new and additions of commercial and industrial uses, off street loading berths in addition to those prescribed in this section shall be provided if the City Engineer finds that such additional berths are necessary to assure that trucks will not be loaded, unloaded or stored on public streets.

B. Standards

Off-street loading facilities shall meet the following standards:

1. Loading berths
   Each loading berth shall be not less than twenty-five feet in length and twelve feet in width and shall have an overhead clearance of not less than fourteen feet.

2. Turning and maneuvering
   Sufficient room for turning and maneuvering vehicles shall be provided on the site in order that it not be necessary for any vehicle to back onto the site from the public street or for trucks using them to encroach into the public right-of-way or into required parking spaces or aisles.

3. Accessibility
   Each loading berth shall be accessible from a street or alley.

4. Entrances and exits
   Entrances and exits shall be provided at locations approved by the City Engineer.

5. Loading area, aisles and access
   The loading area, aisles and access drives shall be paved so as to provide a durable dust~~less~~ free surface and shall be so graded and drained as to dispose of surface water.

6. Safety bumper rails or curbs
   Bumper rails or curbs shall be provided where needed for safety or to protect property.

7. Lighting
   If the loading area is illuminated, lighting shall be deflected away from abutting streets and residential sites so as to cause no dangerous or annoying glare.

8. Loading areas
   A loading area shall not be located in the required front, side or rear yard setback in any District.

9. Outside loading areas
   A loading area located outside of a building shall be screened from public view by a six foot high solid wall, fence or mature hedge.

10. Vehicle repair work prohibited

No repair work or serving of vehicles shall be conducted in a loading area. (Ord. 263/1 (part), 1984)

17.44.050 EXCEPTIONS

A. Exceptions

The ~~community development~~ Director or the Planning Commission may grant exceptions to the limitations of this chapter subject to appropriate conditions adopted with a Use Pemit and upon a finding that:

1. Special circumstances
   ~~A.~~ The exceptions will not constitute a grant of a special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity and the reduced parking or alternative to the parking design standards of this Chapter will be adequate to accommodate on the site all parking needs generated by the use;

2. Health, safety or general welfare
   ~~B.~~ The exception will not adversely affect the health, safety or general welfare of persons working or residing in the vicinity and that no traffic safety problems will result from the proposed modification of parking standards;

3. Applicant s full enjoyment
   ~~C.~~ The exception is reasonably necessary for the applicant s full enjoyment of uses similar to those ~~permitted~~ upon ~~his~~ the adjoining real property. (Ord. 263/1 (part), 1984)

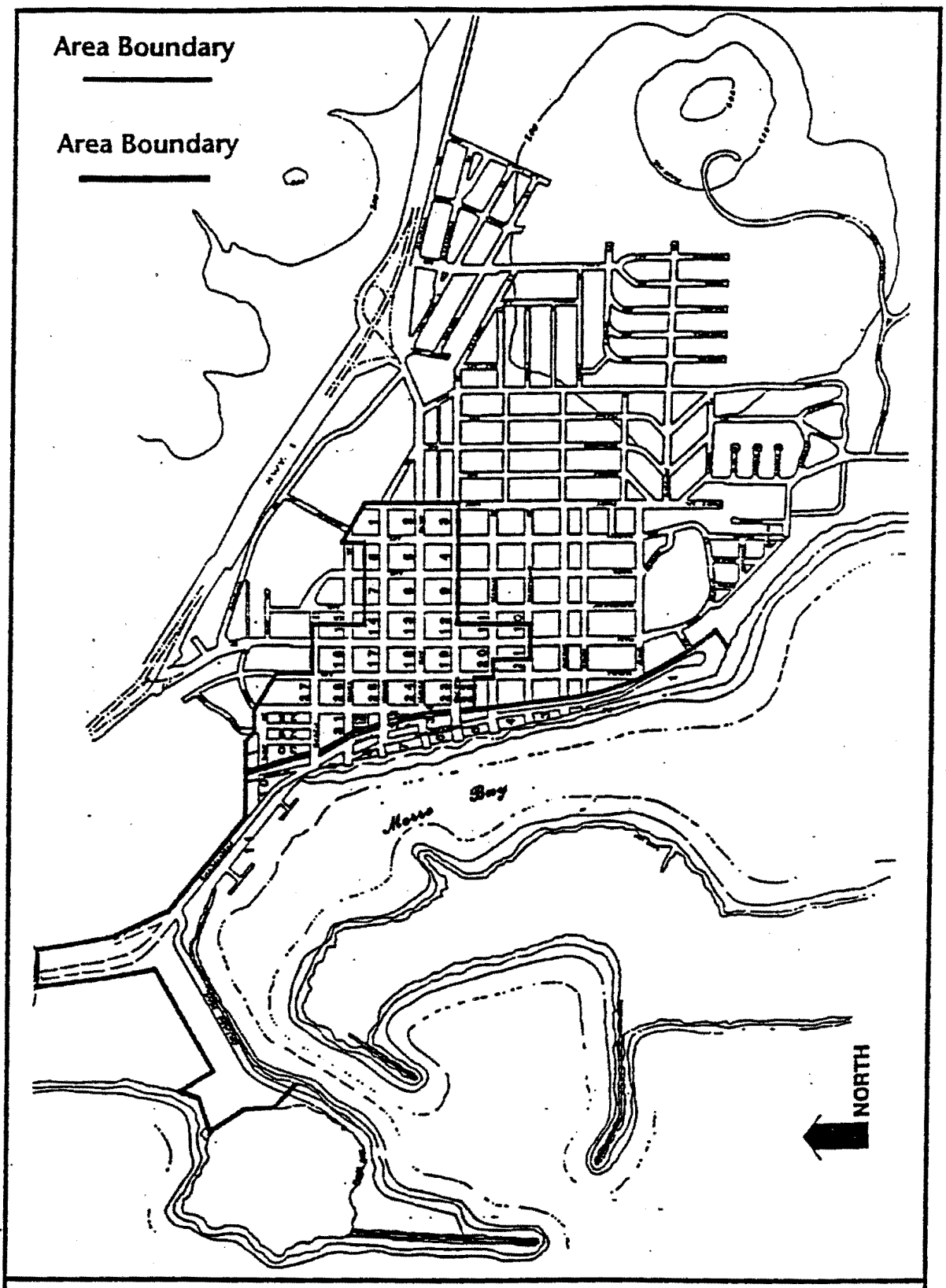
B. Open Tandem Parking

Open tandem parking space for residential single family uses may be permitted for existing developed properties where a second adjacent space is not feasible, or on lots of 40 feet or less in width.

17.44.060 PARKING MANAGEMENT PROGRAMS AND DISTRICTS

If parking management programs and Districts are established in appropriate downtown business areas, said formations shall be established pursuant to and as provided for in the City s Coastal Land Use Plan (LUP) policies 1.07A, 1.22 and 1.30. Assessment district financing and/or an in-lieu fee system may be established in order to provide adequate off-street parking requirements for new development. (Ord. 263/1 (part), 1984)

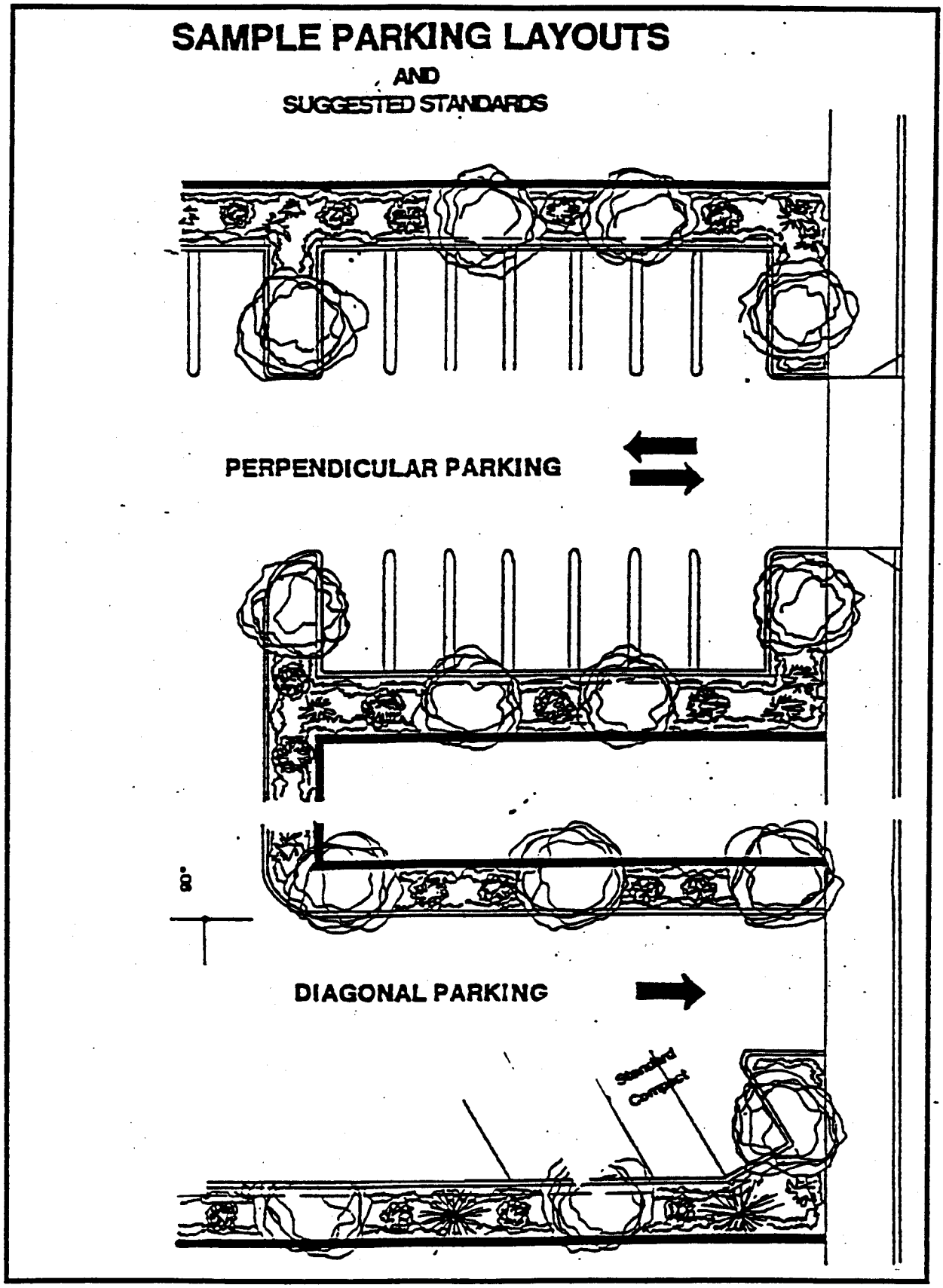
FIGURE .44-1



PARKING MANAGEMENT PLAN BOUNDARIES

FIGURE .44-2

WILL UPDATE WHEN FINAL



Chapter 17.45

BLUFF DEVELOPMENT STANDARDS

SECTIONS:

17.45.010	Purpose
17.45.020	Application of regulations
~~17.45.030~~	~~Definitions~~ **[Moved to 17.12]**
17.45.~~040~~ 030	Conditional Use Permit required
17.45.~~050~~ 040	Development standards
17.45.~~060~~ 050	Geologic report
17.45.~~070~~ 060	Review by City Engineer
17.45.~~080~~ 070	Permissible development ~~within~~ on bluff face and in bluff ~~setback and~~ buffer
17.45.~~090~~ 080	Exempt structures

17.45.010 PURPOSE

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

A. Protect Public Views
To protect public views to and along the ocean and scenic coastal areas, maintain the character of the bluff setting, not impair but facilitate public access, address environmental concerns as provided in the General and Local Coastal Plans.

B. Protect The Coastal Bluffs
~~A. In order~~ To protect the coastal bluffs in the City of Morro Bay from future development which may damage such bluffs, and in an effort to minimize the hazards to life and property.

C. Adverse Visual Impacts
~~B.~~ To mitigate the potential for adverse visual impacts that can be created by blufftop development and to preserve existing public coastal views for the future enjoyment of the city s residents and visitors. (Ord. 263/1 (part), 1984)

D. Geographic features
To maintain the unique geographic features of the bluffs and ensure development is subordinate to the character and form of the coastal bluff areas.

17.45.020 APPLICATION OF REGULATIONS

The provisions of this Chapter shall apply to all development ~~of properties~~ located on coastal bluff~~s~~ properties as defined in Chapter 17.12 ~~herein~~. (Ord. 263/1 (part), 1984)

~~17.45.030~~ ~~DEFINITIONS~~ (MOVED TO 17.12)

17.45.~~040~~ 030 CONDITIONAL USE PERMIT REQUIRED

On coastal bluff~~-top~~ properties, all development located within the bluff and the bluff setback including new buildings, structures, relocations, additions, extensions and exterior changes to existing buildings and structures, and physical site improvements, including grading, ~~except as otherwise provided by this Chapter~~ may be allowed subject to the granting of a conditional use permit as provided in Chapter 17.60 and in ~~17.36~~ 17.40.030 for P-D suffix zones, except as provided in Section 17.45.070 and 17.45.080 of this chapter. (Ord. 263/1 (part), 1984)

17.45.~~050~~ 040 DEVELOPMENT STANDARDS

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

A. Development Within The Bluff Buffer Area
Except as provided for in Section 17.45.070, no development is permitted within the bluff buffer area. The bluff buffer may be reduced for existing subdivided parcels where said setback would render that parcel unusable for its designated use. Said buffer may not be reduced, in any case, to less than twenty feet.

~~A~~ B. New Development Located Within Fifty Feet Of The Bluff Edge
New development located within fifty feet of the bluff edge shall not exceed a height limit of fourteen feet ~~above the existing bluff top~~; provided, however, that for peaked roofs (4 in 12 or greater pitch) and other architectural features, a height of up to seventeen feet may be permitted.

~~B~~ C. Permitted Development
Permitted development shall be sited and designed to protect public views to and along the ocean and scenic coastal areas, and shall be subordinate to the character of the setting. Development shall not impair but facilitate public access, environmental concerns, and public views as provided in the General and Local Coastal Plans. Development shall be coordinated with existing or planned future public facilities.

~~C~~ D. Underground Utility Lines
Notwithstanding the provisions of Chapter 17.48, all service and distribution utility lines for coastal bluff ~~development~~ properties shall be installed underground.

~~D~~ E. Erosion Or Geologic Instability
New development shall neither create nor contribute significantly to erosion or geologic instability of bluffs.

~~E~~ F. Drainage Systems
~~All~~ New development on coastal bluff ~~tops~~ properties shall be required to install drainage systems to carry runoff inland to the nearest public street, except in areas where the topography prevents such conveyance because additional filling or grading would create greater adverse environmental or visual impacts. In such case, private bluff drainage seaward may be permitted if:

1. Drainage system
   The drainage system is sized to accommodate drainage from adjacent parcels; and

2. Visual impacts
   The system is designed to minimize visual impacts utilizing natural coloring, natural land forms and vegetative planting to hide the system; and

3. System and outfall design
   The system and outfall design shall be subject to the approval of the City Engineer and other necessary government agencies.

~~F~~ G. Landscaping
Landscaping shall be designed to minimize ecological and geological disturbances. Only plant materials recognized for their drought tolerance or erosion controlling properties shall be authorized on bluffs or bluff tops. (Ord. 263/1 (part), 1984)

17.45.~~060~~ 050 GEOLOGIC REPORT

A. Conditional Use Permit Applications
Applications for a Conditional Use Permit as required herein for development on bluff faces and bluff tops shall be accompanied by a geologic report prepared by a licensed engineering geologist or a professional civil engineer with expertise in soils and foundation engineering, or a registered geologist with a background in engineering applications. Such report shall include a scaled map showing location of the bluff edge, the toe of the bluff, and other significant geologic features by distance from readily identified fixed monuments such as the property line, centerline of the road nearest the bluff, or inside of curb face. Such report shall assess the stability of bluffs in the vicinity of the applicant s property and describe and analyze the following:

1. Demonstration of stability
The area of demonstration of stability shall include the base, face, and top of all bluffs. The extent of the bluff top considered shall include the area between the face of the bluff and a line described on the bluff top by the intersection of a plane inclined at a 20.25 degree angle from the horizontal passing through the top of the bluff, or 50 feet inland from the edge of the bluff, or whichever is greater. (see 17.12.063).

~~1~~ 2. Bluff geometry and site topography
Bluff geometry and site topography, extending the investigation beyond the site as needed to depict unusual geomorphic conditions that might affect the site.

~~2~~ 3 Bluff erosion
Historic, current and foreseeable bluff erosion and possible changes in shore configuration and sand transport.

~~3~~ 4 Geologic conditions
Geologic conditions, including soil, sediment and rock types and characteristics, in addition to structural features such as bedding, joints, faults, strike and dip.

~~4~~ 5. Past or potential landslide conditions
Evidence of past or potential landslide conditions, the implications of such conditions for the proposed development, and the potential effects of the development on landslide activity.

~~5~~ 6. Construction activity
Impact of construction activity on the stability of the site and adjacent area.

~~6~~ 7. Water conditions
Ground and surface water conditions and variations, including hydrologic changes caused by the development.

~~7~~ 8. Site erodibility
Potential erodibility of the site and mitigating measures to minimize erosion problems during and after construction, (e.g. landscaping and drainage design).

~~8~~ 9. Marine erosion
Effects of marine erosion on coastal bluffs.

~~9~~ 10. Seismic forces
Potential effects of seismic forces resulting from a maximum credible earthquake.

~~10~~ 11. Other factors
Any other factors that might affect slope impacts;

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

~~14~~ 13. Site suitability and 75 year safety period
An evaluation of the suitability of the site and development during all foreseeable normal and unusual conditions, including ground saturation and maximum credible earthquake. A minimum project life of seventy-five years shall be assumed for all coastal bluff~~top~~ development standards, unless special consideration warrants the imposition of higher standards.

~~13~~ 14. Building setbacks
Recommendations for building setbacks which shall ensure structural stability and integrity without altering bluff landforms or beach or which necessitate the construction of protective devices such as seawalls for the economic life of the development (seventy-five to one hundred years).

~~12~~ 15. Mitigation measures
Mitigation measures for any potential impacts.

~~15~~ 16. Other matters
Other matters as determined relevant to the property by the preparing engineering geologist or City Engineer.

B. Geologic Report Standards
Geologic reports shall be prepared in accordance with the State of California, Division of Mines and Geology Guidelines for Geologic/Seismic Reports, publications numbers 37, 43, 44, 46, and 49, or successors, as applicable.

C. Engineering Geologist Certifications
The preparing engineering geologist shall sign and affix a certification seal inclusive of license number to such geologic report.

17.45.~~070~~ 060 REVIEW BY CITY ENGINEER

The Director shall refer all applications for development on coastal bluff properties ~~bluff development applications~~ to the City Engineer for evaluation. The City Engineer shall review the geologic report ~~required herein~~ for technical accuracy and soundness of conclusions drawn. Analysis as to the adequacy of the technical data submitted, consistency with the objectives and criteria of this Chapter and feasibility of mitigation measures to the impacts of the bluff development shall be incorporated into any report prepared in connection with a Conditional Use Permit consideration, or other determination required by this Chapter. (Ord. 263/1 (part), 1984)

17.45.~~080~~ 070 PERMISSIBLE DEVELOPMENT ON ~~WITHIN~~ BLUFF FACE AND IN BLUFF ~~SETBACKS~~ BUFFER

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

(Note: A-C were moved to B.1-B.3, D was moved to A.3, E was moved to the introduction above, and F was moved to A.1)

A. Planning Commission Approval Required

Notwithstanding other provisions of this chapter, the following improvements may be constructed in the bluff ~~setback~~ face and the bluff buffer areas, subject to ~~review and~~ approval ~~of the director and city engineer as provided herein.~~ of a Conditional Use Permit as provided in Chapter 17.60 and in 17.40.030 for P-D suffix zones.

~~F~~ 1. Embarcadero area between Surf Street and Anchor Street

In the Embarcadero area between Surf Street and Anchor Street, new development is allowed within the bluff buffer area and may be stepped down the bluff face provided the development shall not require the construction of protective devices or retaining walls that would alter natural landforms or impeded public access.

2. Existing development within the bluff buffer

Existing development and structures located within the bluff buffer may expand its occupancy and floor area by not more than ten percent. An expansion of said structure shall not be permitted unless the structure is brought into conformance with Title 14 and may be expanded in accordance with this Chapter one time only.

~~D~~ 3. Bluff face development

Except as provided in Section 17.45.070 A.1, development shall not be permitted on bluff faces ~~unless no other physically less damaging alternative is possible~~, except for the following:

a. Drainage systems as required herein;

b. Staircases or accessways to provide public beach access~~;~~ and

c. Pipelines for scientific research or coastal-dependent industry.

B. Administrative Approval Required

Notwithstanding other provisions of this chapter, the following improvements may be constructed in bluff setback and buffer areas, subject to review and approval by

the Director and City Engineer of an Minor Use Permit as provided herein.

~~A~~ 1. Existing retaining walls
The repair or replacement of existing retaining walls shall be permitted only where necessary to stabilize bluffs adjacent to the coastline where no less environmentally damaging alternative exists, or where necessary for coastal-dependent projects, protection of existing development, and public recreation uses.

~~B~~ 2. Existing public access stairways
The repair or replacement of existing public access stairways ~~in existence at the time of the enactment of the ordinance codified in this Chapter~~ will be allowed if the repair does not require the construction of bluff protection devices, necessitate the destruction of any bluff by excavation or any other means, or significantly contribute to bluff erosion.

~~C~~ 3. Public recreation improvements
The construction of new improvements designed to facilitate public recreation or access may be constructed within bluff setback and buffer areas if it can be demonstrated that the improvement will not hasten the natural erosion of the bluff.

17.45.~~090~~ 080 EXEMPT STRUCTURES

Certain minor classes of work, as determined by the Director, may be exempted from obtaining a use permit and submittal of a geologic report, as required by this Chapter. Such exemptions may include minor repair and maintenance of existing structures, interior or exterior structural alterations such as architectural extensions, porches, balconies and decks, provided such alterations do not exceed ten percent of the existing gross floor area and will not in any way alter the natural features of the site and meets the public access requirements of Section 17.48.280.

CHAPTER 17.48

GENERAL REGULATIONS, CONDITIONS AND EXCEPTIONS

SECTIONS:

17.48.010	Application of regulations
17.48.020	Interpretation of ambiguity
17.48.030	Converting fractions to whole numbers
17.48.040	Accessory buildings
17.48.~~190~~ 042	Building Separation
17.48.~~042~~ 045	Garage buildings General requirements
17.48.050	Undergrounding of utility lines
17.48.060	Motorhomes or recreational vehicles
17.48.070	Height limit for projections
17.48.080	Increased height limit in R District
17.48.090	Increased height limit for certain institutional uses
17.48.100	Fencing and screening
17.48.110	Architectural extensions on residential structures
17.48.120	Porch, landing place or stairway projections
17.48.130	Yard measurement from plan lines
17.48.140	Building Lines
17.48.150	Swimming pools, hot tubs and spas
17.48.160	Reduced setback in single family residential Districts with improved lots
17.48.170	Side yard width on narrow lots
17.48.180	Street-to-street R-1 lots
~~17.48.190~~	~~Building Separation~~ **[Moved to 17.48.042]**
17.48.~~200~~ 190	Protection of visual resources and compatible design
17.48.~~210~~ 200	Architectural consideration in permit applications
17.48.~~220~~ 210	Corner lot sight lines
17.48.~~230~~ 220	Centralized mail delivery boxes
17.48.~~240~~ 230	Refuse collection stations
~~17.48.245~~	~~Outdoor sales, display or storage~~ **[Moved to 17.30.040]**
17.48.250	Garage sales

17.48.260	Home occupation requirements
17.48.265	Bed and Breakfast
17.48.270	Amusement and pinball machines and arcades
17.48.280	Public access to and along the shoreline
17.48.290	Landscaping
17.48.300	Review of projects ~~near~~ which drain into nearby environmentally sensitive habitat areas
17.48.310	Protection of archaeological resources
17.48 ~~320~~ 315	Guesthouses/quarters and accessory living areas
17.48.320	Granny second units
17.48.325	Wet bars
17.48.330	Storage or parking of vehicles for sale restricted
17.48.340	Satellite dish antennas ~~in residential District~~

17.48.010 APPLICATION OF REGULATIONS

All regulations in this Title pertaining to the Districts established in Chapters 17.32 through 17.42 are subject to the general provisions, conditions and exceptions contained in this Chapter. (Ord. 263/1 (part), 1984)

17.48.020 INTERPRETATION OF AMBIGUITY

The Director shall evaluate consistency of uses and site and building design with the standards contained in the zoning regulations. Decisions of the Director as to consistency as part of administrative approvals may be appealed to the Planning Commission within ten days of the subject interpretation. If any ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this Title, or with respect to the matters of height, area requirements, zone boundaries or other standards or requirements contained herein, the Planning Commission shall ascertain all pertinent facts and, in a written report kept on file with the ~~community development~~ Planning and Building department, shall set forth its findings and interpretations pursuant to the procedures contained in Chapter 17.08. Any such interpretation by the Planning Commission as part of a conditional use permit approval or an appeal of the Director's decision may be appealed by any interested party to the City Council within ten days of the adoption of the subject interpretation ~~pursuant to the procedures contained in Chapter 17.08~~. (Ord. 288 Exh. B (part), 1986, Ord. 263/1 (part), 1984)

17.48.030 CONVERTING FRACTIONS TO WHOLE NUMBERS

A. General Rounding

For purposes of this Title, including but not limited to the determination of required parking spaces in accordance with Chapter 17.44, fractions of one-half (.5) or greater shall be rounded up to the next whole number ~~one~~ and fractions of less than one-half (.5) shall be rounded down to the next whole number ~~zero~~, except as provided below.

B. Density Rounding

Other provisions of this Title notwithstanding, for purposes of computing the maximum number of residential units allowed on a lot, any fractions equal to .95 or larger ~~may~~ shall be rounded up to the next whole number ~~one~~ and any fraction less than .95 shall be rounded down to the next whole number ~~zero~~. (Ord. 263/1 (part), 1984)

17.48.040 ACCESSORY BUILDINGS

A. Construction Timing

Accessory buildings shall be constructed with or subsequent to the construction of the main building.

B. Attachment

Where an accessory building is attached to the main building, it shall be made structurally a part of and have a common roof system with the main building, and shall comply in all respects with the requirements of this Title applicable to the main building. Unless so attached, an accessory building in an R District shall ~~be located on the rear one-half of the lot~~ meet the setback, height and coverage requirements of the zone and be at least six *(6)* feet from any dwelling existing or under construction on the same lot or any adjacent lot, except temporary, non-permanent buildings. (Ord. 263/1 (part), 1984)

17.48.~~190~~ 042 BUILDING SEPARATION

A. Minimum Distance

Except as indicated in subsection B of this Section, the minimum distance between primary buildings on the same site shall be ten feet.

B. Exceptions

1. Separation of accessory structures
   The minimum distance between accessory buildings and other buildings on the same lot shall be as provided in Section 17.48.040.

2. Separation from front of residential and commercial buildings
   The minimum distance between the front face of any residential or commercial building and any other building on the same site shall be twenty feet. This minimum distance can be reduced, subject to approval by the ~~building official~~ Director for buildings which are separated by a covered courtyard or passageway. (Ord. 288 Exh B (part), 1986; Ord. 263/1 (part), 1984)

17.48.~~042~~ 045 GARAGE BUILDINGS — GENERAL REQUIREMENTS

A. Setbacks And Interiors

A garage shall not be located within five feet of any alley. ~~In the case of a corner lot, a garage shall not project beyond the front yard required nor shall it extend into any exterior side yard setback.~~ Detached garages only may extend to within one foot of the property line along the rear yard or interior side year. Each garage space shall have a clear interior dimension of a minimum of 10 feet in width by 20 feet in depth. Single vehicle garages shall have a minimum width of eleven (11) feet. Detached garages shall be a minimum of six (6) feet from residence (see Section 17.48.040)

B. Residential Garage Entrances

Residential garage entrances fronting on any street lot line shall be located not less than twenty feet from said lot line except as provided elsewhere in this Title.

C. Exceptions

Notwithstanding any other requirements in ~~the~~ this Title, in cases where the elevation of the front half of the lot at a point fifty feet from the centerline of the public right-of-way is seven feet above or below the grade of said centerline, a private garage, attached or detached, may be built to within five feet of the front line of the lot, provided that the garage has an automatic rolling type garage door opener. For lots located below street grade only, the garage roof portion of the structure may be permitted to extend ten feet above the street grade at the garage location unless the height of the residence is allowed to be constructed taller in which case the garage may be permitted to be constructed to the height of the rest of the residence. (Ord 288 Exh. B (part); Ord. 263/1 (part), 1984)

17.48.050 UNDERGROUNDING OF UTILITY LINES

All utility service lines to all new development, except single family residences, on vacant lands (including the demolition and replacement of individual structures), and to major redevelopment projects, shall be undergrounded. For any project 1.5 acres or larger, all electric distribution and communications lines located on or immediately adjacent to the project site shall be undergrounded in accordance with the applicable rules and regulations of the California Public Utilities Commission. ~~For those developments where the undergrounding of electric distribution and communication lines is not required as a condition of approval of the development, the applicant shall be required to sign and record an agreement to participate in any future underground District that may be proposed. The City Attorney shall prepare a standard document for this purpose, and any deviation from that document shall be acceptable only if approved by the City Attorney~~. (Ord. 263/1 (part), 1984)

17.48.060 MOTORHOMES OR RECREATIONAL VEHICLES

Motorhomes, ~~or~~ recreational vehicles, or other vehicles shall not be used for human habitation or occupied for living or sleeping quarters except when installed within a licensed trailer court, recreational vehicle park or mobile home park. Recreational vehicles, motor homes or boats maintained upon any lot, piece or parcel of land, other than a trailer court, trailer park or mobilehome park, shall comply with the following conditions.

A. Outside Maintenance

Such vehicle or boat shall not be maintained in any required front yard or side street yard.

B. Use As A Residence

Such vehicle or boat shall not be used for sleeping quarters nor shall any sanitary or cooking facilities contained therein be used.

C. Connected To Utilities

Such vehicle or boat shall not be connected to utilities, including but not limited to electricity, gas, water or sewerage. (Ord. 263/1 (part), 1984)

17.48.070 HEIGHT LIMIT FOR PROJECTIONS

Where chimneys over six feet in width, silos, cupolas, flagpoles, monuments, gas storage holders, radio and other towers, water tanks, church steeples and similar structures, mechanical appurtenances, roof furniture and roof equipment are permitted in a District, height limits may be exceeded upon the securing of a ~~Conditional~~ Minor Use Permit in each case. (Ord. 263/1 (part), 1984)

17.48.080 INCREASED HEIGHT LIMIT IN R DISTRICT

In any R District where a Conditional Use Permit is secured for an increased height limit, the front, side and rear yard~~s~~ setbacks shall ~~each~~ be increased by one foot for each one foot by which the building exceeds the height limit herein before specified for such use. (Ord. 263/1 (part), 1984)

17.48.090 INCREASED HEIGHT LIMIT FOR CERTAIN INSTITUTIONAL USES

In any District other than the M-1 and M-2 zones, public and semi-public buildings, schools, churches, hospitals and other institutions permitted in such Districts may be erected to a height not exceeding forty-five feet upon the securing of a Conditional Use Permit; provided that the front, rear and side yards shall be increased one foot for each one foot by which such building exceed the height limit herein before established for such District. (Ord. 263/1 (part), 1984)

17.48.100 FENCING AND SCREENING

Standards for fencing and screening are established by this Section for the following purposes: to protect certain uses from intrusion, to protect the public from uses which may be hazardous, to mitigate incompatibility of differing adjacent land uses by visual screening and to identify site boundaries.

A. Required Fencing And Screening

The following uses and areas shall be fenced and/or screened as provided herein:

1. Mechanical Equipment
When located outside of a building, support equipment including air conditioning and heating devices, ~~water and gas meters~~ but not including plumbing or exhaust vent or chimneys, shall be screened to the height of the particular piece of equipment as follows:

a. Roof mounted equipment
Roof mounted equipment shall be screened by architectural features from the view of abutting streets and from hillside and bluff-top locations.

b. Mechanical equipment when located on the ground
Mechanical equipment, when located on the ground ~~adjacent to a building~~, shall be screened by landscaping, a solid wall or fencing, from the view of the abutting street or surrounding properties.

2. Uses to be screened
The following uses shall be screened from public rights-of-way and surrounding properties by a solid wall or fencing.

a. service areas and facilities,

b. outdoor storage areas,

c. refuse containers,

d. public utility substations, and

e. electrical transformer yards.

3. Nonresidential uses
The side and rear property lines of all nonresidential uses shall be screened as follows:

a. Side and rear property lines abutting a residential District
A six foot high solid wall or fence shall be located on side and rear property lines of any nonresidential or nonagricultural use abutting a residential District.

b. Industrial or service commercial (C-2) Districts
A six foot high solid wall or fence shall be located on the side and rear property lines of any use in an industrial or service commercial (C-2) District, which abuts another zoning District.

B. Exceptions For Required Screening
The following exceptions shall apply to the provisions of this Section.

1. Building walls that abut the lot lines
Required screening or fencing may be omitted along any lot line where a building wall abuts the lot line.

2. Construction at or within a setback line
Where property line fencing or screening is required, the location may be adjusted to allow its construction at or within a setback line.

3. Waivers or modifications
Requirements of this Section may be waived or modified provided that the authority granting approval finds that characteristics particular to the property or vicinity would render required fencing or screening unnecessary or ineffective.

C. Standards For Required ~~Fencing And~~ Screening ~~Materials~~

1. Review and approval
Fencing and screening materials and placement shall be subject to review and approval as a component of any administrative or discretionary review to assure conformance with their intended or required functions as provided herein.

2. Substituted screening
Screening comprised of plant materials may be substituted for a wall or fence where approved by the Director as a suitable alternative and where said hedge can be assured to be maintained at the minimum height required by the Code.

3. Landscaped berms
A landscaped berm may be substituted for a wall or fence provided that the combination of berm and landscaping is no less than the required height of the fence or wall and that the berm is constructed with a maximum slope of 3:1 with side slopes designed and planted so as to prevent erosion and with a rounded surface a minimum of two feet in width at the highest point of the berm, extending the length of the berm.

4. Chain link fencing
Chain link fencing with vertical ~~redwood~~ slats may be substituted for a solid wall or fence in an industrial zone or C-2 District except where screening and fencing is required adjacent to ~~another~~ a residential or G-O District or scenic corridor identified in the Scenic Highway Element, pursuant to subsection A of this Section.

D. General Fencing, Hedge, and Wall Standards

Fences, hedges and walls may be erected in any District subject to the following conditions.

1. Fences, walls and hedges open to the passage of air and light

Fences, walls and hedges, fifty percent or more of the surface of which is open to the passage of air and light, not exceed four feet in height may occupy any required street yard area.

2. Solid fences, walls and hedges
Solid fences, walls and hedges not exceeding three feet in height may occupy any required street yard area.

3. Side or rear yard areas
Fences, walls and hedges not exceeding six feet, six inches in height may occupy any side or rear yard area, provided:

   a. That such fence, wall or hedge does not extend into any required front yard;

   b. That, in the case of a corner lot, such fence does not extend into the street side yard.

4. Walls, fences, and hedges exceeding height standards
Fences or structures exceeding six feet, six inches in height to enclose commercial or industrial uses, tennis courts, or similar areas, when such fences are not in a street setback area ~~enclose the rear half of a lot~~, may be erected subject to the obtaining of a Minor ~~Conditional~~ Use Permit ~~therefor~~.

5. Swimming pool, spa or hot tub fencing requirements
A fence or other structure approved by the Building Official shall be constructed surrounding any swimming pool or spa or hot tub at grade level. The maximum allowable height shall be six feet, six inches; the minimum allowable height shall be six feet; all gates within said fence or other structure shall be self-closing and self-latching. (Ord. 263/1 (part), 1984)

17.48.110 ARCHITECTURAL EXTENSIONS ON RESIDENTIAL STRUCTURES

Architectural features on the residential structures, such as cornices, eaves and canopies may not extend closer than two feet to any lot line. Eaves and canopies may extend a maximum of four feet into the required front or street side setback, but not more than 40% into required setback ~~yard~~. Fireplaces, not exceeding eight feet in breadth and flying buttresses, may extend not closer than three feet to any side lot line or two feet into any front, rear, or street side setbacks. Oriel-type (bay windows supported only by a corbel or bracket) windows may extend not more than two feet into a required setback ~~yard~~. (Ord. 263/1 (part), 1984)

17.48.120 PORCH, LANDING PLACE OR STAIRWAY PROJECTIONS

Open, uncovered, raised porches, landing places or outside stairways in excess of thirty inches above ground elevation may project not closer than three feet to any interior side yard or rear lot line and not exceeding five feet into any required front yard or street side yard setback and no closer than five feet to said lot line. Wind screens/walls must be of a clear material and shall not exceed five (5) feet in height above the floor of the landing or deck. Projections which are less than thirty inches above ground elevation ~~and which are made of combustible material~~ may ~~not~~ project closer than three feet to any ~~side or rear~~ lot line, provided however, that such projections which are made of combustible material may extend to the rear and interior side property line if they terminate at a non-combustible wall or fence which extends at least thirty inches above the projection. (Ord. 263/1 (part), 1984)

For downslope lots, stairs, decks or porches located in the front and exterior side yard setback may be permitted to exceed 30 inches above grade provided that:

1. They do not extend above the height of the top of the curb (or height of the edge of pavement where there is no curb); and

2. They do not extend into the interior side yard or rear yard setbacks.

17.48.130 YARD MEASUREMENT FROM PLAN LINES

Whenever an official plan line has been established for any street or proposed street, yards required by this Title shall be measured from such plan line and in no case shall the provisions of this Title be construed as permitting any encroachment upon any official plan line. For the purpose of determining setbacks and coverage requirements, the property lines shall be interpreted to be the official lot lines except in cases where a street or public area is offered for dedication but not yet been accepted, in which case the line established by the offer for dedication shall be interpreted to be the property line. (Ord. 263/1 (part), 1984)

17.48.140 BUILDING LINES

In cases where there is no public area or street dedication or offers for dedication, ~~the following~~ setbacks shall be required when any land borders on a ~~major or collector~~ future street as designated within the adopted Circulation Element of the General Plan, or any future local street right-of-way or a future public area designated by the City s plans and ordinances. ~~except those street officially designated as a width less than fifty-six feet.~~

~~Front, side or rear yard abutting highway or street measured from centerline.~~

	~~Building Line for Local or Collector Street (56' R/W) (64' C&M dists.)~~			~~Building Line for Major Highway (64' R/W)~~			~~Building Line for Major Highway (84' R/W)~~		
~~District~~	~~Front~~	~~Side~~	~~Rear~~	~~Front~~	~~Side~~	~~Rear~~	~~Front~~	~~Side~~	~~Rear~~
~~R-A~~	~~48'~~	~~38'~~	~~38'~~	~~52'~~	~~42'~~	~~42'~~	~~62'~~	~~52'~~	~~52'~~
~~R-1~~	~~48'~~	~~38'~~	~~38'~~	~~52'~~	~~42'~~	~~42'~~	~~62'~~	~~52'~~	~~52'~~
~~R-2~~	~~48'~~	~~38'~~	~~38'~~	~~52'~~	~~42'~~	~~42'~~	~~62'~~	~~52'~~	~~52'~~
~~R-3~~	~~43'~~	~~38'~~	~~43'~~	~~47'~~	~~42'~~	~~47'~~	~~57'~~	~~47'~~	~~57'~~
~~R-4~~	~~43'~~	~~38'~~	~~43'~~	~~47'~~	~~42'~~	~~47'~~	~~57'~~	~~47'~~	~~57'~~
~~O-A~~	~~48'~~	~~38'~~	~~38'~~	~~52'~~	~~42'~~	~~42'~~	~~62'~~	~~52'~~	~~52'~~
~~P-D~~	~~48'~~	~~38'~~	~~43'~~	~~52'~~	~~42'~~	~~42'~~	~~62'~~	~~52'~~	~~52'~~
~~C-1-N~~	~~42'~~	~~32'~~	~~32'~~	~~42'~~	~~32'~~	~~42'~~	~~52'~~	~~52'~~	~~52'~~
~~C-1~~	~~32'~~	~~32'~~	~~32'~~	~~32'~~	~~32'~~	~~32'~~	~~42'~~	~~42'~~	~~42'~~
~~C-2~~	~~32'~~	~~32'~~	~~32'~~	~~32'~~	~~32'~~	~~32'~~	~~42'~~	~~42'~~	~~42'~~
~~C-H~~	~~32'~~	~~32'~~	~~32'~~	~~32'~~	~~32'~~	~~32'~~	~~42'~~	~~42'~~	~~42'~~
~~M-1~~	~~57'~~	~~42'~~	~~42'~~	~~57'~~	~~42'~~	~~42'~~	~~67'~~	~~52'~~	~~52'~~
~~M-2~~	~~32'~~	~~32'~~	~~32'~~	~~32'~~	~~32'~~	~~32'~~	~~42'~~	~~42'~~	~~42'~~

In any zoning District ~~not herein listed~~ where right-of-ways are not dedicated or offered for dedication, building line setbacks on major or collector highways shall be determined by the City Engineer. Dedication of land required for development of a major or secondary street shall be required at time of the subdivision of any land, or where no subdivision is involved, at time of development. Improvement shall be required as a condition of any Conditional Use Permit or variance and preceding any change of land use. (Ord. 263/1 (part), 1984)

17.48.150 SWIMMING POOLS, HOT TUBS AND SPAS

A. Single-Family Residential And R-2 Districts

In ~~single-family residential~~ R-1 and R-2 Districts, the minimum front yard setback for swimming pools, hot tubes or spas shall be the required building setback plus five feet. Side and rear setback shall be five feet except that on a corner lot, the setback from the side street shall be the required building setback plus five feet. In all other Districts, the setback shall be the same as the required building setback.

B. Filter And Heating Systems

Filter and heating systems, for such pools, tubs or spas shall not be located closer

than twenty-five feet to any property line, except if enclosed and soundproofed in a manner approved by the building official.

C. Coverage

Coverage by an unenclosed swimming pool, tub or spa shall not be considered in measuring maximum lot coverage. (Ord. 263/1 (part), 1984)

17.48.160 REDUCED SETBACK IN SINGLE FAMILY RESIDENTIAL DISTRICTS WITH IMPROVED LOTS

In single family residential Districts, where not less than ~~four~~ one half or more of the lots in a block have been improved with buildings ~~at the time of the passage of the ordinance codified herein~~ (not including accessory buildings other than garages) and where a minimum of 50 percent of those residences have setbacks which are less than that required by the zoning regulations the minimum required front setback for the main building and the garage or carport (but not including decks) shall be the average of the improved lots, if said setback is less than the stated requirements of the Districts but in no case less than 50% of the Code required setback. (Ord. 263/1 (part), 1984)

17.48.170 SIDE YARD WIDTH ON NARROW R-1 LOTS

A. Interior Side Yard Setbacks

The width of interior side yard~~s~~ setbacks for dwellings constructed on R-1 lots of less than stated minimum required widths may be reduced to ten percent of the width of such parcel, but in no case to less than three feet. (Ord. 263/1 (part), 1984)

B. Exterior Side Yard Setbacks

The width of exterior street side yard setbacks shall be twenty percent of the width of such parcel but not less than six feet.

17.48.180 STREET TO STREET R-1 LOTS

These special criteria apply where the majority of lots in a block are street-to-street lots. On any existing east-west oriented R-1 lot whose front and rear yards are both adjacent to a public street, the western frontage shall be considered the front of the lot and the eastern frontage shall be considered the rear of the lot unless otherwise determined by the Planning Commission. Front and rear yards of north-south oriented lots shall be determined by the Director. Said decision shall be based upon the majority of existing building setbacks along the street frontage.

17.48.~~200~~ 190 PROTECTION OF VISUAL RESOURCES AND COMPATIBLE DESIGN

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

A. Protection Of Public Views
Significant public views to and along the coast are protected

B. Natural Landform Protection
Alterations to natural landforms are minimized

C. Compatibility
The development is visually compatible with the character of the surrounding area and any design themes adopted for the area by the City.

D. Visual Quality
Restores and enhances visual quality in visually degraded areas

E. Scenic Area Standards
In highly scenic areas, as depicted in the Morro Bay Coastal Land Use Plan/Coastal Element, the following additional standards shall also apply:

1. Character
   The proposed development shall be subordinate in character to its surroundings.

2. Height/bulk
   The height/bulk relationships in the development shall be compatible with the surrounding area.

3. Parks or open space
   Parks or open space shall be designated and incorporated into new developments.

4. View corridors
   View corridors shall be incorporated into the development to protect significant public views to and along the shoreline and other scenic areas.

5. Landscaping
   Landscaping shall be provided to restore and enhance visually degraded areas using native, if feasible, and drought-resistant plant and tree species.

6. Preservation and enhancement
   Preservation and enhancement of views of the ocean, bay, sandspit and Morro Rock. (Ord. 263/1 (part), 1984)

17.48.~~210~~ 200 ARCHITECTURAL CONSIDERATION IN PERMIT APPLICATIONS

The Planning Commission may approve ~~conditional or special use~~ permits for projects in any Commercial or Industrial Districts or for multi-family residential projects only after finding that the architectural treatment and general appearance of all proposed buildings, structures and open areas are in keeping with the character of the surrounding area, are compatible with any design themes adopted by the City, and are not detrimental to the orderly and harmonious development of the City or to the desirability of investment or occupation in the neighborhood. The applicant for such projects shall submit drawings, sketches, plans or such other information deemed necessary by the Planning Commission to assess the architectural treatment, design and appearance of the subject project. (Ord. 263/1 (part), 1984)

17.48.~~220~~ 210 CORNER LOT SIGHT LINES

On any corner lot, there shall be a triangular area at the corner of the property at the intersection of the streets, which shall be kept clear of visual obstructions from the height of ~~forty-two~~ thirty-six inches to seven feet. Such triangular area shall have sides which extend a minimum of ten feet along each street; provided, ~~however,~~ that the City Engineer may require a larger triangular area if deemed necessary due to topography, curving right-of-ways or any other factor. Upon the approval of the City Engineer, this requirement may be waived for development at controlled intersections (i.e., intersections with stop signs or signals for travelers along at least one right-of-way) (Ord. 263/1 (part), 1984)

17.48.~~230~~ 220 CENTRALIZED MAIL DELIVERY BOXES

In any multifamily residential development containing four or more units, there shall be a centralized security mail delivery station as approved by the U.S. Postal Service for the mailboxes serving all the units in the development. Specific locations for these centralized stations shall be approved by the Director. (Ord. 263/1 (part), 1984)

17.48.~~240~~ 230 REFUSE COLLECTION STATIONS

Refuse collection stations meeting the requirements of Title 8 of the Morro Bay Municipal Code shall be required for all new commercial and industrial projects, major redevelopments and for all new residential projects of three or more units. Such stations shall be screened from the public view in an attractive manner. The type, location and method of screening of refuse collection stations shall be approved by the Director. (Ord. 263/1 (part), 1984)

17.48.250 GARAGE SALES

Garage sales, wherein goods or merchandise, owned by one family, not originally purchased for resale and which are being offered for sale to the general public, may be held in any residential (R) District subject to the following:

~~A. Garage sales will be allowed subject to the securing of a no fee business license.~~

~~B~~A. Multiple Garage Sales
No more than two garage sales at the same address will be permitted in any twelve-month period.

~~C~~B. Consecutive Sale Days
Garage sales will be allowed for a period not to exceed three consecutive days.

~~D~~C. Display Location
All merchandise to be sold will be displayed on the lot and not within the public right-of-way ~~either inside the garage (or carport) or on the rear one-half of the lot.~~
(Ord. 263/1 (part), 1984)

17.48.260 HOME OCCUPATION REQUIREMENTS

A. Home Occupation Permit Required
Home occupations, wherein an occupation is carried on in a residence by its occupant as a use clearly secondary to the residence, may be allowed subject to the approval of a Home Occupation Permit by the Director. The ~~community development~~ Director may attach such conditions to the Home Occupation Permit as are necessary to assure that the home occupation complies with the intent of this Section.

A home occupation may require the approval of a Conditional Use Permit when the Director determines that special conditions of approval may be necessary to insure compliance with this Section or special circumstances require a Planning Commission determination that the home occupation complies with the intent of this Section.

B. General Requirements for Home Occupations
Home occupations shall comply with the following requirements.

1. Location of activities
   Except for approved, day care facilities, activities shall be conducted entirely within the dwelling unit or an enclosed accessory building. The home occupation ~~and~~ shall not alter the appearance of such structures.

2. Sales or displays
There shall be no sales or display on the premises.

3. Signs
There shall be no signs other than address and names of residents.

4. Advertising
Other than business cards or a listing in the phone book, there shall be no advertising which identifies the home occupation by street address.

5. Vehicles
No vehicle larger than a three-quarter ton truck may be used in connection with a home occupation.

6. Encroachment
The home occupation shall not encroach on any required parking, yard or open space areas.

7. Parking
Parking for vehicles used in connection with the home occupation shall be provided in addition to parking required for the residence.

8. Activities
Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the premises, nor use utilities different from those normally provided for residential use.

9. Hazards or nuisances
No use shall create or cause noise, dust, vibration, smell, smoke, glare, or electrical interference, or other hazard or nuisance.

10. Employees
Except for approved day care facilities, no employees other than residents of the dwelling shall be allowed.

11. Number of clients
~~Clients or customers shall not visit the home occupation except for musical instruction or family and childcare instruction.~~ For home occupations other than day-care facilities, the number of clients shall be limited to one at any time, except as provided for in Section 17.48.260C.6. Hours for clients shall be limited to 8:00 a.m. to 8:00 p.m. weekdays and 10:00 a.m. to 5:00 p.m. on weekends and holidays.

12. Rental property
If the occupation is to be conducted on rental property, the property owner s

authorization for the proposed use shall be obtained prior to the issuance of a Home Occupation Permit.

C. Home Occupations Prohibited

The following uses by their operation or nature may interfere with residential activities, and therefore, shall not be permitted as home occupations at the residence.

1. Automotive repair (body or mechanical), upholstery, or painting on the side

2. Barbershop or beauty shop

3. Carpentry or cabinetmaking

4. Welding or machining

5. Medical office, clinics or laboratories

6. Private schools
   Musical instruction or training for more than three students at one time.

7. Appliance, radio, or television repair

8. Printshops

9. Bakeries

10. Commercial and industrial
    Other full scale service-commercial, retail or manufacturing uses permitted in the commercial and industrial zones.

11. Vehicular traffic generating businesses
    Other uses that would generate ~~a significant~~ an amount of vehicular traffic exceeding ~~over what would be~~ the normal amount of traffic associated with the residence.

D. Enforcement

Whenever any general requirement or permit condition is not complied with, or any home occupation causes a nuisance or otherwise interferes with other property or residents in the vicinity, the Home Occupation Permit or the Use Permit may be revoked pursuant to the notice and hearing provisions of Section 17.60.120. (Ord. 421/3, 1992; Ord. 263/1 (part), 1984)

17.48.265 BED AND BREAKFAST

In a residential zone, buildings used as a bed and breadfast shall maintain a residence like appearence and shall not detract from the character of the surrounding neighborhood.

17.48.270 AMUSEMENT AND PINBALL MACHINES AND ARCADES

A. Permitted As Accessory Use (no use permit required)

Three coin-operated amusement machines or devices (excluding jukeboxes, vending machines and pool tables) shall be allowed within the commercial (including Planned Development suffix) zones of the City when clearly operated as an incidental or accessory use to the principally permitted use of the property; and in accordance with the following criteria:

1. Accessory activity
   Amusement machines shall be expressly reviewed and listed as an accessory activity in any zone which requires a Special or Conditional Use Permit to be obtained for the principal business enterprise.

2. Principal business activity
   Amusement machines or devices shall not be operated as the sole or principal business activity.

3. Number of amusement machines or devices
   No more than the stated number of amusement machines or devices shall be allowed in conjunction with the operation of an approved legally conforming business enterprise.

4. Gross enclosed floor area
   No more than ten percent of the gross enclosed floor area of a business shall be devoted to amusement machines, and amusement machines shall not be permitted out of an enclosed structure.

B. Permitted With A Conditional Use Permit

1. Four (4) or more machines
   Where so designated in Chapter 17.24.090 of this Title, amusement and pinball machine arcades consisting of four or more mechanical or electronic machines or devices may be permitted subject to obtaining a Conditional Use Permit.

2. Planning Commission Approval
   The Planning Commission shall conduct a noticed public hearing and report its findings to the City Council who, at a noticed public hearing, shall render its final decision on Conditional Use Permit issuance. This action shall be in conjunction with any City licensing procedures required of arcade operations.

3. Location criteria

In addition to the findings required by Section 17.60.030 of this Code for issuance of a Conditional Use Permit, the City Council shall determine that the subject application meets the following location criteria prior to approving a permit.

a. Arcade siting
That in general, no arcade site shall be located ~~close to~~ within 300 feet of a school facility, a park playground, a liquor store or bar and in general located away from residential use zones or places of religious worship.

C. Conditions Of Approval

Standard conditions and limitations shall be imposed by the ~~City Council~~ Planning Commission in the approval of all conditional use permits for arcades involving four or more machines or devices. The following requirements shall apply in addition to any other provisions for an arcade permit approval.

1. Non-transferability
The Conditional Use Permit shall only authorize the individual(s) named in the application to conduct the arcade business and shall not be transferable to another property or person.

2. Duration of permit
The Conditional Use Permit shall only remain valid for that period of time in which a City license is in full force and effect.

3. Parking
Vehicle and bicycle parking shall be provided onsite, as required by Chapter 17.44 of this Title.

4. Restrooms
A public restroom for each sex shall be provided within the arcade.

5. Lighting
Exterior security lighting shall be provided in all parking and outdoor public areas.

6. Maintenance
All machines or devices shall be maintained within an enclosed building.

7. Exercise of the permit
That all other local, state or federal laws or regulations be observed in the exercise of the permit. (Ord. 263/1 (part), 1984)

17.48.280 PUBLIC ACCESS TO AND ALONG THE SHORELINE

For new development (defined by the Coastal Act) adjacent to the bayfront or ocean, open and unobstructed public access shall be provided from the nearest public roadway to the shoreline and along the coast as required herein.

A. Lateral Access Requirements

1. Easements
For new developments on properties adjacent to the mean high-tide line, easements or offers of dedication for open and unobstructed public accessways along the shoreline between the mean high-tide line and the first line of vegetation shall be required, except as provided herein.

2. Lateral public access
Open and unobstructed lateral public access along the waterfront revetment (or shoreline, pursuant to subdivision 1 of this subsection if no revetment exists) shall be provided in all new development or additions on properties adjacent to the bayfront consistent with the provisions herein, and with public safety needs and the need to protect public rights, rights of private property held by leaseholders and natural resource areas from overuse. Provision for continuous lateral access, pursuant to this Section, along the bayfront portion of a parcel shall be required for any development or improvement which results in:

   a. Change in use
   A change in the category of land use, a change in intensity of use or change of use.

   b. Additional floor area or improvements
   An increase of ten percent or more of internal floor area of an existing structure or an additional improvement of ten percent or less where an improvement to the structure has previously been undertaken.

   c. Increase in height
   Any increase in height by more than ten percent of an existing structure.

   d. Significant nonattached structures
   Any significant nonattached structure such as garages, fences, shoreline protective works or docks.

3. Lateral access
Lateral access along the waterfront revetment may be achieved in the following manner:

   a. Walkways
   In the form of open or enclosed unobstructed walkways a minimum of eight feet wide across the bayward side of the proposed development.

b. Decking and/or boardwalks
Open and unobstructed exterior decking and/or boardwalks extending bayward a minimum of twelve feet.

c. Breezeways and/or walkways
Designated open, and unobstructed breezeways and/or walkways within the structure, provided such breezeways are located at close as possible to the bay and are designed to provide the most direct, convenient connection between adjacent existing or potential lateral accessways. Exterior access is preferred over interior access.

~~4. For coastal-dependent developments. . .~~ **[Moved to 17.48.280.C.1]**

B. Vertical Access Requirements

1. Vertical access to shoreline
New development adjacent to the bay or ocean shall include provisions for open and unobstructed vertical access to the shoreline, except as provided in Subsection C ~~below~~. Where feasible, vertical access should line with lateral access.

2. Parking
Parking shall be provided in conjunction with new or improved vertical accessways whenever feasible and consistent with the site constraints to ensure use of the accessway. The number of spaces shall be determined by the Director, who shall consider the carrying capacity of the public recreation area to which access is provided, environmental constraints and safety considerations.

C. Exceptions

1. Lateral Access
The lateral access requirements specified in subsection A of this section may be waived in the following situations:

a. When the applicant can demonstrate, based on an engineering analysis, that all or a portion of such access is physically infeasible and there are no design alternatives capable of overcoming topographical or site constraints that jeopardize public safety and fragile coastal resources.

b. If continuous lateral access across the bayward portion of the parcel is found not to be feasible due to topographical or site constraints as defined in (a.) above, the contribution of an in-lieu fee, equivalent to the cost of construction of an accessway along the bayward edge of the structure proposed, shall be paid to the City. Fees shall be used to coordinate the bayfront lateral and vertical access program, and shall be used to link lateral

access where feasible and to improve vertical access provisions.

c. For coastal-dependent development where provisions of continuous lateral access would conflict with the day-to-day operations of the use, such lateral access may not be required; provided, however, that maximum provisions for public viewing areas and/or walkways are provided in suitable locations in the development.

~~1~~2. Vertical Access.
The vertical access requirements specified in subsection ~~A and~~ B of this section may be waived in the following situations:

a. The provisions of new accessways are inconsistent with public safety, military security needs or the provision of fragile resources; or

b. Adequate access exists nearby; or

c. Agriculture would be adversely affected.

~~d. That the applicant can demonstrate, based on an engineering analysis, that all or a portion of such access is physically infeasible and there are no design alternatives capable of overcoming topographical or site constraints that jeopardize public safety and fragile coastal resources. In such cases, the applicant shall contribute to the City an in-lieu fee equivalent to the cost of construction of an accessway along the bayward edge of the proposed structure.~~

D. Prescriptive Rights

Development shall not interfere with the public s right of access to the sea where required through use or legislative authorization. Such access shall be protected through permit conditions or permitted development including easements, dedications or continued access way maintenance by a private or public association. Existing identified trails or other access points shall not be required to remain open, provided that they are consolidated or relocated to provide public access on the same site and provides the same or comparable access benefits as existed before closure and meet all other applicable access requirements as provided in this Section.

E. Public Use And Posting

1. Public accessways
All public accessways shall be properly signed and conform to Coastal Conservancy/Coastal Commission access standards and guidelines.

2. Dedicated accessways
Dedicated accessways shall not be required to be opened to public use until a public agency or private association approved by the City Council agrees to

accept responsibility for maintenance and liability of the accessway.

F. Other Access Requirements

Notwithstanding the requirements of this Section, additional public access provisions on the southern WF/PD District will be required as stated in Policy 1.29 of the Coastal Land Use Plan. (Ord. 263/1 (part), 1984)

17.48.290 LANDSCAPING

The purpose of landscaping standards include the following: to provide areas on sites which can absorb rainfall to assist in reducing storm water runoff; to control erosion; to enhance the appearance or architectural composition of all development; to provide shade or wind break; to restore visually degraded areas; to decrease glare; to encourage lower water consumption; and to help provide privacy.

A. Required Landscaping

Landscaping which meets the provisions of this Section shall be required for the following:

1. General
   For commercial, industrial, mixed use and residential development or redevelopment (see definition in Section 17.12), (except for single family dwellings) as required by Chapter ~~17.32~~ 17.24. ~~Redevelopment shall be defined as replacement of structures or cumulative additions of more than fifty percent of the total floor area of existing structures, or two thousand square feet, whichever is greater.~~ **[Moved to 17.12.501 - defeinitions]**

2. In parking and loading areas as provided in Chapter 17.44.

3. In Planned Development (PD) suffix zones as provided in ~~Chapter 17.36~~ Section 17.40.030

4. In community housing projects as provided in Chapter 17.49.

5. Condition of approval
   Where required as a condition of approval for the following

   a. Permits
      A use permit, conditional, special or interim, as provided in Chapter 17.60

   b. Variance
      A variance as provided in Chapter 17.60

6. In mobilehome parks ~~as provided in Chapter 17.50~~

7. In bluff areas as provided in Chapter 17.45

8. In setback areas fronting on an adjacent public street

9. City entryways and along scenic roadways
For new development or redevelopment at City entryways and along scenic roadways as defined in the Scenic Highway Element of the General Plan.

10. On cut and fill slopes for erosion control purposes and/or slope stability

B. Exceptions
The following exceptions shall apply to the provisions of this Section.

1. Agriculture District
Except as may be required by conditions for permitted commercial uses as provided in Section ~~17.39.130~~ 17.24.020 of this Title, landscaping is not required in areas cultivated or maintained in native vegetation.

2. ~~Requirement~~ Modifications to Standards
When it is found that characteristics particular to the property, vicinity or use would render required landscaping ineffective or unnecessary, the authority granting approval may waive, modify or increase the landscaping requirements so long as such modifications do not violate the intent of this Section.

C. Standards For Landscaping
Landscaping required by this Chapter, including the materials used, manner of installation and maintenance methods, shall conform to the following standards

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

a. Trees, shrubs, hedges, groundcover, vines, flowers or lawns
A variety of native and drought resistant plant and tree species shall be used wherever possible.

b. Other decorative materials
Brick, bark, timber, decorative rock or other decorative materials, provided that materials other than plantings are not to exceed fifty percent of the total area of landscaping.

c. Natural features
Natural features such as rock or stone outcrops

d. Structural features
Structural features including fountains, pools, artwork, walls and fences

2. Excluded Materials
Landscaping proposed to satisfy the requirements of this Chapter shall not include plant materials with the following characteristics.

a. Root structure
Having root structures, which in their mature state may damage or interfere with the normal use of the following:

(1) Existing public or private underground electrical lines, cables, conduits, pipes or other underground structures;

(2) Public or private sidewalks, curbs, gutters or paved parking areas.

(3) Drainage improvements, or adjacent structures, foundations or other landscape materials;

b. Unsuitable combinations
Will be an unsuitable combination of species and/or location and thereby jeopardize health or growth;

c. Fire
Will create, because of proposed location and type, a potential hazard of fire;

d. Obstruction of vision
Will obstruct the vision of vehicle operators or pedestrians, on public right-of-ways or at points of intersection;

e. Sight lines and view corridors
Will negatively intrude upon sight lines and view corridors as defined and identified in the Coastal Land Use Plan/Coastal Element.

3. City Entryways and Scenic Roadways
For proposed development or redevelopment at City entryways and along scenic roadways as specified in the Scenic Highway Element of the General Plan, the authority granting approval shall review landscape plans to insure that the following elements have been incorporated as appropriate into the project.

a. Use and placement
Use and placement of landscaping materials which will protect, frame and enhance views.

b. Screening
Use of landscaping materials to screen unsightly views and enhance the appearance of structures and uses.

c. Harmonious and balanced site design
Use of landscaping to integrate all site elements including structures, signing, parking and lighting in a harmonious and balanced site design.

4. Irrigation Required
Landscaping plans as required herein shall include provisions for permanent irrigation of all landscaped areas. ~~Wherever feasible, underground~~ Drip irrigation shall be utilized in lieu of sprinkler or bubbler heads wherever feasible. Hand watering from hose bib connections shall not substitute for the irrigation system required herein unless specifically authorized.

5. Timing of Installation
All required plantings shall be in place prior to establishment of a use or issuance of a certificate of occupancy as provided by Section 14.16.010 of this Code. Any landscaping not installed prior to occupancy shall be bonded in the amount of the estimated cost of landscaping and irrigation materials and installation.

6. Proper Maintenance Required
All required plant materials shall be maintained in a clean and neat condition. All landscaping shall be cared for, maintained, watered, fertilized, fumigated, pruned and kept in healthy growing condition. Where a required planting has not survived, it shall be promptly replaced with new plant materials having similar functional characteristics and of a size either equivalent to or exceeding the original size.

D. Landscaping Plans

A landscaping plan, identifying the placement and type of plant materials as features of project design, shall accompany all applications for development where landscaping is required in accordance with the provisions of this Section.

1. Landscaping Plan Content
Landscaping plans shall be drawn at an appropriate scale to enable ready identification and recognition of information submitted. Where a development project involves only a portion of a site, the landscaping plan need only show the areas where existing soil contours and vegetation will be disturbed by construction or use, or other areas where landscaping is required. Submitted plans shall include the following.

a. Trees
The location of all trees existing on-site with trunks over 6 inches in diameter, or over 2 inches in diameter for oak trees, measured 4 feet above the ground. Trees proposed for removal shall be identified.

b. Landscaping details
Proposed landscaping details, including the number, location, species and size of plant material.

c. Details and location of proposed fencing, entries, refuse collectors and free-standing or monument signs.

d. Walkways, plazas and sitting areas, play areas, street furniture and other existing or proposed permanent outdoor equipment or decorative landscape features, if any.

e. Outdoor light fixtures
Outdoor light fixtures, including their location, height, ~~and~~ intensity, and type.

f. Irrigation
Proposed method and location of irrigation.

g. Interim landscaping
Interim landscaping for future phases where deemed necessary by the City.

h. Evaporation reduction
Mulch material and location to reduce evaporation.

2. Plan Review and Approval
Landscape plans as required herein shall be subject to review and approval as follows:

a. Review
Such plans shall be subject to approval by the Planning Commission or City Council in accordance with the provisions of this Title, except~~, however,~~ that such plans which are components of applications requiring only administrative approval shall be reviewed and approved by the Director. Said plans shall be prepared by persons knowledgeable in drought resistant plantings and low water use irrigation systems.

b. Approval
Such plans shall be approved when they are found to satisfy the requirements for landscape materials and placement, irrigation and maintenance as required by this Section. (Ord. 263/1 (part), 1984)

17.48.300 REVIEW OF PROJECTS ~~NEAR~~ WHICH DRAIN INTO NEARBY ENVIRONMENTALLY SENSITIVE HABITAT AREAS.

The following special review procedures shall be applied to any development within one thousand feet of any wetland or within two hundred fifty feet of any other environmentally sensitive habitat area as depicted in the Morro Bay Coastal Land Use Plan/Coastal Element, or which the Director has determined could adversely affect sensitive habitats.

A. Information Required

For any development which would result in runoff or other surface waters to drain into wetlands, streams or other environmentally sensitive habitat area, or increased pedestrian or vehicular access or other human activities in environmentally sensitive habitats or their prescribed buffer areas, or any other activity which the Director has determined could produce significant adverse impacts on environmentally sensitive habitats, submission of the following information, as applicable, shall be required:

1. Run-off
   Estimated volume of run-off, type and location of drainage facilities, and possible pollutants or contaminants.

2. Pedestrian or vehicular intrusions
   The nature of possible pedestrian or vehicular intrusions, estimated traffic volumes and their probable locations.

3. Any other information required by the Director.

B. Project Assessments

The Director shall review the project for possible impacts on sensitive habitat areas. If the Director determines that the project could adversely affect sensitive habitats, an impact assessment conducted by a qualified biologist shall be prepared and submitted to the Director for approval. Such impact assessments shall include an analysis of measures to avoid or mitigate possible adverse impacts.

C. Project Approval

A project may be approved only if it is designed to minimize adverse effects on sensitive habitat areas and will not result in significant disturbance to or degradation of such areas, and is consistent with all ESH protection policies. (Ord. 263/1 (part), 1984)

17.48.310 PROTECTION OF ARCHAEOLOGICAL RESOURCES

A. Intent

It is the City s intent that significant archaeological and historic resources shall be protected, to the greatest extent possible, both on public and privately held lands.

B. Archaeological Reconnaissance

An archaeological reconnaissance by a qualified archaeologist shall be required as

part of initial review for application submission for the following proposed development projects:

1. Potential archaeological sites
~~In~~ Projects located within 300 feet of areas identified by the City through an archaeological resource inventory as having potential archaeological sites.

2. Archaeological resources
Where evidence of potentially significant archaeological resources is found in an initial study conducted pursuant to the California Environmental Quality Act (CEQA).

C. Mitigation Plans For Archaeological Sites

Mitigation plans for the protection of archaeological resources during development and related activities shall be required in accordance with the following provisions.

1. Site reconnaissance
Where unique, significant or valuable archaeological resources are found as a result of a site reconnaissance as required above, the City shall either require a mitigation plan to protect the site, or to recover the resources.

2. Construction
Where archaeological resources are discovered during construction of new development (including otherwise ministerial activities such as repair and maintenance of certain public utility facilities) all activities shall cease. Such activities may resume when the Director finds the following:

   a. Determination of significance
   That a qualified archaeologist knowledgeable in Chumash culture has determined the significance of the resource and the designated mitigation measures for the protection of such resources;

   b. Potential impacts
   That the potential impacts of the development will be mitigated in the manner recommended by the archaeologist, and/or by one of the following techniques:

      (1) Removal of artifacts;

      (2) Dedication of impacted area as permanent ~~upon~~ open space;

      (3) Coverage of the archaeological site by at least twenty-four inches of sterile sand;

      (4) Any other available measures to avoid development of significant archaeological sites, including purchase tax relief and transfer of

development rights.

D. Activities Other Than Development
Activities other than development which could damage or destroy archaeological resources including but not limited to off-road vehicle activity and unauthorized collecting of artifacts, shall be prohibited unless specifically permitted by the Planning Commission with provisions for adequately protecting any archaeological resources. (Ord. 263/1 (part), 1984)

17.48.315 ~~320~~ GUESTHOUSES/QUARTERS AND ACCESSORY LIVING AREAS

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

A. Guesthouse Restrictions
A ~~detached~~ guesthouse shall not contain more than six hundred forty (640) square feet of habitable floor area containing not more than one bedroom and bathroom nor shall it exceed thirty (30) percent of the floor area of the main residence, and no cooking or food preparation or food storage facilities shall be provided.

B. Use Permit Requirements
A guest house may be permitted only after obtaining a Minor ~~Conditional~~ Use Permit pursuant to Chapter 17.60. In all cases, the Director ~~Planning Commission~~ shall require the recordation of a deed restriction limiting the use to guest purposes only and prohibiting its rental or occupation as a second unit. Such deed restriction shall be subject to the approval of the City Attorney. (Ord. 288 Exh. B (part), 1986; Ord. 263/1 (part), 1984)

17.48.320 GRANNY SECOND UNITS

The purpose of this Section is to provide affordable low- and moderate-income housing. Pursuant to Government Code Section 65852.2, in zones where designated, a permit may be granted allowing a granny second unit on lots where there is one single-family residence, subject to the following provisions:

A. Minor Use Permit and Deed Restriction Required
A granny second unit may be permitted only after obtaining a Minor Use Permit pursuant to Chapter 17.60. A deed restriction in a form approved by the City Attorney shall be recorded limiting the use of said real property to residential purposes only.

B. Location
Said unit may be located, as an accessory use, on any lot zoned for single-family or multi-family uses in accordance with the District Tables in Chapter 17.24 where a

primary residential use has been previously established or proposed to be established in conjunction with said unit.

C. Lot Coverage

A granny second unit shall not exceed the maximum lot coverage allowed for the District that it is located in.

D. Design

Said unit shall be consistent with the architectural style of the main residence and the neighborhood, and shall be located on the same lot as the primary residence.

E. Size

The total floor area, not including a garage, for a granny second unit shall not exceed 1,200 square feet.

F. Parking

A minimum of one additional parking space per bedroom, not to exceed two spaces, shall be provided. Off-street parking shall be permitted in setback areas or through tandem parking, unless the following specific findings are made:

1. That parking in setback areas or tandem parking is not feasible based upon specific site topography constraints or adverse fire and life safety conditions, or

2. That it is not permitted anywhere else in the City.

G. Water Equivalencies and Other Public Facilities

The developer shall obtain and/or pay for all applicable water equivalency and other public facility improvements at the standard set for an apartment unit prior to issuance of a building permit, but will not be subject to a residential unit allocation under the provisions of Measure F.

H. Compliance with Title 14

A granny second unit shall be in conformance with all applicable provisions of Title 14 of the Morro Bay Municipal Code in addition to the applicable requirements for height, setback, lot coverage, etc. pursuant to the provisions of Chapter 17.24.

I. Use Limitation

Single family residences with approved granny second units shall not have the granny unit rented independent of the main residence when neither is occupied by the owner.

17.48.325 WET BARS AND BATHROOMS

Sinks or lavatories in residential units, except in bathrooms, kitchens, garages or rooms clearly used only for laundry purposes, shall be prohibited unless and until a deed restriction is recorded to run with the property restricting the wet bar from

being converted into a sink for a second residential unit.

Bathrooms located within garages and accessory buildings not approved for living space shall only be permitted when a deed restriction is recorded to run with the property restricting the bathroom and adjoining space from being converted into living space for residential purposes.

Such deed restrictions shall be subject to the approval of the City Attorney prior to recordation. (Ord 288 Exh. B (part) 1986)

17.48.330 STORAGE OR PARKING OF VEHICLES FOR SALE RESTRICTED

Vehicles, including trucks, cars, boats, motorcycles and recreational vehicles, shall not be permitted to be parked or stored on private property in a location viewable from public rights-of-way in any zoneing District for the primary purpose of sale or rental, except on the premises of a business enterprise authorized to conduct such sale or rental unless specifically approved by the Director. (Ord. 263/1 (part), 1984)

17.48.340 SATELLITE DISH ANTENNAS ~~IN RESIDENTIAL DISTRICT~~

The intent of this Section is to establish regulations which allow for the reasonable use of various telecommunication reception technologies while at the same time protecting other community values such as public safety, views and neighborhood character.

A. Small Dish Antennas

Any satellite dish antenna which is equal to, or less than, thirty inches in diameter or equal to, or less than seven square feet in area may be permitted in any ~~residential~~ District ~~in conjunction with a residential use~~ provided, however, that said satellite dish antenna is not located in any required setback area and the height limit for the zoning District is not exceeded.

B. Large Satellite Dish Antennas in Residential Districts

Satellite dish antennas which are larger than thirty inches in diameter or seven square feet in area may be permitted in any residential District in conjunction with a residential use subject to the following standards.

1. Setbacks
   Such satellite dishes shall not be located in any required setback.

2. Height limit
   The height limit for the District shall not be exceeded.

3. Location

Such antennas shall be located above the first floor or enclosed within a six foot high fence

4. Proximity to structures
No detached satellite dish antenna shall be located closer than six feet from any building.

~~C.~~5. Exceptions
Any satellite dish antenna which does not meet the requirements of subsection A or B of this Section, may be permitted in any residential District in conjunction with a residential use subject to obtaining a Conditional Use Permit from the Planning Commission. In addition to the findings required by Chapter 17.60, the Planning Commission shall also find that the intent of this Section is satisfied in its consideration of the Use Permit request. (Ord. 263/1 (part), 1984)

D. Large Satellite Dish Antennas in Non-Residential Districts
Satellite dish antennas which are larger than thirty inches in diameter or seven square feet in area may be permitted in a non-residential Districts with a Conditional Use Permit.

Chapter 17.49

COMMUNITY HOUSING PROJECT REGULATIONS, RESIDENTIAL CONVERSIONS AND DEMOLITIONS

SECTIONS:

17.49.010	Purpose ~~and intent~~
~~17.49.020~~	~~Definitions~~ **[Moved to 17.12]**
17.49.~~030~~ 020	Community housing projects permitted
17.49.~~040~~ 030	Application requirements
17.49.~~050~~ 040	Acceptance of reports
17.49.~~060~~ 050	Action on application
17.49.~~070~~ 060	Findings required
17.49.~~080~~ 070	Tenant protection provisions
~~17.49.090~~	~~Buyer Protection provisions~~
17.49.~~100~~ 090	Development standards for community housing developments

17.49.010 PURPOSE ~~AND INTENT~~

The purpose ~~and intent~~ of this chapter ~~are~~ is to:

A. Establish Conditions And Procedures
Establish conditions and procedures under which new and converted community housing projects could occur in Morro Bay.

B. Promote Individual Choice
Promote greater individual choice in the type, quality, price, and location of housing.

C. Insure Balance
Insure a reasonable balance of rental and ownership housing in Morro Bay.

D. Maintain Supply
Maintain the supply of housing for low to moderate income families.

E. Provide Compliance And Consistency
Provide compliance and consistency of community housing projects with the City s Land Use Element, Housing Element, ~~and~~ the State Subdivision Map Act, and Government Code Section 65590.

F. Facilitate New Opportunities
Expand and facilitate new opportunities for home ownership by those who may not be able to afford traditional types of housing.

G. Provide Standards
Provide development and design standards for community housing projects.

~~H. Protect the buyers of new and converted community housing projects.~~

~~H~~H. Reduce Hardships
Reduce, avoid, and mitigate the hardships associated with the displacement of tenants in ~~community housing~~ conversions and demolition of affordable units.

~~J~~I. Insure Safety
Insure the safety of community housing conversion projects and to correct any code violation in such projects.

~~K~~J. Provide Clear Procedures
Provide owners and landlords of apartments with clear procedures and rules they can use to initiate community housing conversion projects or demolition of apartments. (Ord. 263/1 (part), 1984)

17.49.~~030~~ 020 COMMUNITY HOUSING PROJECTS PERMITTED

A. General Requirements
Community housing projects ~~may~~ shall be required ~~allowed in any district upon the~~ to secur~~ing of~~ a Conditional Use Permit and a Tentative Tract Map as provided in this ~~code~~ ordinance and a finding that the project is consistent with the General Plan and Coastal Land Use Plan, and further provided that:

1. Consistent with current regulations
   Regulations governing use, density, building height, required setbacks ~~yards~~, building separation, signs, and off-street parking and other explicit regulations of the zoning district within which the site is located, shall apply unless otherwise stipulated in this section,

2. Complies with specific provisions
   The community housing project fully complies with the special application requirements, development standards, and other specific provisions applicable

to the project as set forth in this section.

B. Approval

No person, firm, corporation, partnership, or other entity shall convert or demolish apartments to create a community housing project without first having said conversion approved by the Planning Commission or the City Council on appeal. (Ord. 263 & 1 (part), 1984)

17.49.~~040~~ 030 APPLICATION REQUIREMENTS

A. All Community Housing Projects

In addition to the existing requirements of this code, an application for a Conditional Use Permit for all community housing projects shall be accompanied by the following:

1. Location map
   A map depicting the general location of the site in the community;

2. Tract map
   Proposed Tentative Tract Map;

3. Site plan
   A plan drawn to a workable scale which shall include at least the following:

   a. General building information
      The location, height, gross floor area, the proposed uses for each proposed new or existing structure, and the relationship of these buildings to property lines and buildings on adjacent properties,

   b. Location of Structures
      The location of each proposed community housing unit,

   c. Site characteristics and surface improvements
      Existing contours at reasonable intervals, the area, extent and amount of cubic feet of earth proposed to be graded or filled, and the proposed building pad elevations and percent of slope for all driveways and parking areas and ~~d.~~ the location, use and type of surfacing for all proposed driveways, pedestrian ways, vehicle parking areas, curb cuts,

   e d. Parking spaces
      The location, size, and number of parking spaces to be used in conjunction with each unit,

   f e. Landscaping
      The location of all existing and proposed landscaping, the type of landscaping, initial planting size, method of irrigation, and a statement

specifying private or common maintenance,

~~g~~ f. Signs
The location, type, and size of proposed signs,

~~h~~ g. Exterior lighting fixtures
The location and type of proposed exterior lighting fixtures,

~~i~~ h. Enclosures
The location, height, and type of materials for proposed walls, fences, or trash enclosures,

~~j~~ i. Screening
The location, size, and method of screening for any proposed outdoor storage areas,

~~k~~ j. Recreational facilities
The location and use of all proposed recreational facilities,

~~l~~ k. Utilities
The location, type, and size of all proposed utilities and utility meters.

~~m~~ l. Drainage
The location, type and size of all proposed drainage ways, pipes, or structures, and

~~n~~ m. Open space areas
The location and size of all private and common open space areas.

4. Building plans
Plans which shall show the following:

a. Floor plans
Floor plans depicting the number of rooms and estimated square footage of each proposed community housing unit,

b. Elevations
Elevations of the proposed structures showing the architectural features and materials of construction.

5. Organizational documents
The application shall be accompanied by the declaration of covenants, conditions, and restrictions (CC&R s), articles of incorporation, bylaws, and any contracts for the maintenance, management, or operation of all or a portion of any community housing project which would be applied on behalf of any and all

owners of condominium units within the project.

In addition to the requirements of Civil Code Section 1355 and any requirements the City may impose consistent with these regulations, the organization documents shall contain provisions concerning:

a. Organization and responsibilities of a homeowners' association,

b. The conveyance of units,

c. The assignment of parking,

d. An agreement for common area maintenance, including facilities and landscaping,

e. An estimate of initial fees anticipated for common area maintenance,

f. An assignment of responsibilities for maintenance of all utility lines and services, and building exteriors of each unit,

g. In the case where affordable housing units are required, the CC&R s shall define the methods for protecting said housing as affordable for the period of time required by Code or through any required discretionary approvals.

B. Conversion For Community Housing Projects

In addition to the information required by other applicable provisions of this code and state law, application for a Conditional Use Permit and/or Coastal Development Permit for a conversion or demolition of apartments or rented units (except one single-family residence) ~~project~~ shall be accompanied by the following at the time of application:

1. Property Condition Report For Conversion Projects
A property condition report shall include an evaluation of the condition, age, and expected useful life of all buildings and site improvements. Said report shall include the following:

a. Building and zoning history
A building and zoning history, to the extent available, detailing the date of construction, major uses since construction and the dates, natures, and scope of major repairs and alterations since construction,

b. Structure - evaluation of condition
An evaluation of the condition of all structural and mechanical elements of the buildings, including the foundations, roofs, windows, walls, ceilings, all plumbing, heating, electrical, and ventilation elements of the buildings,

and any appliances which will be sold with the units,

c. Site - evaluation of condition
An evaluation of the condition of all parking, landscaping, and common areas,

d. Common walls - evaluation of sound transmission
An evaluation of the sound transmission of common walls that will separate individual dwelling units,

e. Pest control operator report
A report from a licensed pest control operator, approved by the City, on each structure and each unit within the structure,

f. Report on known problems
A report on any known soil, geological, or drainage problems relating to the structures and site improvements,

g. City Building Inspector report
A report prepared by the City Building Inspector identifying all items not consistent with the City s building, property maintenance, fire, and housing codes, and California Administrative Code, Title 19, with special regulations for existing buildings,

h. Compliance with City codes
A statement of repairs and improvements to be made by the applicant necessary to bring it into compliance with City codes or to otherwise restore or refurbish the project to achieve a high degree of safety and an attractive appearance.

2. Rental History Report
The application shall be accompanied by a rental history report providing the following information:

a. Rate history
Rental rate history for each unit for the previous three years,

b. Vacancy rate
Vacancy rate for each month during preceding three years,

c. Tenant identification
The name, address, and telephone number of each tenant occupying the units to be demolished or converted.

3. Evidence of Delivery of Notice of Intent to Convert or Demolish
The application shall be accompanied by signed copies from each tenant of the

notice of intent to demolish or convert as specified in Section 17.49.~~080~~ 070. The applicant shall submit evidence that a certified letter of notification was sent to each tenant for whom a signed copy of said notice is not submitted at the time of application.

4. Relocation Assistance Plan
The application shall be accompanied by a relocation assistance plan prepared by the developer that shall contain the following information:

a. List of available rental units
A list of available rental units of similar price in the same general area as the building proposed for conversion,

b. Developer statement to relocate
A statement that the developer will make all necessary arrangements and pay all reasonable costs up to two times the monthly rent of the unit to relocate nonpurchasing tenants into rental units of similar price in the City if the tenant agrees to such a relocation, or

c. Developer statement to reimburse
A statement that the developer will reimburse tenants for any reasonable moving expenses up to two times the monthly rent of the unit if comparable rental housing is not available ~~or if the tenant chooses to move out of the community~~,

d. Developer statement of responsibility
A statement that the developer will not be responsible for arranging relocation or reimbursing the moving expenses of those tenants who would be relocating for reasons unrelated to an application to demolish or convert.

5. Other Information
The application shall be accompanied by any other information which may be required to assist in determining whether the proposed project will be consistent with the findings required to be made under subsection B of Section 17.49.~~070~~ 060 or will qualify for an exception to these findings as provided in paragraph 4 of subsection ~~C~~ B of Section 17.49.~~070~~ 060. (Ord. 263 & 1 (part), 1984)

17.49.~~050~~ 040 ACCEPTANCE OF REPORTS

The final form of any reports, documents, plans, and other submittals required by these regulations shall be of a form approved by the ~~community development~~ Director. The reports shall remain on file with the ~~community development~~ Planning and Building Department for review by any interested person. The reports shall be referenced in the subdivision report to the Planning Commission. (Ord. 263 & 1 (part), 1984)

17.49.~~060~~ 050 ACTION ON APPLICATION

A. Acceptance of Applications

Application for community housing projects, conversions or demolition shall not be accepted or processed by the City unless deemed by the Director complete and in full compliance with the application requirements ~~by the community development director~~.

B. Processing of Applications

Applications for a Conditional Use Permit, Coastal Development Permit, and Tentative Tract Map will be processed together and in accordance with the processing, public hearing and notification provisions of the zoning and subdivisions regulations of the City. (Ord. 263 & 1 (part), 1984)

17.49.~~070~~ 060 FINDINGS REQUIRED

A. All Projects

An application for a community housing project shall not be approved by the Planning Commission or, upon appeal, the City Council, unless the following findings can be made:

1. Code provisions met
   All provisions of this chapter and this code are met by the projects,

2. LUP/LCP consistency
   The proposed project is consistent with the General Plan and Coastal Land Use Plan,

3. Government Code findings met
   There exists facts adequate to make the findings required under Government Code Sections 66473.5 and 66474,

4. Project characteristics requirements met
   The overall design and physical condition of the project will result in a project which is aesthetically attractive, safe, and of quality construction, and

5. Affordable housing (17.50.020) requirements met

   The City requirements for the provision of affordable housing contained in Section 17.50.020 have been met.

B. Demolition and Conversion Projects - Special Findings Required

An application for a community housing conversion project, or for a demolition of

rental housing without the replacement of that housing with new rental units on a one-to-one basis shall not be approved unless the following findings can be made in addition to those findings required ~~for all community housing projects~~ by this code:

1. No displacement
   The proposed demolition or conversion will not displace ~~a significant percentage of~~ very low, lower ~~to~~ and moderate income or senior citizen tenants, tenants with children, or otherwise delete ~~a significant number of~~ low and moderate income rental units from the City s housing stock at a time when~~no~~ comparable affordable housing units are not being constructed ~~exists~~ in Morro Bay,

2. Vacancies not created
   Vacancies in the units proposed for demolition or conversion have not been created or increased for the purpose of preparing the building for a demolition or community housing conversion project,

3. No housing shortage
   No housing shortage has been declared to exist in the community. A housing shortage shall be declared to exist if ~~either~~:

   ~~a. The vacancy rate for apartments is equal to or less than five percent for the preceding six-month period, based upon reliable information verified by the planning department as a result of a standard apartment vacancy survey to be conducted by a qualified consultant selected by the City with the cost to be paid for by the applicant. The content, form and methodology of the vacancy survey shall be specified in advance by the director, or~~

   ~~b~~. the project will cause the total number of units converted or demolished (without replacement) for one year to exceed one-half the total average number of apartments receiving final occupancy approval during the previous five-year period.

~~C~~ 4. Exceptions

   a. The following are exempt from the findings of subsection B of Section 17.49.060:

      (1) Projects which involve the conversion, demolition or construction of two or less attached units or 10 or less detached units. This exemption shall not be applicable to owners or developers who have subsequent projects involving in aggregate, more than the number of units indicated nor is it applicable if the Planning Commission finds that the provision of affordable housing is feasible pursuant to Government Code section 65590 b for smaller projects.

(2) Projects where a public project to improve coastal access requires removal of the unit.

(3) Projects where the conversion or demolition of a residential structure for purposes of a nonresidential use which is either coastal dependent, as defined in Section 30101 of the Public Resources Code, or coastal related, as defined in Section 30101.3 of the Public Resources Code.

b. The Planning Commission may ~~shall~~ grant an exception from the findings of ~~subdivision 3 of~~ subsection B of Section 17.49.~~070~~ 060 under the following conditions:

~~1. The project proposed for conversion consists of three units or less; or~~

~~2. The project is proposed as low to moderate income housing wherein no less than one-third of the units will be sold or rented to low and moderate income people according to a program prepared by the developer and approved by the community development department that will provide for:~~

(1) The unit to be demolished violates the Uniform Housing Code for Health and Safety reasons and the cost to rehabilitate exceeds 50% of the value of the residence, or

(2) Demolition will result in construction of new rental developments, or

(3) The project is proposed as low to moderate income housing wherein no less than the number of affordable housing units being proposed for demolition or conversion will be sold or rented to low and moderate income people according to a program prepared by the developer and approved by the Planning and Building Department that will provide for:

i. Sale to the low to moderate income tenant or to low to moderate income persons at a price or with financing affordable to their income level, and

ii. Deed restrictions or other binding legal measures that will control resale of the units in such a manner as to assure the long-term affordability of these units to low and moderate income people for a minimum period of thirty (30) years. (Ord. 307. 1987; Ord. 288 Exh. B (part), 1986; Ord. 263 & 1 (part), 1984)

17.49.~~080~~ 070 TENANT PROTECTION PROVISIONS

Any proposed demolition of rental apartment units (does not apply to one single family unit on a lot) or conversion of an existing building to a community housing project shall comply with the following provisions designed to protect tenants of said building:

A. Notice of Intent to Demolish or Convert

Prior to making an application to demolish rental apartments or convert an existing building to a community housing project, the developer shall deliver to all tenants of the building to be demolished or converted a written notice in a form acceptable to the City containing the following information:

1. Name and address of current owner,

2. Name and address of developer,

3. Statement that the owner intends to demolish the apartment unit or convert the building to a community housing project,

4. Approximate dates on which an application to demolish or convert will be filed,

5. Statement that tenants will be given five days prior written notice by the developer of the date, place, and time of any meetings held on the CoastalDevelopment Permit, and/or Conditional Use Permit and Tentative Tract Map by the City,

6. Statement of tenants right to purchase within the community housing project. Pursuant to Government Code Section 66427.1(b) for community housing projects, the applicant shall give any present tenant a nontransferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public. This right of first refusal shall extend at least sixty days from the date of issuance of the subdivision public report.

7. Statement of tenants right of notification to vacate. Each non purchasing tenant not in default under the provisions of the rental agreement or lease under which he occupies the unit shall have the right to remain until the lease expires or not less than one hundred twenty days from the date of issuance of the subdivision public report, whichever is longer.

8. Statement of tenants right to terminate lease. Upon receipt of notification of intent to demolish or convert, tenants shall be permitted to terminate any lease or rental agreement without any penalty upon notifying the subdivider in writing thirty days in advance of such termination.

9. Statement of tenants right to reimbursement of relocation expenses. A list of available rental units of similar price and quality in the same general area as the building proposed for demolition or conversion shall be provided to each tenant by the developer. If comparable rental housing is available in the area or elsewhere

in the City, or if the tenant is able to find housing in the City independent of the attempts of the developer to find relocation housing, the developer shall make all necessary arrangements and pay all reasonable costs up to two times the most recent monthly rent of the unit to relocate nonpurchasing tenants into said housing. If comparable rental housing is not available in the area or in Morro Bay, or if the tenant chooses to relocate outside of Morro Bay, said tenant shall be reimbursed by the developer for all reasonable moving expenses for an amount up to two times the most recent monthly rent of the unit. Notwithstanding the provisions of this section, those tenants who would be moving or relocating for reasons that are not related to an application to convert shall not be eligible for relocation expenses.

~~B. Tenant's Right To Purchase~~ [Moved to 17.49.070.A.6]

~~C. Tenants' Right To Notification To Vacate~~ [Moved to 17.49.070.A.7]

~~D. Tenants' Right To Terminate Lease~~ [Moved to 17.49.070.A.8]

~~E. Tenants' Right To Relocation Assistance~~ [Moved to 17.49.070.A.9]

~~F~~ B. No Rent Increases

From the time the notice of intent to demolish or convert is delivered to the tenant of each unit until that unit is vacated as a result of conversion or until the application to demolish or convert is denied by the City, the rent for that unit shall not be increased.

~~G~~ C. Notice To New Tenants

From the time that an application to demolish or convert has been submitted to the City, any new or prospective tenants shall be given a copy of the notice of intent to demolish or convert prior to leasing or renting any unit. (Ord. 263 & 1 (part), 1984)

~~17.49.090 BUYER PROTECTION PROVISIONS~~

~~Information Statement for Prospective Buyers. Prior to the conversion date and as a condition of approval of the Tentative Tract Map, the developer shall devise an information statement for prospective buyers to be filed with the community development department and to be furnished to each prospective purchaser prior to the time he incurs any obligation to purchase a unit. The information statement for prospective buyers shall be in a form approved by the Community Development Department and shall contain the following information:~~

~~A. The name, address, and capacity of each person or firm involved in the construction, conversion, rehabilitation, sale, or financing of the project;~~

~~B. A legal description of the project and the community housing project site plan required by Section 17.49.040;~~

~~C. A statement of the estimated annual operating and maintenance costs for all common facilities and services for the next three years as prepared or reviewed by a professional management firm familiar with operating and maintenance costs of similar properties and developments;~~

~~D. A statement granting to each purchaser a one-year warranty on all appliances installed in each unit, and granting to the homeowner's association and to all purchasers of the community housing project, including all electrical, heating, air conditioning, plumbing, ventilation equipment, other mechanical equipment and roofing.~~

~~E. A statement granting to each purchaser of a unit the right to cancel his purchase of the unit without cost or liability, provided the prospective purchaser gives written notice of cancellation within fifteen days after he signs a purchase agreement.~~

~~F. A copy of the property condition report and the organizational documents as provided for in Section 17.49.040. (Ord. 263 & 1 (part), 1984)~~

17.49.~~100~~ 090 DEVELOPMENT STANDARDS FOR COMMUNITY HOUSING DEVELOPMENTS

In addition to compliance with existing building codes, zoning, subdivision, property maintenance, and sign regulations, and other requirements of this code, a community housing project shall comply with the following development and improvement standards:

A. Fire Safety

1. Smoke Detectors
   Each unit shall be furnished with approved smoke detectors mounted on the ceiling or wall at a point centrally located in the area giving access to rooms used for sleeping purposes.

2. Fire Protection Systems
   All fire hydrants, fire alarm systems, portable fire extinguishers and other fire protection appliances shall be retained in an operable condition at all times and shall otherwise comply with current City standards.

B. Sound Transmission

1. Shock Mounting of Mechanical Equipment
   All permanent mechanical equipment determined by the building official to be a source of structural vibration or structureborne noise shall be shock mounted with inertial blocks or bases and/or vibration isolators, as approved.

2. Noise Standards
   Walls and floor/ceiling assemblies between units and common or service areas shall be capable of achieving a sound reduction equivalent to a sound transmission calls of thirty. Such reduction of sound transmission may be demonstrated by reference to accepted published material relating sound transmission loss to the type of construction or by field measurement by a qualified acoustical technician or engineer.

C. Thermal Insulation

Exterior walls and ceiling/roof assemblies of occupied portions of dwellings shall have thermal insulation in compliance with the current California Energy Standards. ~~equivalent to a value of R-12. Such insulation value may be demonstrated by reference to accepted published materials which describe the insulating value of structure components and wall/roof coverings used in the project, together with the known R value of insulating material added to comply with this section.~~

D. Utility Metering

The consumption of gas, electricity, and water within each unit shall be separately metered and there shall be circuit breakers and shutoff valves for each unit.

E. Storage

Each unit shall be provided with at least three hundred cubic feet of enclosed, weatherproofed, and lockable private storage space, exclusive of cabinets and closets within the unit. This space shall be for the sole use of the unit owner.

F. Laundry Facilities

A laundry area shall be provided in each unit or in common laundry areas. Common laundry facilities shall consist of at least one washer and dryer for each five units or fraction thereof.

G. Open Space

Each community housing project must provide private and common outdoor open space as specified in this section.

1. Private Open Space
   Each unit shall be provided with at least two hundred square feet of exterior porch, patio, deck, garden, or other private open space adjacent to the unit that shall be for the sole use of the unit owner.

2. Common Open Space
   A community housing project shall provide at least one thousand square feet of

common space per unit not containing any parking areas or roads, at least half of which must be devoted to usable open space having less than a ten percent slope ~~and not containing any parking areas or roads~~. Said common open space shall be common landscaped areas, gardens, pedestrian pathways, outdoor and indoor recreational facilities, and other open space areas exclusive of all nonrecreational buildings and shall be for the use of all units in the project.

H. Undergrounding of Utilities

All utilities serving the community housing project shall be undergrounded.

I. Refurbishing and Restoration

For community housing conversion projects, all structures, building exteriors, sidewalks, driveways, parking areas, landscaped areas, and common facilities shall be refurbished and restored to a safe, attractive, and usable condition in consistency with the provisions of this section and this code. (Ord. 282 Exh. B (b). 1986; (Ord. 263 & 1 (part), 1984)

J. Exceptions for Affordable Housing

As an incentive to provide affordable housing, the Planning Commission or the City Council may grant exceptions to standards E, F and G and any other standards deemed appropriate which do not affect the health and safety of the building and the occupants are not otherwise required by State Law for projects which provide affordable housing pursuant to these regulations.

Chapter 17.50

AFFORDABLE HOUSING, DENSITY BONUSES AND INCENTIVES

SECTIONS:

17.50.010	Purpose ~~and Intent~~
~~17.50.020~~	~~Definitions~~ **[Moved to 17.12]**
17.50.030	Single Family residential district density bonuses and incentives
17.50.020	General Affordable Housing Requirements
~~17.50.040~~	~~Multiple family residential district density bonuses and incentives~~
17.50.~~050~~ 040	Condominium Conversion Density Bonuses and Other Incentives ~~for Condominium Conversions~~
17.50.~~060~~ 050	~~Direct financial contribution~~ Assurance of Continued Availability for Low and Moderate Income Units
17.50.060	In Lieu Fees for Affordable Housing

17.50.010 PURPOSE ~~AND INTENT~~

The purpose ~~and intent~~ of ~~these regulations are~~ this chapter is to:

A. Meet Code Requirements
Meet the requirements to provide affordable housing contained in Government Code 65590 (also known as SB 626).

~~A~~ B. Promote and Facilitate
~~To~~ Promote and facilitate the provisions of low and moderate income housing consistent with provisions of Government Code Sections 65590 and 65915 and the Housing Element of the General Plan.

~~B~~ C. Establish Guildelines for Developers
~~To~~ Establish guidelines to assist prospective developers of low and moderate income housing including requirements for City approval of density bonuses ~~and~~ or other incentives of significant financial value. (Ord. 316 Exh A (part) 1987)

~~**17.50.020 Definitions**~~

~~For the purposes of this chapter, the following words shall have the following meaning:~~

~~A. Condominium conversion density bonus means an increase in units of twenty-five percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.~~

~~B. Low to moderate income is defined in Health and Safety Code Section 50093, lower income in Health and Safety Code Section 50079.5 and in the City's housing element of the general plan.~~

~~C. Multiple-family residential density bonus means a density increase of at least fifty percent over the otherwise maximum allowable residential density under the applicable zoning district (R-2, R-3 or R-4) and land use element of the general plan or local coastal program land use plan. The density bonus shall not be included when determining the number of housing units which is equal to twenty or fifty percent of the total. The density bonus shall apply to housing developments consisting of five or more dwelling units.~~

~~D. Single family residential density bonus means a density increase of at least twenty-five percent over the otherwise maximum allowable residential density under the applicable zoning district (R-A or R-1) land use element of the general plan and local coastal program land use plan. The density bonus shall not be included when determining the number of housing units which is equal to ten or twenty five percent of the total. The density bonus shall apply to housing developments consisting of five or more dwelling units. (Ord. 316 Exh. A (part), 1987)~~ **[Moved to 17.12]**

17.050.020 GENERAL AFFORDABLE HOUSING REQUIREMENTS

Pursuant to the requirements of Government Code Section 65590, all new residential developments of three or more attached units or eleven or more detached units shall provide a minimum of one unit or ten percent of the total number of units, whichever is greater for units intended for sale to be affordable to families with incomes in the low and moderate income ranges. These regulations shall also apply to developments involving demolition of existing housing and to condo-conversions unless the regulations contained in Section 17.49 would result in a greater amount of affordable housing to be provided. These regulations also shall be applicable to owners and developers who have subsequent projects involving, in aggregate, three or more attached units or eleven or more detached units.

However, if the City determines that it is not feasible for the developer to provide affordable housing on-site, based upon a detailed economic analysis to be prepared by the applicant, the City shall require the developer to provide such housing at another location in Morro Bay or the county within three miles of the Coastal Zone.

If the City determines that it is not feasible or desirable for the developer to provide affordable housing off-site, the developer shall pay a fee in-lieu of providing such housing. Said fee shall be as prescribed in Section 17.50.060.

17.50.030 SINGLE FAMILY RESIDENTIAL DISTRICT DENSITY BONUSES AND INCENTIVES

A. Construction

Pursuant to Government Code Section 65915, the City shall either: (a) grant a ~~single family~~ residential density bonus of at least twenty-five percent, or (b) provide other incentives of equivalent financial value when a developer of five or more housing units agrees to construct at least one of the follwing:

1. Twenty~~-five~~ percent of the total units of a housing development for persons and families of lower ~~or moderate~~ income, or

2. Ten percent of the total units of a housing development for ~~lower~~ very low income households, or

3. Fifty percent of the total dwelling units of a housing development for ~~qualified residents~~ senior citizens, as defined in Section 51.3 of the Civil Code,

B. Submission Of Preliminary Proposal

A developer may submit to the City a preliminary proposal for the development of housing pursuant to this section prior to the submittal of any formal requests for General Plan amendments, zoning amendments, subdivision map approvals, Conditional Use Permits, Coastal Development Permits, or other discretionary entitlements. The City shall, within ninety days of receipt of a written proposal, notify the housing developer in writing of the manner in which it will comply with this section. Such determination by the City shall be based on a public hearing conducted by the Planning Commission and approved by the City Council by consent.

C. Alternative Incentives

Incentives may be considered by the City, at its option, as an alternative or partial alternative to the density bonuses defined ~~in this chapter~~ above, or as a means of encouraging a developer to provide a higher percentage of very low, lower and moderate income housing in the project.

D. Incentive Combinations

Incentives utilized by the City may include some combination of reduced fees, modified development standards, expedited processing procedures, provision of water at reduced cost, direct financial subsidy, or grant assistance or other incentives described in Government Code Section 65913.4. These incentives will be designed to provide equivalent financial value by project basis through cooperation and negotiation with the developer.

E. Multiple Density Bonuses

If a developer agrees to construct both twenty-five percent of the total units for persons and families of low ~~or moderate~~ income and ten percent of the total units for very lower income households, the developer is entitled to only one density bonus although the City may, at its discretion, grant more than one density bonus.

F. Optional Density Bonuses

If a developer agrees to construct less than the percentages of low or very low income housing indicated in Subsection A above, the City may grant density bonuses or provide other incentives which vary from those prescribed in subsection A.

~~17.50.040 Multiple-family residential district density bonuses and incentives.~~

~~A. When a developer of housing agrees to construct at least (1) fifty percent of the total units of a housing development for persons and families of low or moderate income, or (2) twenty percent of the total units of a housing development for lower-income households, or (3) one hundred percent of the total dwelling units of a housing development for qualifying residents, as defined in Section 51.3 of the civil Code, the City shall either (1) grant a multiple family residential density bonus or (2) provide other incentives of equivalent financial value.~~

~~B. A developer may submit to the City a preliminary proposal for the development of housing pursuant to this section prior to the submittal of any formal requests for general plan amendments, zoning amendments, subdivision map approvals, Conditional Use Permits, Coastal Development Permits, or other discretionary entitlements. The City shall within ninety days of receipt of such written proposal, notify the housing developer in writing of the manner in which it will comply with this section. Such determination by the City shall be based on a public hearing and approved by the City Council.~~

~~C. Incentives may be considered by the City, at its option, as an alternative or partial alternative to the density bonus defined in this chapter, or as a means of encouraging a developer to provide a higher percentage of low and moderate income housing in the project.~~

~~D. Incentives utilized by the City may include some combination of reduced fees, modified development standards, expedited processing procedures, provisions of water at reduced cost, direct financial subsidy, or grant assistance or other incentives described in Government code Section 65913.4. These incentives will be designed to provide equivalent financial value by project basis through cooperation and negotiation with the developer.~~

~~E. If the developer agrees to construct both fifty percent of the total units for persons and families of low or moderate income and twenty percent of the total units~~

~~for lower-income households, the developer is entitled to only one density bonus although the City may at its discretion, grant more than one density bonus. (Ord. 316 Exh. A (part), 1987)~~

17.50.040 ~~050~~ DENSITY BONUSES AND OTHER INCENTIVES FOR CONDOMINIUM CONVERSIONS

~~A.~~ Pursuant to Government Code Section 65915, the City shall either: (a) grant a density bonus, or (b) provide other incentives of equivalent financial value* when an applicant ~~for~~ requests approval to convert apartments to a condominium project agrees to one of the following:

1. Provide at least thirty-three percent of the total units of the proposed condominium project to persons and families of low ~~or moderate~~ income, or

2. Fifteen percent of the total units of the proposed condominium project to ~~lower~~ very low income households as defined in the Housing Element of the General Plan, and

3. Agrees to pay for the reasonably necessary administrative costs incurred by the City.

~~B.~~ (*For purposes of this section, other incentives of equivalent financial value shall not be construed to require the City to provide cash transfer payments or other monetary compensation but may include the same types of incentives described in 17.50.030.D above.)

The City may place such reasonable conditions on the granting of a density bonus of twenty-five percent or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.

~~C~~A. Application For Approval To Convert

An ~~applicant~~ application for approval of a preliminary proposal to convert apartments to a condominium project may be submitted to the City ~~a preliminary proposal~~ pursuant to this section prior to the submittal any formal requests for subdivision map approvals. The City shall, within ninety days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this section. Such determination by the City shall be based on a public hearing conducted by the Planning Comission and approved by the City Council by consent. Nothing in this Section shall be construed to require the City to approve a proposal to convert apartments to condominiums.

~~D~~B. Ineligibility

An applicant shall be ineligible for a density bonus or other incentives under this section if the apartment proposed for conversion constitute a housing development for which a density bonus or the incentives were previously provided by the City.

~~E. Nothing in this section shall be construed to require the City to approve a proposal to convert apartments to condominiums.~~ **[Moved to 17.50.040.A last sentence.]**

17.50.050 ~~060~~ ~~DIRECT FINANCIAL CONTRIBUTION~~ ASSURANCE OF CONTINUED AVAILABILITY FOR LOW AND VERY LOW INCOME UNITS

A. Length Of Availability

Where there is a density bonus or waivers of development standards or unit allocation priority or direct financial contribution to a housing development pursuant to this chapter through participation in cost of infrastructure, write-down of land costs, or subsidizing the cost of construction, or other incentives provided by the City the ~~City~~ developer shall assure continued availability for low and very low ~~low and moderate~~ income units for a minimum of 30 years.

B. Long Term Affordability

Deed restrictions or other binding legal measures that will control resale of the units in such a manner as to assure the long term affordability of these units to low and moderate income persons shall be ~~prepared~~ approved by the City Attorney, and accepted by the housing developer as a condition of project approval. (Ord. 316 Exh. A (part), 1987)

17.50.060 IN-LIEU FEES FOR AFFORDABLE HOUSING

In cases where affordable housing is required and where the developer has substantially demonstrated to the City s satisfaction that the reasonable and practical development of housing affordable either on-site or off-site is infeasible, the City may permit the developer to satisfy the requirements to provide affordable housing by the payment of an in-lieu housing fee. The City Council shall establish the amount of said fee. Said fees shall be paid prior to issuance of a building permit or final tract map.

Fee accepted for affordable housing shall be used by the City to construct or assist in the construction of housing for rent or sale to very low, low and moderate income families or to purchase land for the purpose of affordable housing or to assist very low, low and moderate income families afford adequate housing or for other measures to provide housing for low and moderate income families. The City may, at its option transfer in-lieu fees to another public agency as non-profit housing provider for the purpose of providing affordable housing in the City of Morro Bay.

Chapter 17.52
PERFORMANCE STANDARDS

SECTION:

17.52.005	Compatibility with nearby uses
17.52.010	Fire and explosion hazards
17.52.020	Radioactivity or electrical disturbance
17.52.030	Noise requirements
17.52.040	Vibration
~~17.52.050~~	~~Smoke~~
~~17.52.060~~	~~Odors~~
17.52.070	Smoke. Fly ash, dust, fumes, vapors, gases and other forms of air pollution
17.52.080	Lighting, illuminated signs and Glare
17.52.090	Liquid or solid wastes
17.52.100	Chemicals

{Note: The performance standards applicable to the North Main Street Specific Plan have been integrated into this Chapter}

17.52.005 COMPATIBILITY WITH NEARBY USES

Potential conflicts with the adjacent uses shall be minimized particularly with regard to but not necessarily limited to noise, glare, odors, hazards, and screening as described in the Sections below.

17.52.010 FIRE AND EXPLOSION HAZARDS

All activities involving, and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire fighting and fire-suppression equipment and devices standard in industry and as approved by the fire department. All incineration is prohibited. (Ord. 263/1 (part), 1984)

17.52.020 RADIOACTIVITY OR ELECTRICAL DISTURBANCE

Devices which radiate radio-frequency energy shall be so operated as not to cause interference with any activity carried on beyond the boundary line of the property

upon which the device is located. Further, no radiation of any kind shall be emitted which is dangerous to humans. (Ord. 263/1 (part), 1984)

17.52.030 NOISE REQUIREMENTS

A. General Noise Limitations

Any business operation with sustained or intermittent noise levels exceeding 70 dB ldn (or CNEL) as described by the Noise Element including, but not limited to, wood or machine milling, air hammers, generators, or prolonged or excessive truck deliveries, will not be allowed within 100 feet of residential uses, hospitals, and other noise sensitive uses unless noise levels are mitigated in compliance with 17.52.030.

B. Operational Hours

All commercial and industrial deliveries and loud commercial activities such as loading and unloading, leaf blowers, bands with loudspeakers within 100 feet of a residential use shall be limited to the hours between 7:00 a.m. and 10:00 p.m.

~~At the lot line the maximums sound pressure level radiated in each standard octave band of any use or facility, other than transportation facilities or temporary construction work, shall not exceed the values for octave bands lying within the several frequency limits given in Table I, after applying the correction shown in Table II. The sound pressure level shall be measured with a sound level meter and associated octave band analyzer, conforming to standards prescribed by the American Standards Association. American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24.3-1944, American Standards Association Inc., New York, N.Y. and American Standard Specifications for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, American Standards Association, Inc.,New York, NY shall be used. (Ord. 263/1 (part), 1984)~~

~~TABLE I~~

~~FREQUENCY RANGE CONTAINING OCTAVE BANDS IN CYCLES PER SECOND~~	~~OCTAVE BAND SOUND PRESSURE LEVEL IN DECIBELS RE 0.0002 dyne/cm2~~
~~20 - 30~~	~~60~~
~~300 - 2400~~	~~40~~
~~above 2400~~	~~30~~

~~If the noise is not smooth and continuous and is not radiated between the hours of ten p.m. and seven a.m. one or more of the corrections in Table II shall be applied to the octave band levels given in Table I.~~

~~TABLE II~~

~~TYPE OF LOCATION OF OPERATION OR CHARACTER OF NOISE~~	~~CORRECTION IN DECIBELS~~
~~1. Daytime Operation only~~	~~Plus 5~~

~~2. Noise source operate less than:~~

~~a. 20% of any one hour period~~	~~Plus 5~~
~~b. 5% of any open hour period~~	~~Plus 10~~
~~(Apply one of these corrections only)~~	
~~3. Noise of impulsive character such as hammering~~	~~5~~
~~4. Noise of periodic character such as hammering or screeching~~	~~5~~

~~(Ord. 263/1 (part), 1984)~~

C. Review Of Development Projects

The City shall review new public and private development proposals to determine conformance with the policies of the Noise Element. Where the development of a project may result in land uses being exposed to existing or projected future noise levels exceed the levels specified by the policies of the Noise Element, the City shall require an acoustical analysis early in the review process so that noise mitigation may be included in the project design. For development not subject to environmental review, the requirements for an acoustical analysis shall be implemented prior to the issuance of a building permit. The requirements for the content of an acoustical analysis are given in Subsection E. At the discretion of the City, the requirement for an acoustical analysis may be waived provided that all of the following conditions are met:

1. Size of development
   The development is for less than five single family dwellings or for office buildings, churches or meeting halls having a total gross floor area less than 10,000 square feet.

2. Noise source
   The noise source in question consists of a single transportation noise source (roadway, railway or airport) for which up-to-date noise exposure information is available. An acoustical analysis will be required when the noise source in question is a stationary noise source or when the noise source consists of multiple transportation noise sources.

3. Noise exposure
   The existing or projected future noise exposure at the exterior of the buildings which will contain noise sensitive uses or within proposed outdoor activity areas (other than playgrounds and parks) does not exceed 65 dB Ldn (or CNEL) prior to mitigation. For playgrounds and parks, the existing or projected future noise exposure may not exceed 75 dB Ldn (or CNEL) prior to mitigation.

4. Topography
   The topography in the project area is flat, and the noise source and receiving land use are at the same grade, and

5. Noise mitigation
Effective noise mitigation, as determined by the City is incorporated into the project design to reduce noise exposure to the levels specified in Table I. Such measures may include the use of building setbacks, building orientation, noise barriers and the standard noise mitigation packages contained within the Acoustical Design Manual. If closed windows are required for compliance with interior noise level standards, air conditioning or a mechanical ventilation system will be required.

TABLE 1
MAXIMUM ALLOWABLE NOISE EXPOSURE - TRANSPORTATION NOISE SOURCE

	Outdoor Activity L_{dn}/CNEL,dB	Interior Spaces L_{dn}/CNEL,dB	Land Use Areas[1] L_{eq},dB[2]
Residential	60[3]	45	--
Transient Lodging	60[3]	45	--
Hospitals, Nursing Homes	60[3]	45	--
Theaters, Auditoriums, Music Halls	--	--	35
Churches, Meeting Halls, Office Buildings	60[3]	--	45
Schools, Libraries, Museums	--	--	45
Playgrounds, Neighborhood, Parks	70	--	--

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

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

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

TABLE 2

MAXIMUM ALLOWABLE NOISE EXPOSURE - STATIONARY NOISE SOURCES[1]

	Daytime (7 am to 10 pm)	Nighttime (10 pm to 7 am)
Hourly L_{eq}, dB	50	45
Maximum level, dB	70	65

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

D. Noise Reduction Measures Required

The Planning Commission shall consider one or more of the following mitigation measures where existing noise levels significantly impact existing noise sensitive land uses or where cumulative increase in noise levels resulting from the new development significantly impact noise sensitive land uses:

1. Rerouting traffic
   Rerouting traffic, if feasible, onto streets that have low traffic volumes or onto streets that do not adjoin noise sensitive land uses.

2. Rerouting trucks
   Rerouting trucks, if feasible, onto streets that do not adjoin noise sensitive land uses.

3. Noise barriers
   Construction of noise barriers as long as such barriers do not significantly negatively impact coastal or scenic views, and

4. Acoustical treatment of buildings.

E. Requirements For An Acoustical Analysis

An acoustical analysis prepared pursuant to the Noise Regulations shall:

1. Be the financial responsibility of the applicant.

2. Be prepared by
be prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics.

3. Include representative noise level measurements
Include representative noise level measurements with sufficient sampling periods and locations to adequately describe local conditions. Where actual field measurements cannot be conducted. all sources of information used for calculation purposes shall be fully described. When the use being studied is a commercial use. all noise sources related to the service and maintenance of the facility shall be considered. including parking lot and landscape maintenance. refuse collection and truck loading/unloading activities.

4. Estimate noise levels
Estimate existing and projected (20 Years) noise levels in terms of the descriptors used in Tables 2 and 3. and compare those levels to the adopted policies of the Noise Element. Projected future noise levels shall take into account noise from planned streets. highways and road connections.

5. Recommend appropriate mitigation
Recommend appropriate mitigation to achieve compliance with the adopted policies of the Noise Element. giving preference to proper site planning and design over mitigation measures which require the construction of noise barriers or structural modifications to buildings which contain noise sensitive land uses.

6. Estimate noise exposure
Estimate noise exposure after the prescribed mitigation measures have been implemented. and

7. Assessment program
Describe a post-project assessment program which could be used to evaluate the effectiveness of the proposed mitigation measures.

17.52.040 VIBRATION

No vibration shall be permitted so as to cause a noticeable tremor, measurable without instruments at the lot line. (Ord. 263/1 (part), 1984)

~~17.52.050 SMOKE~~

~~No emission shall be permitted at any point from any chimney or otherwise visible gray smoke or of a shade equal to or darker than No. 2 on the Power s Micro-Ringlemann Chart published by the McGraw-Hill Publishing Co., Inc. copyright 1954 (being a direct facsimile reduction of a standard Ringlemann Chart as issued by the~~

~~United States Bureau of Mines) except that visible gray smoke of a shade equal to No. 3 on said chart may be emitted for four minutes in any thirty minutes. (Ord. 263/1 (part), 1984)~~

17.52.060 ODORS

~~**17.52.060 ODORS**~~

~~No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air, at the lot line. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors. Table II, Odor Thresholds, in Chapter 5, Air Pollution Abatement Manual, copyright 1951 by Manufacturing Chemists Association, Inc., Washington. D.C. (Ord. 263/1 (part), 1984)~~

17.52.070 SMOKE, FLY ASH, DUST, FUMES, VAPORS, GASES AND OTHER FORMS OF AIR POLLUTION

No Smoke, Flyu ash, dust, fumes, vapors, gases and other forms of air pollution emision shall be permitted at any point which exceeds allowable Air Pollution Control District standards. The following standards shall apply to all uses and/or operations except agriculture operations.

A. Discharge restrictions
No person shall discharge from any source whatsoever such quantities of air contaminates or other material which may cause injury, detriment, nuisance, or annoyance to any considerable number of persons or the public, or which may endanger the comfort, repose, health, or safety of any such persons or the public, or which may cause, or have a natural tendency to cause, injury or damage to business or property.

B. Discharge duration
No person shall discharge into the atmosphere from any source whatsoever an air contaminant, other that uncombined water vapor, for a period or periods aggregating more than three minutes in any one hour which is:

1. As dark or darker in shade than is designated as No. 2 on the Ringlemann Chart, as published by the United States Bureau of Mines; or

2. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subdivision 1.

~~No emission shall be permitted which can cause any damage to health, animals, vegetation, or other forms of property, or which can cause any excessive soiling at any point. No emission shall be permitted in excess of the standards specified in Table I, Chapter 5, Industrial Hygiene Standards, Maximum Allowable Concentrations of the Air Pollution Abatement Manual, n copyright 1951 by Manufacturing Chemists Association, Inc., Washington, D.C. In no event shall any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations, exceed 0.3 grains per cubic foot of the conveying gas at any point. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of five hundred degrees~~ Fahrenheit and fifty percent excess air. (Ord. 263/1 (part), 1984)

17.52.080 LIGHTING, ILLUMINATED SIGNS AND GLARE

Other Sections of this Title notwithstanding, no illumination may be directed toward the adjacent residential uses and onto streets. Lighting glare shall be screened from the residences, hotels, streets, and other glare sensitive uses.

No direct or reflected glare, whether produced by floodlight, high temperature processes such as combustion or welding, or other processes, so as to be visible from any boundary line of property on which the same is produced shall be permitted. Sky-reflected glare from buildings or portions thereof shall be so controlled by such reasonable means as are practical to the end that the said sky reflected glare will not inconvenience or annoy persons or interfere with the use and enjoyment of property in and about the area where it occurs. (Ord. 263/1 (part), 1984)

17.52.090 LIQUID OR SOLID WASTES

No discharge at any point into any public sewer, private sewage disposal system, or stream, o into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, shall be permitted, except in accord with standards approved by the California Department of Public Health or such other governmental agency as shall have jurisdiction of such activities. (Ord. 263/1 (part), 1984)

17.52.100 CHEMICALS

Any business involving the uses or storage of noxious chemicals, including but not limited to pesticides an herbicides, other than those packaged for retail sales, or large volumes of solvents or flammable liquids (excluding gas stations), will not be allowed within 100 feet of residential uses unless otherwise approved by the Director.

Chapter 17.56

NONCONFORMING USES AND STRUCTURES

SECTIONS:

17.56.100	Continuation of nonconforming uses
17.56.110	Conditional, Interim and Special uses
17.56.120	Expansion of nonconforming uses
~~17.56.130~~	~~Amortization of nonconforming uses.~~
17.56.130 ~~140~~	Resumption or replacement of discontinued nonconforming uses
17.56.140 ~~150~~	New conforming uses in structures not in conformance with Title 14
17.56.150 ~~160~~	Continuation of nonconforming structures
17.56.160 ~~170~~	Additions and structural alterations of nonconforming structures occupied by conforming uses
17.56.170 ~~180~~	Nonstructural repairs and interior alterations
17.56.180 ~~190~~	Removal of nonconforming structures valued under $1,500
17.56.190 ~~200~~	Destruction of nonconforming uses or structures
17.56.200 ~~210~~	Chapter application

17.56.100 CONTINUATION OF NONCONFORMING USES

~~An existing use which does not conform to the uses permitted in the zoning district in which said use is located may be continued except as otherwise provided herein. Such nonconforming uses may be replaced with a conforming use.~~

Nonconforming uses may be continued except as otherwise provided herein:

A. Replaced with a similar or less restricted use

Nonconforming use may be replaced with another nonconforming use in the same or in a more restricted classification as determined by the Planning Commission and subject to first obtaining a Conditional Use Permit, provided that the Planning Commission finds that the new use is more conforming to the underlying zone than the previous nonconforming use.

If the nonconforming use is replaced by a use of a more restricted classification, the occupancy thereafter may not revert to a use in a less restrictive classification.

B. Amortization Schedule

In granting a Conditional Use Permit to allow a nonconforming use to be replaced with another nonconforming use in ~~the same or~~ a more restrictive classification, the Planning Commission may establish an amortization schedule for the nonconforming use by setting a date after which the nonconforming uses must be discontinued or replaced with a conforming use. (Ord. 263/1(part), 1984)

17.56.110 CONDITIONAL, INTERIM AND SPECIAL USES

A. Conditional Uses

Any use which is listed as a conditional use in the zone wherein it is located, shall be and remain a nonconforming use until a Conditional Use Permit is obtained in accordance with Chapter 17.60.

B. Interim and Special Uses

Any use which requires an Interim or Special Use Permit pursuant to this Title, shall be and remain a nonconforming use until the applicable permit is obtained in accordance with Chapter 17.60. (Ord. 263/1 (part), 1984)

17.56.120 EXPANSION OF NONCONFORMING USES

A. Within A Structure Which Conforms To This Title

A nonconforming use in a structure which conforms to this Title and to the requirements of Title 14 may expand the area it occupies not more than ten percent, subject to obtaining a Conditional Use Permit in accordance with Chapter 17.60 and except as provided herein.

B. Within ~~Nonconforming Use in~~ A Structure Which Does Not Conform To This Title

A nonconforming use in a structure which does not conform to the requirements of this Title may expand its occupancy and building floor area by not more than ten percent subject to obtaining a Conditional Use Permit in accordance with Chapter 17.60; provided, however, that any structural expansion meets the requirements of Section 17.56.160 ~~170~~ below and except as provided herein.

C. Within ~~Nonconforming Use in~~ A Structure Not In Conformance With Title 14

Any nonconforming use in a structure which does not conform with the provision of Title 14 may not expand the area it occupies until and unless the structure is brought into conformance with Title 14. Such expansion may not exceed ten percent of the floor area and is subject to obtaining a Conditional Use Permit in accordance with Chapter 17.60.

D. Expansion Limited To One Time

Nonconforming uses may be expanded in accordance with this chapter one time only.

E. Service Commercial And Industrial Uses <u>In Residential Zones</u>
Other provisions of this chapter notwithstanding no uses permitted only in the service commercial or industrial zoning districts and located in any residential district may be expanded.

F. Multifamily Uses <u>In R-1 Zones</u>
Other provisions of this chapter notwithstanding, nonconforming multifamily uses of four or more units located in any R-1 zone may not be expanded.

G. Single family Residences in Nonresidential Zones
Other provisions of this chapter notwithstanding, no detached single family residence in a nonresidential zoning district may be expanded unless such residence is a conditionally permitted use in the zoning district which it is located, has obtained a Conditional Use Permit and meets the relevant provisions of the zoning district for such uses.

H. Office or Commercial in R-1 Zones
Other provisions of this chapter notwithstanding, no office or commercial use located in any R-1 zone may be expanded. (Ord. 263/1 (part), 1984)

~~17.56.130 Amortization of nonconforming uses.~~

~~A. Existing. Nonconforming Uses. All uses not in conformance with the zone classification in which they are located at the time of adoption of the ordinance codified in this Title shall be discontinued or replaced with a conforming use not later than thirty years after the date of adoption of this provision, except as otherwise required in Subsection C of this section.~~

~~B. Other Nonconforming Uses. All uses which become nonconforming due to redistricting or revisions to the zone districts and this Title shall be discontinued or replaced with a conforming use not later than thirty years after the date of adoption of this provision, except as otherwise required in subsection C of this section.~~

~~C. Time Limit for compliance of uses on Vacant Land. If any lands, upon which no building or structure is located are used for a purpose which is not in compliance with the regulations of the district where such lands are located, such use may continue for a period not to exceed three years from the date such use became nonconforming. (Ord. 263/1 (part), 1984)~~

17.56.<u>130</u> ~~140~~ RESUMPTION OR REPLACEMENT OF DISCONTINUED

NONCONFORMING USES

No nonconforming use may be resumed, reestablished, reopened or replaced by any other nonconforming use after it has been abandoned or vacated for a period of six (6) months. (Ord. 263/1 (part), 1984)

17.56.140 ~~150~~ NEW CONFORMING USES IN STRUCTURES NOT IN CONFORMANCE WITH TITLE 14

A new conforming use shall not be permitted in any structure which does not meet all the requirements of Title 14 relevant to the proposed use; all such structures must be repaired, altered or otherwise upgraded to meet all applicable requirements of Title 14 prior to any new occupancy. (Ord. 263/1 (part), 1984)

17.56.150 ~~160~~ CONTINUATION OF NONCONFORMING STRUCTURES

A structure which is nonconforming with respect to this Title but was legally constructed meeting the requirements in force at the time of its construction may be continued without alteration unless deemed to be a public nuisance because of health or safety conditions. (Ord. 263/1 (part), 1984)

17.56.160 ~~170~~ ADDITIONS AND STRUCTURAL ALTERATIONS TO NONCONFORMING STRUCTURES OCCUPIED BY CONFORMING USES

A. Additions Of Less Than 25% Of Existing Floor Area ~~Nonconforming Structures Occupied By Conforming Uses~~

Structures which are not in conformance with this Title and occupied by conforming uses may be enlarged, extended, or structurally altered or repaired so long as such enlargement, extension, alteration or repair meets the following requirements:

1. Increase of floor area
   It does not result in an increase in excess of twenty-five percent (25%) of the habitable floor area of ~~the~~ an existing residential structure (not including floor area of the garage or carport) or gross floor area of a non-residential structure.

2. Conformance
   It is in conformance with all provisions of this Title; and

3. Other requirements
   Provided that the other requirements of this section, as applicable, are satisfied.

4. Number of expansions
Nonconforming structures may be expanded in accordance with this section one time only.

~~D~~5. Parking

a. Nonresidential Structures
A nonresidential structure which is nonconforming because it does not satisfy the parking requirements of this Title may not be expanded unless the parking spaces which are required for the expansion are provided in accordance with applicable provisions of this Title.

b. Residential Structures
A residential structure that is nonconforming because two (2) spaces have not been previously required by this Title may be altered or expanded with only one covered space, provided that such alterations or expansions of an individual dwelling shall not cumulatively exceed twenty-five percent (25%) of the habitable floor area at the time of the first expansion or alteration.

c. Exception
No residence may be constructed or expanded by more than 1000 square feet of additional habitable area without providing for two (2) parking spaces.

~~E~~6. Height
A structure which is nonconforming because it exceeds the height limit may be expanded only upon obtaining a Conditional Use Permit in accordance with Chapter 17.60.

~~F~~7. Lot Coverage
A structure which is nonconforming because it exceeds the maximum allowable lot coverage may be expanded only if the expansion does not involve any further lot coverage. ~~and that the total floor area of the structure does not exceed two hundred percent of the allowable coverage for that district.~~

~~G~~8. Minimum Lot Size and Building Site Size
Any structure which is nonconforming only because it is located on a lot which does not meet minimum lot size or building size standards may be expanded provided that such expansion complies with this Title. Any structure which is nonconforming because it is located on a lot which does not meet minimum lot size or building size standards and is also nonconforming with any other provision of this Title may be expanded only upon obtaining a Conditional Use Permit in accordance with Chapter 17.60.

~~B. Nonconforming Structures Occupied by Nonconforming Uses Structures which are not in conformance with this Title and occupied by nonconforming uses may be~~

~~enlarged, extended or structurally altered or repaired so long as such enlargement, extension, alteration or repair meets the following requirements:~~

~~1. It does not result in an increase in excess of twenty-five percent of the floor area of the existing structure; and~~

~~2. It is in conformance with all provisions of this Title; and~~

~~3. It satisfies all other requirements of this section, as applicable; and~~

~~4. It meets applicable Title 14 requirements for a conforming use; and~~

~~5. It is suitable for conforming uses and will not impair the character of the zone in which it exists as determined by the director. In cases of ambiguity or of disagreements between an applicant and the director, the Planning Commission shall make the determinations required above.~~

~~C~~B. Additions in Excess of Twenty five Percent of the Existing Floor Area
Enlargements, extensions, or structural alterations to structures not in conformance with this Title which would result in an increase in excess of twenty-five percent of the floor area of the existing structure may be permitted subject to obtaining a Conditional Use Permit in accordance with Chapter 17.60. In addition to the findings required by Chapter 17.60, the Planning Commission must make the following additional findings before approving the Conditional Use Permit:

1. The enlargement, expansion, or alteration is in conformance with this Title; ~~and~~

2. It satisfies all other provisions of this section, as applicable; ~~and~~

3. It meets applicable Title 14 requirements for a conforming use; ~~and~~

4. It is suitable for conforming uses and will not impair the character of the zone in which it exists; and

5. The Planning Commission finds that it is not feasible to make the structure conforming without major reconstruction of the existing structure.

C. Repairs To Unsafe Buildings And Incidental Repair
Nothing in this section shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Inspector or Fire Chief provided that any expansions shall comply with the applicable requirements contained in Subsections A & B. Furthermore, this section shall not be construed to prevent incidental repair or maintenance of nonconforming structures; the cost of such repair or maintenance during a one year period shall not exceed five percent of the currently assessed value of structures during a one year period. (Ord. 263/1 (part), 1984)

17.56.170 ~~180~~ NONSTRUCTURAL REPAIRS AND INTERIOR ALTERATIONS

Non-structural repairs or non-structural interior alterations to a nonconforming structure or to a structure occupied by a nonconforming use, which do not enlarge the structure and which do not alter the exterior ~~as~~ are permitted. (Ord. 263/1 (part), 1984)

17.56.180 ~~190~~ REMOVAL OF NONCONFORMING STRUCTURES VALUED UNDER $1,500.00

Any structure which does not conform to the regulations of the district in which it is located and which has an assessed valuation of one thousand five hundred dollars ($1,500) or less at the time it became nonconforming, shall be removed, or altered or reconstructed to be structurally conforming, within five years from the time the structure became nonconforming. The Building Inspector shall cause notice to be given to the owners of any such structure at least one year prior to the time removal or alteration is required, and removal or alteration is not required to be completed until such one-year period has lapsed. (Ord. 263/1 (part), 1984)

17.56.190 ~~200~~ DESTRUCTION OF NONCONFORMING USES OR STRUCTURES

A. Restoration

If any nonconforming use or nonconforming structure is destroyed by fire, explosion or other casualty or act of God to an extent of fifty percent or greater of the value thereof, then said use or structure may be restored and used only in compliance with the regulations existing in the district where it is located, except as provided below.

B. Exceptions

Nonconforming residential uses of three units or less ~~located in a residential zoning district~~ may be replaced if destroyed ~~any time within forty years of the date of original construction~~, provided however that the floor area of the use is not increased and the new structures conform to all current Code requirements. ~~except that the nonconforming residential use, even if destroyed and replaced, must be discontinued or made conforming not later than thirty years after it became nonconforming in accordance with Section 17.56.130.~~ (Ord. 263/1 (part), 1984)

17.56.200 ~~210~~ CHAPTER APPLICATION

The preceding provisions of this chapter shall apply to structures, land and uses

which have become nonconforming by operation of preceding Chapters and Sections of this Title and which remain in a nonconforming status by application of current provision of this Title, as well as structures, land and uses which hereafter become nonconforming due to redistricting of any lands or other subsequent regulations under provisions of this Title. (Ord. 263/1 (part), 1984)

Chapter 17.58 [Formerly 17.20]

COASTAL DEVELOPMENT PERMITS AND PROCEDURES

SECTIONS:

17.58.010	Purpose
~~17.20.020~~	~~Definitions~~ **[Moved to 17.12]**
17.58.020 ~~030~~	Applicability of Procedures for Coastal Development Permits
17.58.030	Regular Coastal Development Permits
~~17.20.040~~	~~Applications and Submittal Procedures~~ **[Moved to 17.58.060]**
17.58.040 ~~130~~	Administrative Coastal Development Permits
~~17.20.050~~	~~Public Notice Requirements~~ **[Moved to 17.58.030.B]**
17.58.050 ~~120~~	Emergency Coastal Development Permits
~~17.20.054~~	~~Public notice requirements on appealable developments~~ **[Moved to 17.58.030.C]**
~~17.20.060~~	~~Public hearings/Planning Commission action~~ **[Moved to 17.58.030.D]**
17.58.060 ~~040~~	Applications and Submittal Procedures
~~17.20.064~~	~~Notice of local government action when hearing continued~~ **[Moved to 17.58.030.E]**
17.58.070	Appeals to the City Council
~~17.20.080~~	~~Appeals to the Coastal Commission for projects in the coastal development permit appeal area~~ **[Moved to 17.58.130]**
17.58.080	Finality of Local Government Action **[Formerly 17.20.070.C and D]**
17.58.090	Effective Date of City Action
~~17.20.100~~	~~Amendments to permits~~ **[Moved to 17.58.120]**
17.58.100 ~~080~~	Appeals to the Coastal Commission for Projects in the Coastal Development Permit Appeal Area
~~17.20.110~~	~~Expiration of coastal permits~~ **[Moved to 17.58.130]**

17.58.110 ~~115~~	Procedures for Open Space Easements and Public Access Documents
~~17.20.120~~	~~Emergency permits~~ **[Moved to 17.58.050]**
17.58.120 ~~100~~	Amendments to permits
~~17.20.130~~	~~Administrative coastal permits~~ **[Moved to 17.58.040]**
17.58.130 ~~110~~	Expiration of Coastal Permits
17.58.140	City Permits for Development within the Coastal Commission Permit Jurisdiction
17.58.150	Notice of Failure to Act **[Formerly 17.20.070.E]**

17.58.010 PURPOSE

The purpose of this Chapter is to define the regulations and procedures for the issuance of Coastal Development Permits pursuant to the California Coastal Act. (Ord. 263 & 1 (part), 1984)

17.58.020 ~~030~~ APPLICABILITY OF PROCEDURES FOR COASTAL DEVELOPMENT PERMITS

The regulations set forth in this Chapter shall apply to development within the Coastal Zone, except for the following:

A. Tidelands, Submerged Lands Or Public Trust Lands
Projects on any tidelands, submerged lands or on public trust lands, whether filled or unfilled, lying within the Coastal Zone, for which applications must be made directly with the California Coastal Commission subsequent to obtaining other applicable City discretionary permits and prior to issuance of City building permits, as required by the Morro Bay Municipal Code; ~~and~~

B. Determination of Site Location
The Director shall determine whether the project is within the City's or Coastal Commission jurisdiction of purposes of notice, hearings and appeals prior to acceptance of the application for filing.

In the case of dispute over such determinations, the Director shall forward the matter to the Executive Director of the Coastal Commission for a final written determination. The Coastal Development Permit application shall not be accepted for filing by the City until the determination of the Executive Director is received and only if he/she determines that the project is within the City's jurisdiction.

~~B~~ C. Developments Specifically Exempted

Developments specifically exempted ~~pursuant~~ according to Public Resources Code Section 30610 and 13250 of the Coastal Commission Administrative Regulations or other applicable provisions of the California Coastal Act. (Ord. 263 & 1 (part), 1984)

D. Repair Or Maintenance Activities

Repair or maintenance activities which do not result in an addition to, or enlargement or expansion of the object of such repair or maintenance activities do not require a Coastal Development Permit; provided, however, that if the Director determines that certain extraordinary methods of repair and maintenance that involve a risk or substantial adverse environmental impact shall, by regulation, require that a permit be obtained under this Chapter.

E. Permit Requirements For The Replacement Of Utility Connections

The installation, testing, and placement in service of the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this Section does not require a Coastal Development Permit, provided, however, that the Director may where necessary require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

F. Maintenance Dredging Of Harbor Permit Exclusion

Maintenance dredging of existing navigation channels or moving dredge material from such channels to a disposal area outside the Coastal Zone, in conformance to the permit from the United States Army Corps of Engineers shall not require a Coastal Development Permit.

G. Additions To Existing Single Family Homes

1. Properties located outside the California Commission Appeal jurisdiction:
   No Coastal Permit required for additions to existing single family residences.

2. Properties located within the California Coastal Commission Appeal jurisdiction:

   a. No Coastal Permit required for additions of 10 percent or less to existing single family residence and temporary buildings which do not require a building permit.

   b. Regular Coastal Permit required for additions greater than 10 percent of gross floor area, fences, garages, and other ancillary structures, including secondary units (granny units).

H. New Single Family Residences

1. East of Main Street
   Administrative Coastal Permits will be required for construction of all new single

family residences until the City obtains the approval of the Coastal Commission to exempt the area East of Main Street to the LCP Urban/Rural Boundary except for those areas within a Coastal Commission appeal jurisdiction, an ESH Overlay Zone or on properties of 10 percent of greater slopes, from the requirement of obtaining a Coastal Development Permit for the purpose of construction of new, one story single family residences and two story residences when the second floor is less than 40% of the lot area. The Director is authorized by this Ordinance to take whatever steps are necessary to obtain Coastal Commission approval.

2. West of Main Street

a. Outside Appeal Jurisdiction
Administrative Coastal Permits required for properties located west of Main Street and not within the Appeal Jurisdiction or ESH Zone.

b. Within Appeal Jurisdiction
Regular Coastal Permits required for properties located west of Main Street and within the Appeal Jurisdiction or ESH Zone.

I. Demolition Of Existing Single Family Residential Structures
For properties located outside of the Appeal Jurisdiction and/or an ESH Zone, Coastal Permits are not required for demolition of existing single family residential structures and accessory buildings.

17.58.030 REGULAR COASTAL DEVELOPMENT PERMITS

All Coastal Development Permits within the jurisdiction of the City, which do not fall within the Administrative or Emergency categories shall be processed as a Regular Coastal Development Permit.

A. Developments And/Or Uses Within The City's Permit Jurisdiction
Coastal Permit Requirements for developments and/or uses within the City s Permit Jurisdiction shall be according to the requirements in Public Resources Code Section 30610 and the Coastal Commission Administrative Regulations, Section 13250.

1. Additions and/or improvements
Coastal Permit Requirements for Additions and/or improvements to existing residential or non-residential structures, other than public work facilities within the City s permit jurisdiction shall be pursuant to the requirements in Public Resources Code Section 30610 and the Coastal Commission Administrative Regulations, Section 13250.

2. Permit requirement for repair and maintenance activities
Repair and maintenance determinations shall be determined by Public Resources Code Section 30610 and the Coastal Commission Administrative Regulations

Section 13252.

3. Coastal permit requirements for the conversion of multi-family structure to time-share
Any activity anywhere in the Coastal Zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11003.5 of the Business and Professions Code shall not require a Coastal Development Permit. If any improvement to an existing structure is otherwise exempt from the permit requirements of this Section, no Coastal Development Permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this Subsection. The division of a multiple unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time share project, estate, or use for purposes of this Subsection. This Subsection shall not be applied in such a way that the City's supply of affordable housing shall be significantly jeopardized or in any other way that would be inconsistent with the Housing Element of the City's General Plan.

B. Public Notice Requirements For Regular Coastal Development Permits [Formerly 17.20.050]

1. Posting
At Least ~~Within~~ ten calendar days ~~after an application for~~ prior to action on the Coastal Development Permit ~~is accepted for filing,~~ the City shall post, in a conspicuous place on the site and at the Morro Bay branch of the public library, notice on a form provided by the Director indicating that such application has been submitted. ~~and including the file number and a general description of the proposed project.~~

~~B~~2. Notice By Mail
~~1.~~ At least seven days prior to the first public hearing on a development proposal, the Director shall notify by first class mail, the following persons of the pending application for Coastal Development Permit:

a. California Coastal Commission;

b. Each applicant and agent;

c. All person who have requested to be on the mailing list for the proposed development or for Coastal Permit decisions within the City of Morro Bay and who have provided a stamped, self-addressed envelope for such purpose;

d. The owners of property within three hundred feet of the proposed development; and

e. The residents within one hundred feet of the proposed development.

~~2~~3. Contents of Notice
The Contents of the public ~~Such~~ notice shall ~~contain~~ include the following information:

a. A statement that the development is within the Coastal Zone;

b. The date of filing of the application and the name of the applicant and/or agent;

c. The file number;

d. A description of the proposed development and its location;

e. The date, time and place at which the application will be heard by the Planning Commission;

f. A brief description of the general procedure concerning the conduct of hearing and local actions;

g. The system for appeals of City action to the Coastal Commission if the project is within the Coastal Development Permit appeal area.

~~C~~4. Published Notice
At least ten days prior to the first public hearing on a development proposal, notice of the pending Coastal Development Permit application shall be published in a newspaper having general circulation within the City. Such notice shall contain information required in Subsection 3 (a through e) of this Section. (Ord. 263 & 1 (part), 1984)

C. Public ~~Notice Requirements~~ Hearing Required for ~~On~~ Appealable Developments [Formerly 17.20.054]

At least one public hearing shall be held on each application for ~~an appealable~~ development within the appeal jurisdiction, thereby ~~affording~~ allowing any person the opportunity to appear at the hearing and inform the local government of their concerns regarding the project. The public hearing shall be conducted in accordance with existing local procedures as outlined in Section ~~17.20.050~~ 17.58.030.B. (Ord. 263 & 1 (part), 1984)

D. Public Hearings/Planning Commission Action [Formerly 17.20.060]

1. Time frames
Except as provided in Subsection ~~E~~ D.5. of this Section, within six (6) months (1 year if an EIR is required) ~~forty-nine days~~ after accepting a Coastal Development Permit application for filing, or after the submittal of all environmental

documentation required ~~pursuant~~ according to the California Environmental Quality Act, including any initial study or environmental impact report, the Planning Commission shall hold a public hearing on the proposed development. The Planning Commission may approve, conditionally approve, or deny any application submitted ~~pursuant~~ according to the provisions of this Chapter.

2. Protective policy precedence
Where policies within the LUP overlap, the policy which is the most protective of coastal resources shall take precedence; and where there are conflicts between the policies set forth in the LUP and existing ordinances, the policies of the LUP shall take precedence; the policies of the LUP shall not conflict with those of the other elements of the general plan.

3 Findings of the Planning Commission
In order to approve any Coastal Development Permit, the findings of the Planning Commission shall be that the approved or conditionally approved project is consistent with the applicable provisions of the certified Local Coastal Program. For every development between the nearest public road and the sea or the shoreline of any body of water, the Planning Commission shall make a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

4 City Council approval authority
In the event that the City Council is the City body having sole approval authority over a proposed development license, permit or entitlement for which a Coastal Development Permit is being concurrently processed, the City Council shall take the action otherwise required of the Planning Commission under this Chapter, including related notice and permit procedures.

5. Time limit on action extension
In cases where the Coastal Development Permit is processed in conjunction with a Conditional Use Permit and/or subdivision permit and/ or a concept plan requiring City Council approval and/or in cases where the Coastal Development Permit is required for a project lying within the review jurisdiction of the ~~harbor~~ Coastal Commission, the ~~forty nine day~~ time limit may be extended to ~~one hundred twenty days from acceptance of the application for filing to City action~~ the time limits designated for the other permits required for the proposed development or use. Further extensions to either time limit may be granted upon consent of the applicant in conformance with State law. (Ord. 263 & 1 (part); 1984)

E. Notice Of Local Government Action When Hearing Continued [Formerly 17.20.064]

If a decision on a Development Permit is continued by the local government to a time which is neither (a) previously stated in the notice provided ~~pursuant~~ according to

Section ~~17.20.050~~ 17.58.030.B, nor (b) announced at the hearing as being continued to a time certain, the ~~local government~~ City shall provide notice of the further hearings (or action on the proposed development) in the same manner, and within the same time limits as established in Section ~~17.20.050~~ 17.58.030.B. (Ord. 263 & 1 (part), 1984)

17.58.040 ~~130~~ ADMINISTRATIVE COASTAL DEVELOPMENT PERMITS

A. Developments and/or uses requiring an Administrative Coastal Development Permit

The Director may process as an Administrative Permit any Coastal Development Permit application specifically for the following developments and/or uses and provided that the development and/or use is not located in the Coastal Development Permit appeal area.

1. Improvements to any existing structure including minor additions to existing commercial, industrial or multi-family structures which do not result in an intensification of use or require Conditional Use Permit, or add any additional units or create any environmental impacts and which do not require a Subdivision Map;

2. Any single family dwelling (see 17.58.030.G & H);

3. Development of four dwelling units or less on a residential lot which is not located within the Coastal Appeal Jurisdiction and/or ESH overlay zone and that does not require demolition of more than two units or a Conditional Use Permit;

4. Demolition of less than three (3) units; ~~Any other developments not in excess of one hundred thousand dollars other than any subdivision of land; and~~

5. Any development specifically authorized as a principal permitted use in accordance with the certified land use plan and not requiring a conditional or special use permit or a variance;

6. Child day care facilities, day care centers and family day care homes as defined in Chapter 17.12 of this Code;

7. Any additions or improvements to existing public works facilities and utilities such as pumps, lift stations, storage sheds, utility lines and tanks under 1000 gallons, which do not result in an intensification of use, or require additional parking or create any environment impacts.

B. Exemptions to Administrative Permits

Exemptions shall apply to additions and/or improvements to existing residential

and non-residential structures other than public works facilities pursuant to requirements contained in Public Resources Code Section 30610 and the Coastal Commission Administrative Regulations, Section 13250.

~~B~~C. Notice Of Administrative Permits

1. Posted notices
   Ten days prior to action on an Administrative Coastal Development Permit, ~~Within five days of the filing of the application~~ notice of the submission of a Coastal Development Permit application shall be posted at the site of the proposed development in a conspicuous place and at the Morro Bay branch of the public library by the applicant using a form provided by the Director. Failure on the part of the applicant to post and maintain said notice throughout the permit process shall constitute grounds for suspension of the permit process by the City.

2. Mailed notices
   Notice shall also be sent by first class mail to the ~~Executive Director of the~~ Coastal Commission and to all persons who have requested to be on the mailing list for that development project.

~~C~~D. Contents of Notice

The notice form required ~~pursuant~~ according to Subsection ~~B~~ C of this Section, shall include the following information;

1. A statement that the development is within the Coastal Zone;

2. The date of filing of the application and the name of the applicant;

3. The case number assigned to the application;

4. A description of the proposed development and its location;

5. ~~A brief description of~~ The general procedure concerning ~~permit approvals and appeals;~~ the submission of public comments, either in writing or orally prior to the Director's decision.

6. The date the application will be acted upon by the Director; 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 Director s decision.

~~D~~E. Action by the Director

1. Deny, approve or conditionally approve
   The Director may deny, approve or conditionally approve applications for

Administrative Coastal Development Permits on the same grounds as contained in Section ~~17.20.060~~ 17.58.030.D.

2. Standards
Permits used for such developments shall be governed by the standards used in approving Coastal Development Permits ~~pursuant~~ according to this Chapter.

~~E~~F. Approval After Comment Period
The Director may not approve or conditionally approve Administrative Coastal Development Permits sooner than ten days after notice of the filing of the permit application has been sent ~~pursuant~~ according to this Section, in order to allow reasonable time to accept and consider comments on the application.

~~F~~G. Time Limit For Action
The Director shall act on Administrative Coastal Development Permits within thirty days of acceptance of the application for filing, except for development for which other City licenses, permits or entitlements are required by the Morro Bay Municipal Code. In cases where other licenses, permits or entitlements are required, the Director shall act on the administrative Coastal Development Permit within thirty (30) days of the granting of all such other licenses, permits or entitlements.

~~G~~H. Effective Date Of Administrative Permit
Administrative Permits shall become effective upon completion of the Notice of Final Action to the California Coastal Commission.

~~1. An administrative permit shall not be effective until the Planning Commission has had an opportunity to review the matter at its first scheduled meeting after the permit has been issued by the Director.~~

~~2. Any administrative permit issued by the Director shall be placed on the agenda of the Planning Commission at the Commission s first scheduled meeting after the permit is issued. The Director shall prepare a report in writing to the Planning Commission on the permits. Such reports shall be available to the public.~~

~~3. If two Planning Commissioners so request, the issuance of the administrative permit shall not become effective, but shall, if the applicant wishes to pursue the application, be treated as a new administrative Coastal Development Permit application governed by this Chapter.~~

~~H~~I. Appeal of the Director's Action to the Planning Commission
Any aggrieved person, including the applicant, may appeal the decision of the Director to the Planning Commission within ten (10) days of the Director s decision. Further appeals to the City Council and to the Coastal Commission may also be pursued in accordance with Sections ~~17.20.070~~ 17.58.070 and ~~17.20.080~~ 17.58.100.

~~I~~J. Amendments to Administrative Permits

1. Major amendments
Major amendments ~~to administrative permits~~ involving exterior structural or foundational plan revisions may be approved by the Director upon the same criteria and subject to the same reporting requirements and procedures, including public notice and appeals, as provided for issuance of Administrative Permits in Subsection ~~17.20.130.A through F inclusive~~ 17.58.040.B. ~~2. If any amendment would, in the opinion of the Director, change the nature of the project so it no longer meets the criteria established for treating the application as an administrative permit pursuant to Subsection 17.20.130.A.~~ Then the application shall thereafter be treated in the manner prescribed by this Chapter dealing with amendment to permits other than administrative permits. Such amendments are subject to fees as listed on the Master Fee Schedule. (Ord. 263 & 1 (part), 1984

2. Minor Amendments
Minor Amendments involving incidental floor, roof, exterior treatment, or plan revisions deemed minor, may be approved by the Director. Such amendments are subject to fees as listed on the Master Fee Schedule.

17.58.050 ~~120~~ EMERGENCY COASTAL DEVELOPMENT PERMITS

A. Applications

1. Notification to City
~~Applications~~, In case of emergency, applications shall be made by letter to the Director, or in person or by telephone, if time does not allow.

2. Application information
The following information should be included in the request:

a. Nature of the emergency;

b. Cause of the emergency, insofar as this can be established;

c. Location of the emergency;

d. The remedial, protective, or preventive work required to deal with the emergency; and

e. The circumstances during the emergency that appeared to justify the ~~cause(s) of~~ action taken, including the probable consequences of failing to take action.

B. Verification Of Emergency

The Director shall verify the facts including the existence and the nature of the emergency, ~~insofar~~ as time allows.

C. Criteria For Granting Emergency Permit

1. Public notice
The Director shall provide public notice of the emergency work, with the extent and type of notice determined on the basis of the nature of the emergency.

2. Director s findings
The Director may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, if the Director finds that:

a. An emergency exists that requires action more quickly than permitted by the procedures for administrative permits and the work can and will be completed within thirty days unless otherwise specified by the terms of the permit;

b. Public comment on the proposed emergency action has been reviewed, if time allows; ~~and~~

c. The work proposed would be consistent with the requirements of the certified Land Use Plan; and

d. Said emergency permit, shall be followed up with a regular Coastal Permit within 30 days of issuance of the emergency permit. Said emergency permit, if not inaugurated or the emergency ceases to exist, shall become null and void within seven (7) days of issuance of the permit.

D. Report of Emergency Permits to City Council

1. Timing, content, and distribution
The Director shall report, in writing to the City Council, at its first scheduled meeting after the emergency permit has been issued, the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall be mailed to all persons who have requested such notification in writing.

2. Director's discretion
The report of the Director shall be information only; the decision to issue an emergency permit is solely at the discretion of the Director, subject to the provisions of this Chapter.

E. Exception
An exception shall be granted only when immediate action by a person or public agency performing a public service is required to protect life and public property

from imminent danger, or to restore, repair or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency. The requirements of obtaining any permit under this Chapter may only be waived upon notification of the Director of the type and location of the work within three (3) days of the disaster or discovery of the danger, whichever occurs first. Nothing in this Section authorizes permanent erection of structures valued at more than twenty five thousand dollars. (Ord. 263 & 1 (part), 1984)

17.58.060 ~~040~~ APPLICATIONS AND SUBMITTAL PROCEDURES

A. Applications

Applications for a permit ~~pursuant~~ according to the provisions of this Chapter shall be submitted to the Director on a form prepared by him. Such applications shall include the following materials:

1. Description of development
   A detailed description of the proposed development comprised of maps, plans and any other information deemed necessary by the Director;

2. Evidence of legal interest
   Evidence of legal interest on the part of the applicant in the property which is proposed to be developed;

3. Other information
   All other appropriate permit applications and related information otherwise required for the proposed development ~~pursuant~~ according to the provisions of this Title; and

4. Fee
   A fee set by resolution of the City Council.

B. Filing

1. Notification of determination of acceptability
   Within thirty days (30) following receipt of an application for a Coastal Development Permit, the Director shall determine in writing whether the application is acceptable for filing.

2. Determination of incomplete application
   In the event that the Director determines the application to be incomplete, he shall specify for the applicant the information necessary to complete the application.

3. Criteria for filing acceptability
   No application shall be deemed acceptable for filing until all information required

by the Director has been submitted and approved by him.

C. Concurrent Process

Any other licenses, permits or entitlements in addition to a Coastal Development Permit as required by the Morro Bay Municipal Code may be processed concurrently with the Coastal Development Permit application. (Ord. 263 & 1 (part), 1984)

17.58.070 APPEALS TO THE CITY COUNCIL [FORMERLY 17.20.070]

A. Appeals Of Planning Commission Action

Any aggrieved person, including the applicant, may appeal in writing the decision of the Planning Commission on a Coastal Development Permit application to the City Council within ten days of the Commission s action. Such appeals shall be filed with the City Clerk on a prescribed form.

B. Council Action On Appeal

Upon receipt of an appeal filed ~~pursuant~~ in conformance to Subsection A of this Section, the City Clerk shall set the matter for public hearing before the City Council. Such hearing shall be held within ~~forty~~ sixty days following such receipt, notice thereof to be given in accordance with Section 17.58.030.B ~~17.20.050~~. The City Council shall render its decision not more than forty days after the close of the hearing.

17.58.080 FINALITY OF LOCAL GOVERNMENT ACTION [FORMERLY 17.20.070.C&D]

A. Completeness

A local decision on the application for development shall not be deemed complete until:

1. A local decision on the application has been made and all required findings have been adopted including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified Local Coastal Program, and where applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act; and

2 ~~When~~ All local rights to appeal have been exhausted as in Section ~~17.20.080~~ 17.58.070.

B. Notice of Final City Action [Formerly 17.20.070.D]

Within five working days of final City action, on an application for any coastal development, notice of the City action shall be sent by first class mail to ~~an~~ the ~~Executive Director of~~ Coastal Commission and to any persons who specifically requested notice of such final action by submitting a self-addressed, stamped envelope

to the City. Such notice shall include conditions of approval, ~~and~~ written findings and the procedures for appeal of the City action to the Coastal Commission.

17.58.090 EFFECTIVE DATE OF CITY ACTION

A. Outside The Coastal Appeal Jurisdiction
A final decision on an application for a Coastal Development Permit for projects outside the Coastal Development Permit appeal area shall become effective after the City's ten (10) day appeal period has expired unless an appeal of the Director and/or Planning Commission's decision is filed, or the notice of final action is inadequate as described under Section17.58.080.B.

B. Within The Coastal Appeal Jurisdiction:
A final decision on an application for a Coastal Development Permit for projects ~~outside~~ within the Coastal Development Permit appeal area shall become effective after the ten (10) ~~twenty~~ working day appeal period to the Coastal Commission has expired unless either of the following occur:

1. An appeal is filed; or

2. Notice of final City action does not meet the requirements set forth in Section ~~17.20.070.C~~ 17.58.080.B.

The effective date of the City's action may be suspended if either of the above circumstances occur. (Ord. 263 & 1 (part), 1984)

17.58.100 ~~080~~ APPEALS TO THE COASTAL COMMISSION FOR PROJECTS IN THE COASTAL DEVELOPMENT PERMIT APPEAL AREA

~~A. The Director shall determine whether the project is within the City's or Coastal Commission jurisdiction for purposes of notice, hearings and appeals prior to acceptance of the application for filing.~~

~~In the case of dispute over such determinations, the Director shall forward the matter to the executive Director of the Coastal Commission for a final written determination. The Coastal Development Permit application shall not be accepted for filing by the City until the determination of the Executive Director is received and only if he/she determines that the project is within the City's jurisdiction.~~

~~B~~A. Aggrieved Person
When an appellant has pursued and exhausted his or her appeal to the local appellate body (bodies) as required by the local government appeal procedures, said appellant shall be qualified as an aggrieved person; except that exhaustion of all local appeals will not be required if any of the following occurs:

1. Excessive appeals required
   The local government or jurisdiction require an appellant to appeal to more local appellate bodies than have been certified as appellate bodies for permits in the Coastal Zone, in the implementation section of the Local Coastal Program;

2. Denial of right
   An appellant was denied the right of the initial local appeal by a local ordinance which restricts the class of persons who may appeal a local decision;

3. Improper local notice and hearing procedures
   An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this Chapter; or

4. Appeal fee charged
   The local government jurisdiction charges an appeal fee for the filing or processing of appeals.

~~C~~B. Appeal By Coastal Commission

Where a project is appealed by any two members of the Coastal Commission, there shall be no requirement of exhaustion of local appeals; provided, however, that a local government may provide, by ordinance, that notice of Commissioner appeals may be transmitted to the local appellate body (which considers appeals from the local body that rendered the final decision), and the appeal to the Commission may be suspended pending a decision on the merits by that local appellate body. If the decision of the local appellate body modifies or reverses the previous decision, the Commissioners shall be required to file a new appeal from that decision. (Ord. 263 & 1 (part), 1984)

17.58.110 ~~115~~ PROCEDURES FOR OPEN SPACE EASEMENTS AND PUBLIC ACCESS DOCUMENTS

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

A. Review And Approval

The Executive Director of the Coastal Commission shall review and approve all legal documents specified in the conditions of approval of a Coastal Development Permit for public access and conservation/open space easement.

1. Completion of permit review
   Upon completion of permit review by the ~~local government~~ City and prior to the issuance of the permit, the ~~local government~~ City shall forward a copy of the permit conditions and findings of approval and copies of the legal documents to

the Executive Director of the Coastal Commission for review and approval of the legal adequacy and consistency with the requirements of potential accepting agencies.

2. Review period
The Executive Director of the Coastal Commission shall have fifteen (15) working days from receipt of the documents in which to complete the review and notify the applicant of any recommended revisions ~~if any~~.

3. Expiration of review period
The ~~local government~~ City may issue the permit upon expiration of the fifteen (15) working day period if notification of inadequacy has not been received by the ~~local government~~ City within that time period.

4. Revisions
If the Executive Director of the Coastal Commission has recommended revisions to the applicant, the permit shall not be issued until the deficiencies have been resolved to the satisfaction of the Executive Director. ~~or~~

B. Delegation Of Authority To Local Government

If the City requests, the Coastal Commission shall delegate to the City the authority to process the recordation of the necessary legal documents. ~~to the local government if the local government identifies~~ The City shall identify the department of the ~~local government~~ City or public agency or private association that has the resources and authorization to accept, open, ~~and~~ operate, and maintain the accessways and open space/conservation areas required as a condition of approval. For Coastal Development Permits subject to ~~the following:~~ said necessary legal documents upon completion of the recordation of the documents the ~~local government~~ City shall forward a copy of the permit conditions and findings of approval and copies of the legal documents pertaining to the public access and open space conditions to the Executive Director of the Coastal Commission. (Ord. 263 & 1 (part), 1984)

17.58.120 ~~100~~ AMENDMENTS TO PERMITS [FORMERLY 17.20.100]

Application for amendments to Coastal Development Permits issued by the City shall be made to the Planning Commission. The Planning Commission or City Council on appeal shall, consistent with the provisions of this Chapter, determine whether the proposed development, with the proposed amendment(s), is consistent with the requirements of the certified Local Coastal Program. (Ord. 263 & 1 (part), 1984)

17.58.130 ~~110~~ EXPIRATION OF COASTAL PERMITS [FORMERLY 17.20.110]

A. Expiration

A Coastal Development Permit shall expire on the latest expiration date applicable to

any other permit or approval required for the project, including any extension granted for other permits or approvals. Should the project require no City permits or approvals other than a ~~coastal development, the~~ Coastal Development Permit, it shall expire ~~one year~~ two (2) years from its date of approval if the project has not been commenced during that time. (Ord. 263 & 1 (part), 1984)

B. Time Extensions

1. Extension of the term for Regular Coastal Development Permits (CDP)
The term for CDP permits may be extended by the Director for up to two (2) one year periods. An applicant shall generally submit a request for a time extension at least sixty (60) days prior to the expiration date of the permit; however, the Director may accept requests for time extensions at any time prior to expiration of the permit. Such request shall be in writing and shall be accompanied by a fee set by the City Council. The Director shall review the proposal for consistency with all applicable ordinances and policies effective at the time of the request for extension.

2. Zoning administrative actions
The term for Administrative CDP permits may be extended by the Zoning Administrator for up to two (2) one-year periods in the same manner as provided for in Section B.1 above, except that no public hearing is required.

17.58.140 CITY PERMITS FOR DEVELOPMENT WITHIN THE COASTAL COMMISSION PERMIT JURISDICTION

The City will not issue a building permit where a Coastal Development Permit from the Coastal Commission is required until:

A. Applicant
The applicant has provided the City with a copy of the approved Coastal Development Permit and, if applicable, signed plans by the Coastal Commission; and

B. City
The applicant ensures the building plans that the City intends to approve are consistent with the plans signed off by the Coastal Commission staff, or reflect any plan changes described in written form; or

C. Alternative
The applicant provides the City with written verification from the State Coastal Commission that a Coastal Development Permit is not required.

17.58.150 NOTICE OF FAILURE TO ACT [FORMERLY 17.20.070.E]

~~1~~A. Notification by Applicant

If ~~a local government~~ the City has failed to act on an application within the time limits set forth in Government Code Sections 65950 through 65957.1, the applicant shall notify, in writing, the ~~local government~~ City and the Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.

~~2~~B. Notification by ~~Local Government~~ the City

When ~~a local government~~ the City determines that the time limits established pursuant to Government Code Sections 65950 through 65957.1 have expired, the ~~local government~~ City shall, within seven calendar days of such determination, notify by first class mail the Coastal Commission and any persons who specifically requested notice of such action ~~by submitting a self-addressed, stamped envelope to the local government of its action~~. Such notice shall include conditions of approval, ~~and~~ written findings and the procedures for appeal of the local decision to the Coastal Commission and that the application has been approved by operation of law ~~pursuant~~ according to Government Code Sections 65950 through 65957.1 and the application may be appealed to the Coastal Commission ~~pursuant~~ according to Section ~~17.20.080~~ 17.58.100. (This Section shall apply equally to ~~a local government~~ the City determination that the project has been approved by operation of law and to a judicial determination that the project has been approved by operation of law.) (Ord. 263 & 1 (part), 1984)

Chapter 17.60

USE PERMITS, PROCEDURES NOTICES AND VARIANCES

SECTIONS:

17.60.010	Use Permit General Provisions
17.60.020	Use Permit Application Form
17.60.030	Use Permit Issuance
17.60.035 ~~080~~	Zoning Administrator Office Established
17.60.036 ~~090~~	Zoning Administrator Duties
~~17.60.040~~	~~Special Use Permit~~ **[Moved to 17.30.030]**
17.60.040	Minor Use Permits
~~17.60.050~~	~~Interim Use Permit~~ **[Moved to 17.40.080]**
17.60.050	Emergency permits
17.60.060	Variance General Provision
17.60.070	Variance application Form
~~17.60.080~~	~~Zoning Administrator - Office Established~~ **[Moved to 17.60.035]**
17.60.080	Minor variances **[Formerly 17.60.090.A]**
~~17.60.090~~	~~Zoning Administrator - Duties~~ **[Moved to 17.60.036]**
17.60.090	Procedures for approval of minor variances and minor use permits **[Formerly 17.60.090.D]**
17.60.100	Variance Issuance
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17.60.130	Appeals of Planning Commission decisions
17.60.140	Expiration of permits and time extensions
17.60.150	Revocation of special entitlements
17.60.160	Hearing on revocation

17.60.010 USE PERMITS — GENERAL PROVISIONS

Use permits, conditional, special or interim, may be issued as provided in this chapter for any of the uses for which such permits are required or permitted by the term of this title, and for only those uses. The Planning Commission may impose such conditions upon the approval of a use permit, as it deems necessary to secure the purposes of this title and may require tangible guarantees or evidence that such conditions are being, or will be complied with. Such use permits, also referred to as conditional use permits (CUP), shall be revocable and the Planning Commission may set a term for the validity of any permit issued. (Ord. 263/1 (part), 1984)

17.60.020 USE PERMIT APPLICATION — FORM.

Application for conditional use permits, shall be made in writing by the owners of the property, lessee, purchaser in escrow or optionee with the consent of the owners on a form prescribe by the Planning Commission. The application shall be accompanied by a fee, set by the City Council and plans showing the details of the proposed use to be made of the land or building. (Ord. 263/1 (part), 1984)

17.60.030 USE PERMIT — ISSUANCE

Upon a receipt of the application for a use conditional permit, the Planning Commission shall determine whether or not the establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City. If the Planning Commission finds that the aforementioned conditions will not result from the particular use applied for, and that the subject project or use is in conformance with General Plan and certified Local Coastal Program, it may grant the use permit. Furthermore, the Planning Commission shall also make any other findings required pursuant to this title for particular uses, prior to granting a use permit. (Ord. 288 Exh. B (part), 1986, Ord. 263/1 (part), 1984)

17.60.035 ~~080~~ ZONING ADMINISTRATOR — OFFICE ESTABLISHED

The Office of Zoning Administrator is created; the Zoning Administrator shall be the Director of the ~~community development~~ Planning and Building Department or his appointed representative. (Ord. 263/1 (part), 1984)

17.60.036 ~~090~~ ZONING ADMINISTRATOR — DUTIES

The Zoning Administrator is authorized to act on applications for temporary use permits, minor use permits and certain minor variances, as provided below.

17.60.040 MINOR USE PERMITS

The Zoning Administrator may act on the following minor use permits:

1. Large family day care facilities.
   A large family day care home shall apply for a minor use permit to use a lot zoned for single family dwellings. The use permit shall be granted if the large family day care home complies with local ordinances, if any, prescribing reasonable standards, restrictions, and requirements concerning spacing and concentration, traffic control, parking, and noise control relating to such homes, contained in Section 17.48 and complies with regulations adopted by the State Fire Marshal. Any noise standards shall be consistent with local noise ordinances implementing the noise element of the general plan and shall take into consideration the noise levels generated by children. A minimum of two conforming off-street parking spaces for the residence shall be provided in addition to parking for the day care facility.

2. Temporary agriculture produce stands in AG and RA districts

3. Use approvals listed in MCR, C-VS and M-1 zones as minor use permits

4. Other approvals listed as minor use permits

17.60.050 EMERGENCY PERMITS

A. Applications

1. Emergency cases
   In case of emergency, applications shall be made by letter to the Director, or in person or by telephone, if time does not allow.

2. Application information
   The following information should be included in the request:

   a. Nature of the emergency.

   b. Cause of the emergency, insofar as this can be established;

   c. Location of the emergency;

d. The remedial, protective, or preventive work required to deal with the emergency; and

e. The circumstances during the emergency that appeared to justify the cause(s) of action taken, including the probable consequences of failing to take action.

B. Verification Of Emergency

The Director shall verify the facts including the existence and the nature of the emergency, insofar as time allows.

C. Criteria For Granting Emergency Permit

1. Public notice

The Director shall provide public notice of the emergency work, with the extent and type of notice determined on the basis of the nature of the emergency.

2. Director s findings

The Director may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, if the Director finds that:

a. An emergency exists that requires action more quickly than permitted by the procedures for regular permits and the work can and will be completed within thirty days unless otherwise specified by the terms of the permit;

b. Public comment on the proposed emergency action has been reviewed, if time allows; and

c. The work proposed would be consistent with the requirements of the certified land use plan.

d. Said emergency permit, other than for the removal of trees or structures, shall be followed up with a regular permit within 30 days of issuance of the emergency permit. Said emergency permit, if not inaugurated or the emergency ceases to exist, shall become null and void within seven (7) days of issuance of the permit.

D. Report of Emergency Permits to Planning Commission

1. Timing, content, and distribution

The Director shall report, in writing to the Planning Commission, at its first scheduled meeting after the emergency permit has been issued, the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall be mailed to all persons who have requested such

notification in writing.

2. Scope
The report of the Director shall be information only; the decision to issue an emergency permit is solely at the discretion of the Director, subject to the provisions of this chapter.

E. Exception
When immediate action by a person or public agency performing a public service is required to protect life and public property from imminent danger, or to restore, repair or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency. The requirements of obtaining any permit under this chapter may only be waived upon notification of the Director of the type and location of the work within three (3) days of the disaster or discovery of the danger, whichever occurs first. Nothing in this section authorizes permanent erection of structures valued at more than twenty five thousand dollars. (Ord. 263/1 (part), 1984)

17.60.060 VARIANCE — GENERAL PROVISIONS

Applications for variances from the strict application of the terms of this title may be made and variances granted when all of the following circumstances are found to apply:

A. Not A Special Privilege
That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and Zoning district in which the subject property is situated;

B. Special Circumstances With Property
That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; and

C. Consistent With General Plan And LCP
That the variance is found consistent with the intent of the General Plan and land use plan of the local coastal program. (Ord. 263/1 (part), 1984)

17.60.070 VARIANCE APPLICATION — FORM

Applications for variance shall be made in writing by a property owner, lessee, purchaser in escrow, or optionee with the consent of the owners on a form prescribed by the Planning Commission. They shall be accompanied by a fee set by the City Council the details of the variance requested, and evidence showing:

a. That the granting of the variance will not be contrary to the intent of this title or to the public safety, health and welfare; and

b. That due to special conditions or exceptional characteristics of the property, or its location, the strict application of this title would result in practical difficulties and unnecessary hardship; and

c. That the variance request is consistent with the intent of the coastal land use plan and the General Plan. (Ord. 263/1 (part), 1984)

17.60.080 MINOR VARIANCES [FORMERLY 17.60.090.A]

A. The Zoning Administrator May Act On The Following Variance Subjects:

1. Setbacks
Setbacks of eaves and decks not to exceed a ten (10) percent reduction;

~~2. Lot coverage; provided, however, that the proposed variance does not exceed ten percent of the maximum coverage otherwise required.~~

~~3. Maximum building site or minimum lot size, provided, however, that the subject site or lot is a legal lot pursuant to state and City subdivision ordinances and is not subject to any mandatory merger provisions of state or local regulations.~~

~~4~~2. On site parking
On site parking design ~~spaces~~; provided, however, that the proposed reduction does not exceed ~~one space or~~ ten percent of the ~~which is larger, of the minimum number of parking spaces otherwise~~ standard required;

~~5~~3. Other extension and projection standards
Standards for other architectural extensions and other exterior projections as contained in Chapter 17.48 not to exceed a ten percent;

~~6~~4. Standards for fences
Standards for the location, height and design of fences as contained in Chapter 17.48 not to exceed a ten percent deviation; and

~~7~~5. Building separations
Building separations not to exceed a ten percent reduction and in accordance with building code standards.

~~8. Distance between property lines and garage entryways;~~

~~9. Expansions to single family residences in R-1 zones with only a single car garage, exceeding twenty five percent of the existing floor area or four hundred square feet.~~

17.60.090 PROCEDURES FOR APPROVAL OF MINOR VARIANCES AND MINOR USE PERMITS

A public hearing shall not be required on the application for permits or variances on which the Zoning Administrator is authorized to act. However, prior to the decision on such applications, notice shall be given of the proposed action in the same manner as provided in Section 17.60.~~090~~ 110 below.

17.60.100 VARIANCE — ISSUANCE

A Variance may be issued if the Planning Commission or Zoning Administrator finds that the qualifications under Section 17.60.060 apply to the land, building or use for which variance is sought and that such variance is in accordance with the intent of this Title, all or part of the variance sought may be granted. (Ord. 263 / 1 (part), 1984)

17.60.110 NOTICE AND HEARING

A public hearing shall be held on any application for a Regular Use Permit or Variance, except permits and variances on which the Zoning Administrator is specifically authorized to act. Notice of such hearing shall be given, not less than ten days prior to such hearing, by publication in a newspaper of general circulation, and by mailing, postage prepaid, a notice of the time and place of such hearing to all persons whose names and addresses appear on the latest adopted tax roll, or as known to the City Clerk, as owning property within a distance of three hundred feet from the exterior boundaries of the area occupied, or to be occupied, by the use which is the subject of the hearing. Such notice shall set forth a general description of the property affected and the nature of the proposed use or variance. (Ord. 263/1 (part), 1984)

17.60.120 ACCEPTANCE OF CONDITIONS REQUIRED

Use permits and variances shall not have any force and effect until the permittee acknowledges receipt thereof and acceptance of a any condition thereto. (Ord. 263/1 (part), 1984)

17.60.130 APPEALS OF ACTIONS ON USE PERMITS AND VARIANCES ~~PLANNING COMMISSION DECISION~~

~~A. Use permits and variances shall not be issued until ten days have elapsed from the granting thereof and, in case an appeal is filed from the Planning Commission decision thereon, shall not be issued until decision shall be made by the City Council on such appeal. In case the applicant or any other person is not satisfied with the action of the Planning Commission on any use permit or variance application, he may, within ten days appeal in writing to the City Council. The fee for such appeal shall be set by the City Council.~~

A. Appeal of a Director's Decison

Any aggrieved person, including the applicant, may appeal the decision of the Director to the Planning Commission in writing within ten (10) days. The fee for such an appeal shall be set by the City Council. Upon receipt of such appeal, the Planning Commission shall render its decision not more than forty days after the close of the hearing. Further appeals to the City Council may also be pursued in accordance with the Sections.

B. Appeal of Planning Commission Decision

Any aggrieved person, including the applicant, may appeal the decision of the Planning Commission to the City Council writing within ten (10) days. The fee for such an appeal shall be set by the City Council. Upon receipt of such appeal, the City Council shall render its decision not more than forty days after the close of the hearing.

~~B~~C. Action at a Public Hearing

Upon receipt of such appeal, the City Council shall set the matter for public hearing; said hearing shall be held within ~~forty~~ sixty days following such receipt, notice thereof to be given as provided by law. Notice shall also be given to the Planning Commission which shall submit a report to the City Council setting forth the reasons for the action taken by the Planning Commission. Such report shall be submitted in writing or by representation at the hearing.

~~**C. Decision**~~

~~The City Council shall render its decision not more than forty days after the close of hearing.~~ (Ord. 263/1 (part), 1984)

17.60.140 EXPIRATION OF PERMITS AND TIME EXTENSIONS

A. Expiration

Any use permit or variance granted in accordance with the terms of this title shall, without further action, become null and void if not used within ~~one~~ two years from the date of the approval thereof or within any other period of time, if so designated by the Planning Commission. Also, any use that was inaugerated but is subsequently vacated or abandoned in whole or in part shall be deemed expired for that portion of use if abandoned for over 12 consecutive months.

B. Time Extensions

1. Extension of the term for Use Permits or Variances
The term for use permits or variances may be extended by the Director ~~Planning Commission~~ for up to two (2) one year periods. ~~or such other period of time so designated by the Planning Commission.~~ An applicant shall generally submit a request for a time extension at least sixty days prior to the expiration date of the use permit or variance; however, the Director may accept requests for time extensions at any time prior to expiration of the permit. Such requests shall be in writing and shall be accompanied by a fee set by the City Council. ~~In considering~~ Additional ~~a~~ time extensions for a use permit or variance may be approved by the Planning Commission ~~shall~~ upon conducting a public hearing, unless the applicant is able to inaugurate the use prior to noticing of a public nearing. If a hearing is to be held, said hearing shall be noticed in accordance with Section 17.60.110 of this title, and shall review the proposal for consistency with all applicable ordinances and policies effective at the time of the request for extension. (Ord. 263/1 (part), 1984)

2. Extension of the term for Minor Use Permits or Minor Variances
The term for Minor Use Permits or Variances may be extended by the Zoning Administrator for up to two (2) one year periods in the same manner as provided for in Subection B.1 above.

17.60.150 REVOCATION OF SPECIAL ENTITLEMENTS ~~PERMITS~~

The Director may institute proceedings to revoke any permit, variance, or other entitlement or approval granted pursuant to this Code in accordance with the procedures established in Chapter 17.61. (Ord. 311 Exh. A(part), 1987; Ord. 263/1(part), 1984)

~~Any use permit or variance granted in accordance with the terms of this title may be revoked by the City Council in the manner hereinafter set forth, if any of the conditions or terms of such permits are violated, or if the following findings are made:~~

~~**A. In Connection With Use Permits**~~
~~The continuance of the use would be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such use, or would be injurious or detrimental to property and improvements in the~~

~~neighborhood or to the general welfare of the City.~~

~~**B. In Connection With Variances**~~
~~Continued relief from the strict application of the terms of this title would be contrary to the public interest, safety, health and welfare. (Ord. 263/1 (part), 1984)~~

17.60.170 ~~160~~ HEARING ON REVOCATION

Before the council considers revocation of any permit, the Planning Commission shall hold a hearing thereon after giving written notice thereof to the permittee at least ten days in advance of such hearing and in the same time and manner as provided in Section 17.64.050. Within ~~five~~ fourteen days thereafter, the Planning Commission shall transmit a report of its findings and its recommendations on the revocation to the City Council. (Ord. 263/1(part), 1984)

Chapter 17.61 [Formerly 17.46]
ENFORCEMENT

SECTIONS:

17.61.010	Purpose ~~and intent~~
17.61.020	Enforcement
17.61.030	Violation-Penalty
17.61.040	Right-of-entry
17.61.050	Civil remedies

17.61.010 PURPOSE ~~AND INTENT~~

The purpose ~~and intent~~ of this section ~~are as follows~~ is:

A. To establish procedures for the enforcement of the provisions of this Title;

B. To establish remedies to correct violation of this Title; and

C. To assure due process of law and provide procedural guarantees to property owners affected by the enforcement of this Title. (Ord. 316 Exh. A (part), 1987)

17.61.020 ENFORCEMENT

It shall be the duty of the ~~Community Development~~ Director, ~~and he/she is directed,~~ to enforce each and all ~~of the~~ provisions of this Title. The Code Enforcement Officer and the Chief of Police shall render such assistance in the enforcement of this Chapter as may from time to time be required.

A. Revocation of Use Permits, Variances and Home Occupation Permits

1. Automatic revocation
   A use permit or variance shall be automatically revoked if not used within ~~one~~ two years, unless a longer period is specified in the approval, or unless an extension is granted.

2. Discretionary revocation
   All types of permits, variances and other entitlements or approvals may be revoked by the person or government body, who or which originally approved them, upon determining that any of the conditions have been violated or that the development has been carried out in a manner which violates any provision of

the Code. Such permits, variances and other entitlements may also be revoked if the following findings are made by the revoking person or body:

a. Change in circumstances
That there has been a substantial change in circumstances of the grantee, the neighborhood or other factors considered at the time such permit, variance or other entitlement was granted, and

b. Detrimental use
That the continuance of the use, permit, variance or other entitlement would be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood or would be detrimental to property and improvements in the neighborhood or to the general welfare of the City.

3. Revocation procedures
Procedures for revocation shall be as prescribed for issuance of the permit, variance or other entitlement or approval including written notice to the permittee at least ten calendar days before the hearing.

4. Revocation restrictions
When any entitlement has been revoked under this section no further development or use of the property to which the entitlement applied may be undertaken except pursuant to approval of a new application.

B. Violations of Zoning Regulations

Upon determining that a violation of any of the provisions of this Title exist, the ~~Community Development~~ Director shall have the following responsibilities and authority:

1. Voluntary compliance
To discuss the suspected violation of this Title in an attempt to secure voluntary compliance,

2. Initiate revocation proceedings
To initiate all necessary proceedings to revoke approvals and entitlements granted under this Title,

3. Initiate forfeiture proceedings
To initiate all necessary proceedings to forfeit bond or cash deposits,

4. Delegate responsibilities and powers
With the approval of the City Administrator, ~~to~~ the Director may delegate the responsibilities and power to enforce a specific provision of this Title or to correct one or more specific violations of this Title, to another city department or official,

5. Enforcement actions
When unable to secure voluntary compliance, the ~~Community Development~~ Director shall either request the City Attorney to institute a civil action to enjoin the violation, request the ~~Cost~~ Code Enforcement Officer or the City Attorney to file criminal charges against the violator or request the Code Enforcement Officer to commence proceedings to abate the violation as a public nuisance pursuant to the provisions of Chapter 8.14 of this Code. (Ord. 311 Exh. A (part), 1987)

17.61.030 VIOLATION-PENALTY

A. Misdemeanor/Infraction
Any person who violates any provisions of this Title shall be deemed guilty of a misdemeanor/infraction and upon conviction thereof, shall be punishable as provided in Title 1 of this code.

B. Penalty Limits
The imposition of one penalty shall not exclude the violation or permit such violations to continue.

C. Time Requirements
Any person who violates any provision of this Title shall be required to correct or remedy such violations within a reasonable period of time.

D. Additional Offenses
When not otherwise specified, the existence of a zoning violation for each and every day after service of reasonable written notice shall be deemed a separate and distinct offense. (Ord. 311 Exh. A (part), 1987)

17.61.040 RIGHT-OF-ENTRY

The ~~Community Development~~ Director and his~~/her~~ authorized representatives shall have the same right-of-entry as that set out in Section 8.14.060 of this Code. (Ord. 311 Exh. A. (part), 1987)

17.61.050 CIVIL REMEDIES

The City Attorney may apply to such court or courts as may have jurisdiction to grant such relief as will abate or correct any violation of this Title, or restrain and enjoin any person from continuing a violation of this Title. (Ord. 311 Exh. A (part), 1987)

Chapter 17.64

AMENDMENTS

SECTIONS:

17.64.010	Initiation and Adoption
17.64.020	Chapter Application
17.64.030	Initiation Procedure
17.64.040	Hearing Date
17.64.050	Notice of Public Hearing
17.64.060	Planning Commission Report and Recommendation
17.64.070	Council Hearing

17.64.010 INITIATION AND ADOPTION

Except as otherwise provided in this Chapter, any amendment to this Title shall be initiated and adopted as other ordinances are amended or adopted. (Ord. 263/1 (part), 1984)

17.64.020 CHAPTER APPLICATION

Any amendment to this Title which changes any property from one District to another District, or imposes any regulation upon property not theretofore imposed, or removes or modifies any such regulation, shall be initiated and adopted as hereinafter set forth in this Chapter. (Ord. 263/1 (part), 1984)

17.64.030 INITIATION PROCEDURE

Any amendment of the nature specified in Section 17.64.020 may be initiated by:

A. <u>Filing A Resolution Of Intention</u>
The filing with the City Planning Commission of a resolution of intention of the City Council;

B. Passage of a Resolution Of Intention
Passage of a resolution of intention by the Planning Commission; or

C. Filing of an Application
Filing with the Planning Commission of a petition of one or more record owners of property which is the subject of the proposed amendment or their authorized agents. ~~A petition~~ An application for amendment shall be on a form designated therefore by the Planning Commission and shall be accompanied by a fee, as set by the City Council. (Ord. 263/1 (part), 1984)

17.64.040 HEARING DATE

Upon receipt of a complete application ~~petition~~ or resolution of intention of amendment, the Planning Commission shall set a date for a public hearing thereon, but not later than ~~forty~~ sixty days after the receipt of said application ~~petition~~, or resolution, or after any required environmental determination. Where a development proposal is submitted with a request for zoning amendment, the the development proposal hearing for said amendment shall be at or prior to a hearing for. (Ord. 263 /1 (part), 1984)

17.64.050 NOTICE OF PUBLIC HEARING

Notice of public hearing shall be given ~~in the following manner~~ pursuant to Government Code Sections 65090 and 65091 or as they may be amended.

~~**A. Notice Of Hearing**~~
~~Publication of notice of hearing one time, not less than ten days prior to such hearing in a newspaper of general circulation in the City;~~

~~**B. Notice Of The Time And Place**~~
~~Notice of the time and place of any public hearing on any zone change amendment to this Title shall be given by the Planning Commission by mailing in the United States mail a written notice thereof, not less than ten days prior to such hearing, to every person whose name and address appears on the latest assessment roll as an owner of any property within the territory covered by such proposed change and within three hundred feet of the outer boundaries thereof; and~~

~~**C. Posting**~~
~~Posting, not less than ten days prior to such hearing, at least three public notices of hearing along the streets upon which the property proposed to be affected abuts.~~ Each ~~such notice shall consist of the words "Notice of Proposed zoning Change" in letters not less than one inch in height, and in addition thereto a statement in small letters setting forth a general description of the property proposed to be affected, the time and place of the public hearing thereon and such other information as the~~

~~Planning Commission deems to be necessary.~~

~~Any failure to post public notices as aforesaid shall not invalidate any proceedings for the amendment of this Title. (Ord. 263-1 (part), 1984)~~

A. Notice Of Hearing

When a provision of this Title requires notice of a public hearing to be given pursuant to this Section, notice shall be published pursuant to Civil Code Section 6061 in at least one newspaper of general circulation within the jurisdiction of the local agency which is conducting the proceeding at least 10 days prior to the hearing, or if there is no such newspaper of general circulation, the notice shall be posted at least 10 days prior to the hearing in at least three public places within the jurisdiction of the local agency. The notice shall include the information specified in Government Code Section 65094. In addition to the notice required by this Section, a local agency may give notice of the hearing in any other manner it deems necessary or desirable.

B. Notification Procedures

When a provision of this Title requires notice of a public hearing to be given pursuant to this Section, notice shall be given in all of the following ways:

1. Notice to owner or agent
   Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to the owner of the subject real property or the owner's duly authorized agent, and to the project applicant.

2. Notice to local agencies
   Notice of the hearing shall be mailed or delivered at lest 10 days prior to the hearing to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

3. Notice to real property owners within 300 feet
   Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the hearing. In lieu of utilizing the assessment roll, the local agency may utilize records of the county assessor or tax collector which contain more recent information than the assessment roll. If the number or owners to whom notice would be mailed or delivered pursuant to this paragraph or paragraph 1 is greater than 1,000, a local agency, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eight page in at least one newspaper of general circulation within the local agency in which the proceeding is conducted at least 10 days prior to the hearing.

4. If the notice is mailed or delivered pursuant to paragraph 3, the notice shall also either be:

   a. Published pursuant to Civil Code Section 6061 in at least one newspaper of general circulation within the local agency which is conducting the proceeding at least 10 days prior to the hearing.

   b. Posted at least 10 days prior to the hearing in at least three public places within the boundaries of the local agency, including one public place in the area directly affected by the proceeding.

   c. The notice shall include the information specified in Section 65094.

   d. In addition to the notice required by this Section, a local agency may give notice of the hearing in any other manner it deems necessary or desirable

17.64.060 PLANNING COMMISSION REPORT AND RECOMMENDATION

After the close of the public hearing or continuations thereof, the Planning Commission shall make a report of its findings and its recommendation with respect to the proposed amendment. The Planning Commission report shall include a list of persons who testified at the hearing, any staff report and a summary of the public testimony ~~facts adduced~~ at the hearing, the findings of the Commission and copies of any maps or other data and/or documentary evidence submitted in connection with the proposed amendment. A copy of such report and recommendation shall be transmitted to the City Council within ~~ninety~~ sixty days after the ~~first notice of hearing thereon;~~ Planning Commission decision; provided, however, that such time may be extended with the consent of the City Council or the petition for such amendment. (Ord. 263/1 (part), 1984)

17.64.070 COUNCIL HEARING

Upon receipt of the recommendation of the Planning Commission, the City Council shall hold a public hearing thereon, giving notice thereof as provided by law. After the conclusion of such hearing, the City Council may, within one year, adopt the proposed amendment or any part thereof set forth in the petition or resolution of intention in such form as the Council deems desirable. (Ord. 263/1 (part), 1984)

Appendix A

The language contained in this appendix is from Measure "A", apporoved by the voters in 1986, and is provided for informational purposes.

~~17.47.010~~ PURPOSE

The purpose of this chapter is to prevent Morro Bay from becoming an oil port, personnel-boat center or other logistical base for offshore oil operation. (Ord. 297 (part) 1987)

~~17.47.020~~ FINDINGS

These findings are based on the City of Morro Bay s General Plan, Housing Element, EIR for Appropriate Water rights in the Morro and Chorro Basin, May 1986; Quarterly and Annual Water Reports and other documents and information available and familiar to the City Council and the people of Morro Bay.

A. Environment Degradation

1. Sensitive habitat areas
   The City is a small community with many unique and environmentally sensitive habitat areas. These are critical wetlands habitats for several rare and endangered plant and animal species. Morro Bay is a bird sanctuary established by the local Audubon Society.

2. Natural estuaries
   The Estuary is among the last remaining natural estuaries along the coast of California and needs to be protected.

3. Physical settings
   The City is located in a physical setting with spectacular visual qualities. The visual resources of the community serve as valuable assets to both City residents and visitors.

4. Environmental studies
   Environmental studies designed to evaluate the potential impacts of oil and gas exploration and extraction activities on sensitive marine and coastal resources are not yet complete. Until these studies are completed, it is impossible to weigh the risks of offshore oil development against the potential royalties or energy benefits.

5. Environmental impact reports of potential spills
Environmental impact reports prepared to assess the effects of offshore drilling actually predict large scale oil spills. In addition to the destruction of marine life, spills could reach the shoreline, destroying habitat and reducing or eliminating seabird and other animal populations.

B. Effects On Morro Bay Economy

1. Commercial fishing significance
The commercial fishing industry historically played a significant role in the development of Morro Bay, and continues to provide an economic source for the community as well as serving as an important tourist attraction. The California Coastal Act of 1976 requires Morro Bay to protect and, where feasible, upgrade commercial and recreational fishing facilities. The City has a policy of giving priority to commercial fisheries in existing harbor facilities and in new harbor development.

2. Preservation
Morro Bay is one of the last true fishing ports along the coast of California and as such should be preserved.

3. Commercial fishing needs
There is a shortage of suitable wharfage space, moorings and areas for expansion of the commercial fishing industry. Morro Bay Harbor cannot accommodate boats of the size generally associated with oil development service bases. To do so would require a total redesign and redevelopment of the harbor and a tremendous amount of dredging. Lands available for additional wharfage are critical to the City s plans to develop facilities to meet the priority needs of the commercial fishing industry.

4. Conflict with oil support vessels
Due to the similarities in the requirements of commercial fishing boats and oil support vessels and because the oil industry can afford to pay more for the services required by their boats than the fishing industry, commercial fishing would tend to be displaced.

5. Tourism
Tourism is an important part of the City s economy with the quality of the beaches and the beautiful visual resources being a prime factor in the success of the tourist industry. Oil and gas development anywhere off Central California could have disastrous effect on beaches within the City and the tourist industry.

C. Impact Of Onshore Facilities

1. Support facilities
Support facilities for offshore oil and gas development cannot be accommodated in the City. The City s Local Coastal Program contains no sites designated onshore support facilities associated with offshore oil development. Any site in the City would have debilitating effects on the local economy and environment.

2. Groundwater
The City relies solely on finite groundwater basins currently in overdraft conditions resulting in a complete building moratorium which has only been partially alleviated. There is not sufficient water to accommodate any oil support facilities in the City.

3 General Plan, Housing Element
The goals for 1986 in the General Plan, Housing Element, particularly for affordable housing are not being met due to lack of water. Location of oil crews in Morro Bay would put greater demand for housing than could be met, thereby displacing lower income residents.

D. Consistency

1. General Plan
This chapter is consistent with the City s General Plan

2. Local Coastal Program
This chapter is consistent with the City s Local Coastal Program. (Ord. 297 (part) 1987)

3. Initiative Ordinance Number 283
Adoption of the Ordinance codified in this chapter by the people of the City of Morro Bay shall repeal that Initiative Ordinance Number 283 adopted by the City Council of the City on April 28, 1987 which became effective on May 28, 1986.

4. Consistency
Adoption of said Ordinance by the people does not amend nor rescind any consistent provisions of the General Plan, Local Coastal Program or Zoning Ordinances but does strengthen and define such consistent provisions. (Ord. 297 (part), 1987)