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June 24, 1999

To: Commissioners and Interested Persons

From: Tami Grove, Central Coast Deputy Director
Charles Lester, District Manager
Steven Guiney, Coastal Program Analyst

Subject: **City of Pismo Beach Local Coastal Program Major Amendment Number 2-98.** For public hearing and Commission action at its meeting of July 14, 1999, to be held at the Marin County Board of Supervisors' Chambers, Administrative Bldg., Room 322, Marin County Civic Center, San Rafael, (415 499-7331.

Synopsis

The City of Pismo Beach has submitted an amendment request to revise the existing, certified Zoning Ordinance (the Implementation Plan portion of the certified Local Coastal Program), amend various sections of the certified Land Use Plan (LUP), and certify the heretofore uncertified Growth Management Ordinance. The Zoning Ordinance revision is comprehensive and includes a new format and consolidation and renaming of zone districts with consequent re-zonings. The LUP changes include revision of the existing language for access dedications from requirements to recommendations and incorporation of policies from the Draft Downtown Specific Plan including minor changes to the titles and boundaries of the downtown core districts.

The Land Use Plan was certified with suggested modifications on August 13, 1982. The resubmitted LUP was certified by the Commission as submitted on October 14, 1982. The Implementation Plan (Zoning Ordinance) was certified with suggested modifications on January 11, 1984. The City agreed to the modifications and assumed coastal development permit-issuing authority on April 13, 1984. Since 1984 the City has issued 614 coastal development permits of which 405 were appealable. Of those 405 appealable permits, 19 have been appealed. The LCP has been amended 12 times since certification. The amendments include two annexations, several land use and zoning changes, permit processing changes and an LUP update in 1993. There are no areas of deferred certification.

Summary of Staff Recommendation

Staff recommends that the Commission **approve the proposed changes with suggested modifications** for the reasons given in this report. The suggested modifications are intended to

make the LUP consistent with the Coastal Act and to make the Zoning Ordinance and Growth Management Ordinance consistent with the LUP. LUP modifications are recommended to retain the requirement for ocean-fronting development to provide public access and retain the existing policy governing dedication and use of land along Pismo Creek. Recommended modifications to the Zoning Ordinance address measurement of building height, uses that may be permitted in the Open Space zone district, application of Best Management Practices to control polluted runoff, standards for ocean-fronting development including the content of geologic reports, riparian setback and grading standards, access requirements, definitions, and clarifications, additions and deletions to the coastal development procedures chapter. One modification is recommended to the zone district map to ensure the conformity of an existing recreational vehicle campground. One modification is suggested to the Growth Management Ordinance to make it consistent with Policy GM-1 of the LUP.

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 and 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.

ADDITIONAL INFORMATION

For further information about this report or the amendment process, please contact Steven Guiney or Charles Lester, Coastal Commission, 725 Front Street, Suite 300, Santa Cruz, CA 95060; Tel. (831) 427-4863.

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B. Ordinance No. 98-06 (Zoning Ordinance)
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D. Ordinance No.98-05 ((Growth Management)
E. Existing Land Use Plan pages LU-36, LU-37, LU-38, LU-39, LU-40, and LU-41 (includes Figure LU-15, Downtown Core, and Policies LU-K-1 through LU-K-3.5)
F. Maps

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 #2-98 to the City of Pismo Beach Land Use Plan as submitted by the City."

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

RESOLUTION 1

The Commission hereby rejects the amendment to the Land Use Plan of the City of

Pismo Beach 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 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 # 2-98 to the City of Pismo Beach Land Use Plan 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 2

The Commission hereby certifies Amendment # 2-98 to the Land Use Plan of the City of Pismo Beach 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 California Environmental Quality Act.

B. IMPLEMENTATION PLAN MOTIONS AND RESOLUTIONS

1. Denial of Implementation Plan Amendment as Submitted

MOTION 3

"I move that the Commission reject amendment #2-98 to the Implementation Plan of the City of Pismo Beach 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 #2-98 to the Implementation Plan of the City of Pismo Beach 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.

2. Approval of Implementation Plan Amendment if Modified as Suggested

MOTION 4
"I move that the Commission certify amendment #2-98 to the Implementation Plan of the City of Pismo Beach 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 #2-98 to the Implementation Plan of the City of Pismo Beach 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.

II. FINDINGS

The Commission finds and declares the following for City of Pismo Beach LCP amendment #2-98:

A. AMENDMENT SUBMITTAL BACKGROUND AND DESCRIPTION

1. Background

Pismo Beach is a small coastal city in southern San Luis Obispo County bounded on the south by the City of Grover Beach, on the southeast by the City of Arroyo Grande, on the northeast by agricultural lands in unincorporated San Luis Obispo County, on the northwest by the unincorporated community of Avila Beach, and on the southwest by the Pacific Ocean (See Exhibit F1). Pismo Beach is a popular vacation destination offering wide sandy beaches, impressive cliffs, a fishing pier, numerous hotels and motels, a recreational vehicle park, a State Park campground, and a visitor-friendly downtown. The population is about 8,000. John Price founded the City in the 1880's as El Pismo. The original townsite that he laid out in 1886 is now the downtown section of the City.

Pismo Beach stretches about six miles along the coast varying in width from less than one-quarter of a mile near the middle to more than a mile at its southern end. Most of the City lies within the coastal zone. From north to south the coastal zone boundary generally parallels the coast, first along the top of the ridge just inland from Highway 101, then dropping down into Price Canyon along Pismo Creek and the Union Pacific railroad to Highway 101. From there, the coastal zone boundary loops inland around the northern side of Pismo Lake before entering the City of Grover Beach. Generally, that portion of Pismo Beach east of Pismo Creek and north of Highway 101 lies outside of the coastal zone.

Beach access is ample and includes street ends right at the beach in the downtown area and stairways or trails from the bluffs farther north. The stairways are mostly associated with hotels. The widest beach is next to the downtown area; north of there bluffs up to 100 feet high tower over narrow sandy and rocky beaches and in some places rise directly from the ocean. Unlike Grover Beach and Oceano, Pismo Beach does not allow motor vehicles on its beach, although the beach is one contiguous feature for over 20 miles south into Santa Barbara County.

2. Description of the Amendment as Submitted

The City's LCP consists of two documents: 1) the Land Use Plan and 2) the Zoning Ordinance. As submitted, this amendment proposal by the City of Pismo Beach involves both the Land Use Plan (LUP) and the Zoning Ordinance.

Proposed Land Use Plan (LUP) Revisions

LUP changes include:

- changes to the LUP public access policies to make access dedications *recommendations* rather than *requirements*
- incorporation of revised policies of the Draft Downtown Specific Plan and minor changes to the titles of the downtown core districts to make the LUP and Zoning terminology consistent.

Proposed Zoning Ordinance Revisions

The Zoning Ordinance revisions include:

- better organization
- additional and improved graphics
- revised zoning district titles for clarification
- reduction or deletion of certain types of land uses no longer deemed appropriate due to intensity, impacts, or general nature of the uses
- changes to the zoning map to provide consistency between the zoning map and the land use map

The Zoning Ordinance contains the typical zone district descriptions and regulations governing structure height, setbacks, permit processing, etc.

The original, existing, zoning ordinance has 14 zone districts in the coastal zone. The proposed zoning ordinance has 13 zone districts (not including the overlay districts, which do not change the use allowed by the underlying zone district).

Finally, the City's Growth Management Ordinance and administrative procedures, never before certified, are submitted for certification.

B. ANALYSIS OF SUBMITTED LAND USE PLAN AMENDMENTS

1. Public Access and Recreation and Visitor-Serving Facilities

a. Coastal Act Policies

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 30212.
(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:
(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
(2) adequate access exists nearby. . .

Section 30214.
(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:
(1) Topographic and geologic site characteristics.
(2) The capacity of the site to sustain use and at what level of intensity.
(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.
(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

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.

Section 30223.
Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

b. Overview

There are numerous access points in the downtown area of the City to the wide sandy beach of Pismo State Beach that stretches from the southern end of the City, at the northern end of Grover Beach, a little over a mile north to where the bluffs rise from the ocean and the beach ends. Beach access north of there is less available due to the difficulty of descending and ascending the bluffs. In addition, much of the development is inland of the first road and/or predates the Coastal Act and Proposition 20 and so no coastal access was required with development. In the roughly five miles of coast to the north there are eight public vertical accessways to various stretches of beach such as adjacent to the Cliffs Hotel (See Exhibit F4). Some of the eight existing vertical accessways in this area are improved with stairs, others are trails. Currently, the vertical access adjacent to the Cliffs Hotel is the most northern improved vertical access in the City although the Land Use Plan lists a proposed vertical access at the northern end of the beach that stretches about one-quarter mile north from the Cliffs Hotel; that access would be developed when the blufftop parcel there is developed. There is no public vertical access for the final northern mile or so of the City's coastline, which is composed mostly of narrow, rocky beaches.

Coastal recreation is well provided for in Pismo Beach. At the downtown core within two blocks of the beach and within less than a mile from most of the motels and hotels there are numerous shops that rent and/or sell beach recreational equipment and clothing and provide other recreation oriented services. The public pier, where fishing is available, is also in the downtown core (See Exhibit F5). Additional recreation oriented development exists midway along the City's coastal frontage in the Shell Beach neighborhood which, while mostly residential, has a commercial section along Shell Beach Road. Recreation areas also lie just outside of the coastal zone and the Land Use Plan indicates they are to be connected with coastal recreation areas via trails along Pismo Creek.

c. Issues and Analysis

Access.

Currently, the LUP Policy requires that access be provided with development on ocean-fronting parcels. Depending on the size, location, and date of creation of a parcel, lateral access is required either from the mean high tide line to the top of the bluff or from the mean high tide line to a point sufficiently far inland to allow for blufftop lateral access in addition to the required bluff setback for erosion protection. The LUP also requires that the downtown streets which end at the ocean be developed into cul-de-sacs.

The City initially proposed to change the language of the several access policies by deleting the mandatory word, shall, and replacing it with the non-mandatory word, should, or may. After discussion with Commission staff, the City proposed a new overall access policy that would indicate that although access would be required, based on the Coastal Act and the Constitution, there were times and places when and where access would be inappropriate.

Recreation:

Currently, the LUP requires that new development along Pismo Creek dedicate an easement along the creek for the City to use as a greenbelt and/or recreation corridor that is proposed to extend inland into Price Canyon to future golf course/recreation areas outside of the coastal zone. The City proposes to change that requirement to a non-mandatory recommendation that an easement be dedicated voluntarily.

d. Consistency with the Coastal Act

Access

Coastal Act Section 30212 states that public access from the nearest public roadway to the shoreline and along the coast *shall* be provided in new development, except in those instances where, for example, access would be inconsistent with the protection of fragile coastal resources or where adequate access already exists. Section 30214 also recognizes that there may be reasons to regulate when, where, and how public access is provided, including respecting private property rights. Thus, the requirement that new development provide public access is not absolute.

The City's proposal to change the requirement for dedication of public access to and along the shoreline to a recommendation is based on the concept that there must be a nexus or relationship between the development itself and the requirement for an access easement dedication and that the amount of land to be dedicated must be roughly proportional to the burden placed on the public through the development. The proposed change, however, is not necessary to protect private property rights and is clearly inconsistent with the Coastal Act. The new overall access policy proposed by the City will allow the city to expressly acknowledge that access may not be will be required in certain instances. While the Coastal Act requires maximization of coastal access, it also recognizes that there are times and places where access is inappropriate, such as where it is inconsistent with public safety or where access would lead to degradation of fragile coastal resources, where adequate access exists nearby or where required legal findings cannot be made. Further, the Coastal Act requires the protection of the privacy of owners of private property adjacent to public accessways and requires that the public access policies be carried out in a manner that considers the equities and balances the rights of individual property owners with the public's right of access. If there is no connection between a development on private property and the public's right of access, then it would be reasonable, and consistent with the Coastal Act, to not require that public access be provided.

In any given project the City may find that one or more of the conditions mentioned in the preceding paragraph exists. In such a case, it would be entirely consistent with the Coastal Act to not require access dedication. Because the Coastal Act is oriented toward providing public access to and along the shoreline, such access is required unless it can be shown that a strong

reason exists such that it would be inappropriate to require the access. Changing the Land Use Plan access policies from requiring that public access be provided to recommending that it be provided, in order to recognize private property rights, may have the unintended effect of limiting the provision of public access in the future. As discussed above, while the Coastal Act requires the maximization of public access, the Coastal Act recognizes that there may be times and places where the provision of public access is inappropriate and where it would not be required. Therefore, changing the requirement to provide public access, to a recommendation is not necessary for the reasonable balancing of public rights of access to the shoreline with private property rights. Further, because the City's initial proposed change weakens the access requirements of the Coastal Act, it is not consistent with Section 30210 and 30214, and must be denied. The City's concerns will be addressed, though, by adding the overall access policy language that states that access requirements are to be consistent with Coastal Act access policies and the Constitution. Please see modifications A.2 through A.5 (Appendix A, pages 1-4).

The City's proposal to change the requirement that downtown streets ending at the ocean be developed into cul-de-sacs is different from the other proposed access changes. Whether or not the street ends are developed into cul-de-sacs should not have any impact on access. Access is currently available from those street ends and any additional parking created by the cul-de-sacs would be negligible compared to the overall number of parking spaces in the downtown core. This proposed change is consistent with Coastal Act access sections.

Recreation

Sections 30221, 30222, and 30223 *require* that land suitable for coastal recreation be protected for such uses unless present and foreseeable future demand for coastal recreation is already adequately provided for; that visitor serving commercial recreation facilities on private land have priority over other uses except agriculture or coastal dependent industry; and that land needed to support coastal recreation be reserved for such uses where feasible. In this case where the City proposes to eliminate the requirement for an easement for open space and/or trail purposes along Pismo Creek, the elimination of the requirement would be contrary to Coastal Act policy. As with access policies, the Coastal Act recreation policies are not absolute. In any given case, it may be that such an easement is not necessary or is infeasible. In those cases no easement would be required. By adding the language as shown in modification A.1 (Appendix A, page1) that states that public pathway dedication requirements are to be consistent with Coastal Act access and recreation policies, it becomes unnecessary to change the requirement for pathway dedication to a recommendation because the Coastal Act recognizes that the requirement to provide access and protect recreational lands is not absolute. Therefore, changing the requirement to provide dedication of land for a public pathway to a recommendation is not necessary, and is inconsistent with the Coastal Act.

However, with the suggested modifications, the LUP will be consistent with Coastal Act Sections 30211, 30212, 30221, 30222, and 30223.

2. Environmentally Sensitive Habitats

a. Coastal Act Policies

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.
(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(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.

b. Overview

Pismo Beach has several areas of high environmental sensitivity. These include the shoreline; Pismo Marsh, which is owned and managed by the Department of Fish and Game as a State Ecological Reserve; Pismo Creek; oak woodlands; and the hillsides just inland from Highway 101 (See Exhibit F1).

Pismo Creek flows from the Santa Lucia Mountains into the City through Price Canyon. The lower one-half mile of the creek, which is within the coastal zone, is subject to salt-water flow from the ocean upstream at high tides. Although in its lower reach the creek has been forced into a relatively small channel at the northern edge of what used to be a marshy area that also served as the creek's floodplain, there is at least some riparian habitat along the creek. Both marine and fresh water species are found in the creek waters. These include rainbow trout, prickly sculpin, brown bullhead, tidewater goby, and white surfperch.

The shoreline generally consists of a long, wide sand beach in the southern part of the City, smaller sandy beaches alternating with rocky beaches in the center of the City, rocky beaches in the northern part of the City, and nearshore rocks, islets, and reefs. The southern beach includes areas of sand dunes with low-growing plants characteristic of the coastal strand community. The intertidal area of the sandy beach is home to the Pismo clam. The rocky beaches contain numerous tide pools with abundant small marine life. The nearshore rocks, islets, and reefs provide roosting, haulout, and feeding areas for larger marine life such as seals, pelicans, and other shorebirds.

Pismo Marsh, in the extreme southeastern part of the City, is a remnant of a larger marshy area that was filled. Now fed primarily by Meadow Creek, the marsh is a part of what was a marshy area perhaps three to four times as large as the remaining marsh. Pismo Creek, which separates the filled area from the downtown, was originally the main water source. However, with the filling, the creek and marsh remnant were separated, now having no surface connection

or contact. Nevertheless, Pismo Marsh is an extremely valuable resource with diverse plant communities that provide excellent habitat for a wide range of wildlife species. The Department of Fish and Game has estimated that as many as 59 species of birds, 24 species of mammals, and four species of reptiles and amphibians may be found in the marsh area.

Oak woodlands and open grassy expanses characterize the hillsides inland of Highways 1 and 101, both within and outside of the coastal zone. These vegetation types are home to various mammals, birds, amphibians, and reptiles.

c. Issues and Analysis

Land Use Plan Conservation and Open Space Policy CO-21(a) establishes a streamside protection/buffer zone along Pismo Creek of 25, 50, and 100 feet from the top of the creek bank, depending on location (east or west bank, north or south of Highway 101, north or south of Cypress Street, north or south of Dolliver Street). Policy CO-21(c) requires that any new development dedicate as a condition of any discretionary approval, an easement for the protection of the streamside area along Pismo Creek consisting of 25 feet or more from the top of the creek bank. The City proposes to make this requirement non-mandatory. The change would delete the word shall and replace it with the word should, thus weakening the protection given to the environmentally sensitive habitat along the creek.

d. Consistency with the Coastal Act

Streamside buffers serve several functions. When vegetated, buffers can act as filtration devices to prevent or at least reduce the amount of sediment and other non-point source pollutants reaching the creek. If the buffer area includes trees, they may provide shading needed by fish. Vegetation on the creek bank can provide feeding areas and protection for various species. A buffer, therefore, can help to maintain the biological productivity and quality of coastal waters, consistent with Coastal Act policy 30231.

As with the proposed access and recreation changes, the changes to Policy CO-21(c) are inconsistent with the requirement of Coastal Act policy 30240 that development adjacent to an environmentally sensitive habitat area *shall* prevent impacts which would significantly degrade the habitat and *shall* be compatible with the continuance of those habitat areas. Thus LUP suggested modification A is necessary to maintain consistency with the Coastal Act (See Modification A.1 on page one of Appendix A). While the Coastal Act is the standard of review, the proposed change is also inconsistent with Policy CO-21(a), so the modification is necessary to maintain internal consistency.

With the modification suggested in this report, the LUP will be consistent with Coastal Act Sections 30231, and 30240.

3. Development in the Downtown Core

a. Coastal Act Policy

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.

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. . . .

b. Land Use Plan Map

The only changes proposed to the LUP map are in the downtown core. The changes there would reduce the number of land use designations from five to four. The existing and proposed land use designations are shown in the following table (note that proposed CD-M and CD-V combine parts of existing land use designations).

Existing Land Use Designations	Proposed Land Use Designations
Mixed Residential District, MR	Mixed Use and Residential Serving Commercial, CD-M
Mixed Use District, MU	
Residential Serving Commercial District, RS	
Central Commercial District, CC	Central Core, CD-C
Central Commercial District, CC	Visitor Services CD-V
Mixed Residential District, MR	
Mixed Use District, MU	
Open Space/Recreation District, OS/R	Open Space, OS

The proposed downtown land use designation changes maintain the City's downtown development downtown, where adequate services are available. The proposed changes will not allow any new or additional uses that could have adverse effects on coastal resources. The proposed land use designation changes do not eliminate any Coastal Act priority uses nor restrict visitor-serving development, public access, or recreation. Overall, the changes result in a more focussed and better-delineated set of land use designations in the downtown and visitor-serving opportunities are maintained. **The proposed land use designation changes are therefore consistent with Coastal Act section 30250**.

c. Downtown Core Land Use Plan Policies

There are eight existing downtown core land use plan policies. Each existing policy, the proposed change to it, and the consistency of the proposed change with the Coastal Act are described below.

Policy LU-K-1, Land Use Concept. This policy merely states the land use designations in the downtown area. These are Central Commercial, Mixed Residential, Resort Servicing

Commercial, Mixed Use, and Open Space. Policy LU-K-1 would be revised to state the proposed land use designations, which are Central Core, Mixed-Use and Resident-Serving Commercial, Visitor Services, and Open Space. There are no Coastal Act issues with renaming the land use designations.

Policy LU-K-2, Specific Plan. Existing Policy LU-K-2 states that "[a] Specific Plan shall be developed for the downtown area. . . ." The policy has five sub-policies (see Exhibit E):

a) a proposed ocean front boardwalk,
b) Pismo Creek trails,
c) interpretive panels or signage for the pier, boardwalk, and Pismo Creek trail,
d) development of street ends at the beach into cul-de-sacs, and
e) directions on improvements to a City-owned parking lot and park on Addie Street.

The proposed Policy LU-K-2 would have 13 sub-policies (see Exhibit A). The proposed policy would add a new sub-policy a stating the City's vision for the downtown, revise existing sub-policy a (Oceanfront Boardwalk) and reletter it to b; revise existing sub-policy b (Pismo Creek Trails) and reletter it to c; reletter sub-policy c (Interpretive Panels or Signage) to d; revise sub-policy d (Downtown streets perpendicular to the ocean) and reletter to e; reletter sub-policy e (City-owned Addie Street property) to f; and add new policies g through p. The revisions to the Oceanfront Boardwalk, Pismo Creek, and streets perpendicular to the ocean sub-policies are related to access. Please refer to pages 9 through 11 for a discussion of the consistency of these three sub-policies with the Coastal Act.

Proposed new sub-policy a (A Vision for the Downtown) simply states the principles to be emphasized by the downtown policies. They are "intended to guide future development of downtown Pismo Beach to enhance its role as a focal point for residents and visitors." The five principles are 1) to have a pedestrian-oriented focus, 2) identify areas for visitor serving lodging and retail services, 3) establish a resident serving district and mixed land use area, 4) conserve existing residential neighborhoods, and 5) enhance natural features of downtown (ocean, Pismo Creek). **All of these principles, and therefore policy LU-K-2(a), are consistent with Coastal Act Sections 30222 and 30250.**

The City's proposed new sub-policies g through p describe the following features in the downtown core (see Exhibit A): g) bus, bicycle, and pedestrian facilities as alternatives to automobiles; h) parking facilities; i) public street improvements; j) streetscape design; k) pedestrian corridors; l) the pier as open space; m) the pier parking lot and pedestrian plaza; n) design and redevelopment specifics for the Levi-Benson site adjacent to the pier parking lot in the heart of the downtown core; o) design and redevelopment specifics for the Clam Digger site just south of the Levi-Benson site; and p) redevelopment specifics for the Motel site at the ocean end of Main Street northwest of the Levi-Benson site.

Of the proposed new sub-policies g through p, only n through p furnish details of design and development. Sub-policy n, the Levi-Benson site, states that "[v]isitor-serving commercial uses, as well as a mixture of year-round uses (such as a restaurant) are appropriate for the site." The design details include street orientation of retail shops; plazas; pedestrian corridors; landscaping; parking; and provision for lodging, both residential and transient, on the second and third floors only. **These design and development features are all consistent with**

Coastal Act sections 30222 and 30250 because they allow for visitor-serving uses and retain development in an already developed area.

The Clam Digger site, the subject of sub-policy o is currently occupied by several cottages dating from the 1930s, which are used for transient lodging. The City-proposed language indicates that "[t]he preferred land-use scenario. . .is a multi-use development consisting of a hotel or hotels with related visitor-oriented retail shops." Other design and development details include parking, coordinated development of the two separately owned parcels underlying the site and standards for setback of upper floors from the oceanfront boardwalk. Although this proposed change would result in an increase of intensity of use, public services are adequate and the site is designated for such use. **Because this sub-policy envisions visitor-serving uses and would further concentrate development downtown, the proposed new sub-policy is consistent with Coastal Act sections 30222 and 30250.**

Finally, sub-policy p, which deals with the motel site at the ocean end of Main Street, contemplates development of a new hotel on the site of the existing motel that dates from the 1950s. **Identifying this site in the downtown area where all services are available as one for new hotel development is consistent with Coastal Act Section 30250.**

Policy LU-K-3, Districts. The existing policy states that the downtown shall have five land use designations and refers to a specific plan that "shall include additional policies for each district as appropriate." The proposed revision would delete the sentence referring to a specific plan, because the revised policy LU-K-2 incorporates policies originally developed as part of a proposed specific plan. There are no Coastal Act issues with this policy.

Policy LU-K-3.1, Mixed Residential (MR) District. The existing MR designation covers the south and northwest parts of the downtown. The types of uses to be permitted include

> a mixture of hotels and motels along with apartments, condominiums and other similar residential uses. Restaurants may be permitted when secondary to hotel use. . . .Small convenience markets that serve the daily needs of residents and visitors would be allowed in this district.

The City's proposed revision would delete the MR designation and place parts of the area now covered by it in the Mixed Use and Residential Serving (CD-M) District and the Visitor Services (CD-V) District, with over half of the current MR area becoming CD-V. Specifically, the MR designation north of Main Street would become CD-V between Main Street and Wadsworth Avenue and CD-M north of Wadsworth. The existing MR designation at the south edge of downtown would become CD-V west of Dolliver Street and CD-M north of Dolliver.

The new CD-M designation would be located generally inland of Dolliver except for three blocks in the northwest part of downtown and it

> will provide for a wide variety of land uses that serve local residents, including food markets, drug stores, health services, professional offices, and mixed use projects, which may combine commercial, residential, hotels and motels, and other uses.

The CD-V designation "is primarily intended to provide areas for a mix of lodging, recreational entertainment, and limited residential, retail and service uses." The CD-V designation would lie both north and south of the heart of the downtown core, providing easy and convenient access to the pier, beach, and several motels and restaurants.

The proposed change would not alter the area available for visitor serving and recreational uses. No Coastal Act issues are raised.

Policy LU-K-3.2, Resident-Serving (RS) Commercial District. The RS designation covers the area on each side of Price Street on the east (inland) side of downtown and "represents opportunities to segregate local traffic from the more tourist-serving areas of the downtown." Types of uses include retail, personal and business services, and professional offices with residential uses above the first floor. This designation is mainly to provide services for local residents. The City proposes to delete the RS designation and replace it with CD-M which is intended to

> provide for a wide variety of land uses that serve local residents, including food markets, drug stores, health services, professional offices, and mixed use projects, which may combine commercial, residential, hotels and motels, and other uses.

The types of uses permitted in the RS and CD-M designations are very similar and the entire RS area would become CD-M. There are no Coastal Act issues.

Policy LU-K-3.3, Central Commercial (CC) District. The Central Commercial district encompasses the heart of the downtown core. Its purpose is to provide commercial, recreational, and cultural uses oriented towards visitors, with a pedestrian orientation. The City proposes to replace the CC designation with the Central Core (CD-C) designation. The purpose of the CD-C designation is

> to provide intensive retail commercial, recreational, and cultural land uses, oriented towards pedestrian visitors and residents. The pier and boardwalk provide the focus for pedestrian activities in the "walkable" downtown commercial area.

The proposed change here does not raise any Coastal Act issues. Each designation provides for intensive visitor serving uses.

Policy LU-K-3.4, Mixed Use (MU) District. This district lies in the north central and south central areas of downtown, generally extending for no more than one-half block on either side of Dolliver Street. The MU district is to "provide for a wide variety of land uses including commercial, office, and residential uses (including hotels and motels)." Approximately three blocks along Dolliver, no more than one-half block deep, that are currently designated MU are proposed to change to CD-V. The rest of the MU area is proposed to change to CD-M. No Coastal Act issues are raised.

Therefore, the proposed land use designation changes are consistent with Coastal Act policies 30222 and 30250

Policy LU-K-3.5, Open Space District. The pier, beach, and two parks on the south edge of downtown share this designation and "[p]assive recreational uses are permitted in these areas." The City does not propose to change the name or extent of this land use designation. No Coastal Act issues are raised.

C. ANALYSIS OF SUBMITTED IMPLEMENTATION ORDINANCE

1. Zone Districts

Most of the changes from the originally certified Zoning Ordinance are to clarify ordinances and make it easier to use. Changes are also proposed to maintain consistency between the Zoning Ordinance and the Land Use Plan. Revised zoning district titles and rezonings reduce the number of districts in the coastal zone shown on the zoning map by one, from 14 to 13 by combining existing districts or parts of existing districts.

The following table shows each proposed zone district, the existing zone districts, in whole or in part, which are proposed to be renamed and/or changed in terms of kinds, density/intensity, and location. Most of the existing zone districts would be assigned to more than one new district. In most cases there is no change from existing zone districts to proposed districts in types of uses allowed or permitted, intensity/density of uses, or location of uses. In five instances, the rezoning would lead to more types of uses and higher intensity or density. In one instance the only change would be an increase in intensity or density of use. In one instance, the only change would be and increase in the kinds of uses. In two instances the change would be to fewer types of uses and lower intensity or density. Four of the changes would also result a change in location of the types of uses.

Proposed Zone Districts	Existing Zone Districts	Proposed Change Will Result in the Following Changes to Uses (N/C = No Change)		
		Kinds	Intensity/ Density	Location
Open Space (OS)	Open Space Natural (OS-1)	N/C	N/C	N/C
	Open Space Recreation (OS-R)	**More**	**Higher**	N/C
	Planned Residential (PR)	**Fewer**	**Lower**	N/C
	Hotel/Motel (R-4)	**Fewer**	**Lower**	√
Public Facilities (PF)	Government (G)	N/C	N/C	N/C
Single-Family Low Density Residential (RSL)	Planned Residential (PR)	N/C	N/C	N/C
	Single-Family Residential	N/C	N/C	N/C
Single-Family Medium Density Residential (RSM)	Planned Residential (PR)	N/C	N/C	N/C
	Single-Family Residential (R-1)	N/C	**Higher**	N/C
	Mobile Home (MH)	N/C	N/C	N/C
	Commercial Recreation (CR)	**More**	**Higher**	√

Resort Residential (RR)	Multi-Family Residential (R-3)	N/C	N/C	N/C
Resort Residential-Low Density (RR-L)	Two-Three Family Residential (R-2)	N/C	N/C	N/C
Resort Residential-High Density (RR-H)	Planned Residential (PR)	N/C	N/C	N/C
	Two-Three Family Residential (R-2)	More	Higher	N/C
	Multi-Family Residential (R-3)	N/C	N/C	N/C
Resort Commercial (CRS)	Hotel/Motel (R-4)	N/C	N/C	N/C
	Commercial Recreation (CR)	N/C	N/C	N/C
Downtown Visitor Services (CD-V)	Hotel/Motel (R-4)	N/C	N/C	N/C
	Resort Residential (R-R)	N/C	N/C	N/C
	Retail Commercial (C-1)	N/C	N/C	N/C
	Government (G)	More	Higher	√
Downtown Commercial Central Core (CD-C)	Hotel/Motel (R-4)	More	N/C	N/C
	Resort Residential (R-R)	N/C	N/C	N/C
	Retail Commercial (C-1)	N/C	N/C	N/C
	Government (G)	More	Higher	√
General Commercial (CG)	Retail Commercial (C-1)	N/C	N/C	N/C
	General Commercial (C-2)	N/C	N/C	N/C
Downtown Mixed-Use and Resident-Serving Commercial District (CD-M)	Retail Commercial (C-1)	N/C	N/C	N/C
Service Commercial (CS)	Commercial Manufacturing (CM)	N/C	N/C	N/C

The standard of review for changes to the Zoning Ordinance is the Land Use Plan (LUP). Just as the LUP must be consistent with the Coastal Act, so the Zoning Ordinance must be consistent with and adequate to implement the LUP. Zoning changes must be consistent with the corresponding land use designations.

a. Open Space (OS) District

According to Land Use Plan (LUP) policy LU-8,

> Open space land use designations include public parks and private lands intended to remain in open space or private parks. Open space lands shall not be developed intensively with buildings or other structures.

Existing LUP policy LU-A-8, which applies only in the Sunset Palisades Planning Area, states that

> The area between Shell Beach Road and the 101 Freeway shall remain in permanent open space. . . .Density transfers, public acquisition or other methods shall be utilized to achieve the open space goal. . . .Any development that may be approved on-site shall be required to maintain the open space character. The amount of site area that may be developed with improvements shall not exceed 5,000 sq. ft. or 60% of gross site area, whichever is less.

There are two existing open space zone districts, Open Space Recreation (OS-R) and Open Space Natural (OS-1). Each is discussed separately below.

i. Open Space Recreation (OS-R) and Open Space Natural (OS-1) to Open Space (OS)

Open Space Recreation (OS-R)

The intent of the existing OS-R zoning district is to provide areas of recreational uses. All uses are subject to a conditional use permit. According to the existing zoning ordinance, the uses that may be permitted include, but are not limited to, the following 1) passive recreational uses such as walking trails, sunbathing, and moveable benches; 2) active recreational uses such as parks, golf courses, and tennis courts; and 3) similar uses that are consistent with the requirements of the LCP.

The proposed Open Space (OS) zone district is intended to apply to areas that have

> significant natural resources, environmentally sensitive habitats, and/or scenic views to be protected. These areas include: hillsides, waterways, coastal and hillside view corridors, public beaches, and parks. Open space lands are not intended to be intensively developed with buildings or other structures. The OS zoning district is consistent with the Open Space land use classification of the General Plan/Local Coastal Plan.

All uses in the proposed OS district would be subject to a conditional use permit. The uses which may be permitted are listed in proposed Table 2-7 of the new zoning ordinance and are:

1. Nature preserve interpretive facilities
2. Parks and playgrounds
3. Home occupations
4. Residential accessory uses and structures
5. Single family dwellings

Nature preserve interpretive facilities and parks and playgrounds are similar in kind, intensity and density of uses to those that may be permitted by the existing OS-R zone district. As proposed, the proposed OS district would also permit home occupations, residential accessory uses and structures, and single family dwellings. Thus, the proposed zoning change from OS-R to OS would allow more kinds of uses (residential) with higher intensity of use. There is nothing inherently wrong with this, if the change is consistent with the LUP, which is the standard of review.

The current LUP Open Space land use designation, as found in Policy LU-8, allows for "public parks and private lands intended to remain in open space or private parks" and requires that land designated as open space "shall not be developed intensively with buildings or other structures." Nature preserve interpretive facilities and parks and playgrounds, uses that may be permitted in the proposed OS zone district, are consistent with the open space land use designation. Residential uses in the proposed OS zone district do not appear to be consistent with LUP policy LU-8, although they do appear to be consistent with Policy LU-A-8 regarding the open space area between Highway 101 and Shell Beach Road in the Sunset Palisades Planning Area.

Open Space Natural (OS-1)

There are only three OS-1 zoned parcels that are not either City-owned or entirely and permanently dedicated to open space. The three parcels are located between Shell Beach Road and Highway 101 in the Sunset Palisades Planning Area at the north end of the City (see Exhibit F6).

In 1991 the Commission certified an amendment to the zoning ordinance which allowed for a single family dwelling on an OS-1 parcel, in the following situation:

> If a private owner of real property lot or parcel demonstrates to the City's satisfaction that the non-structural open space uses allowed . . .do not permit a feasible and beneficial use of the property, the property owner may apply for a conditional use permit application to construct one residential unit only on said property.

The 1991 amendment was processed specifically for the three OS-1 parcels in the Sunset Palisades Planning Area between Shell Beach Road and the highway. No other open space parcels in the City were affected. The three affected parcels are approximately 6,150 square feet, 11,000 square feet, and 2.5 acres.

Therefore, some limited residential use in the proposed OS zone district is consistent with LUP policy LU-A-8, but only if the residential development is confined to the existing three OS-1 parcels in the Sunset Palisades Planning Area.

Thus, although the general open space policy, Policy LU-8, does not allow residential development, policy LU-A-8 does allow residential development on the three OS-1 parcels. Still, policy LU-A-8 is restrictive, requiring development to maintain the open space character and limiting the developed area.

Modifications

If residential accessory uses and structures are deleted as uses that may be permitted in the proposed OS zone district, and if single-family dwellings and home occupations are restricted to the three existing OS-1 parcels, then the change from OS-R and OS-1 to OS will be consistent with the LUP. Suggested Modification B.1.c.i (Appendix A, page 6) would accomplish these things by modifying Table 2-7 to 1) delete residential accessory uses and structures as uses in the proposed OS zone district and 2) to refer to Table 2-8 for residential use standards in the

proposed OS district, including limiting residential development (single family dwellings and home occupations) to the three OS-1 parcels between Highway 101 and Shell Beach Road in the Sunset Palisades Planning Area.

The proposed OS district standards contain some, but not all of the standards for development of these parcels established by the 1991 amendment. While not explicitly stated in the OS standards, the requirement for a visual analysis of the development from the highway with the development to minimize ocean view obstruction is found in 17.18.060 – View Considerations (V) Overlay District. The other missing standards include prohibition on further subdivision of the three OS parcels subject to the 1991 amendment; residential development on OS parcels to be limited to the three parcels subject to the 1991 amendment; a showing that Nature preserve interpretive facilities and Parks and playgrounds, the other uses allowed in the OS district, are not feasible and do not permit favorable and advantageous social and economic results consistent with the LCP; inclusion in site coverage of all residential use areas if residential use is permitted on the three parcels subject to the 1991 amendment; recordation of a permanent open space easement over the part of the parcel not occupied by allowed development; and landscaping that utilizes drought tolerant native plants and species that will not impair views of the ocean from the highway when mature. If these standards are included in the proposed OS district, then Table 2-8 will be consistent with the LCP and will maintain the open space protection and the owners' economic rights on the three OS parcels where residential development may be permitted. Modification B.1.c.ii (Appendix A, page 7) would modify Table 2-8 to accomplish these things.

Table 2-8 of the Zoning Ordinance limits the height of residences in the proposed OS district to 15 feet. For other structures, Table 2-8 states that the height limit is not applicable. However, Table 2-7 allows for uses other than residences in the OS zone district, with approval of a conditional use permit. Specifically, these uses are Nature preserve interpretive facilities and Parks and playgrounds. These uses could include various types of structures such as kiosk-type interpretive panels, playground equipment, and restrooms, which need to have a height limit standard for internal consistency. Typically, none of the potential structures associated with the two non-residential uses need be very tall. Lacking any LUP guidance as to height, but having direction from LUP Policy LU-8 that OS parcels not be intensively developed with buildings or other structures, it is appropriate to set the height limit for non-residential development at 15 feet, the same as the maximum height for residences. Modification B.1.c.ii (Appendix A, page 7) would delete N.A. (not applicable) and replace it with 15 feet

ii. Planned Residential (PR) to Open Space (OS)

LUP policies LU-A-3, LU-B-2 and 3, LU-C-2, LU-F-3 require dedication of blufftop lateral access/linear park open space areas. Policy LU-Q-3 prohibits development above the 200-foot contour on the hillsides inland from the highway for open space purposes.

The areas currently zoned PR that are proposed to be rezoned to OS are limited to 1) the area between Shell Beach Road and Highway 101 and along the partly developed bluff top linear park in the South Palisades Planning Area and the slopes above the 200 foot contour in the Freeway Foothills Planning Area. These proposed changes merely segregate the areas already delineated in the LUP for open space/public park uses from the residentially developed or to-be developed parts of the PR district. The proposed rezoning is consistent with the LUP.

iii. Hotel/Motel (R-4) to Open Space (OS)

This proposed rezoning would occur in the Dinosaur Caves Planning Area, pursuant to LCP amendment 1-98, which redesignated the area to open space.

b. Residential Zone Districts

i. Single–Family Residential (R-1) to Single-Family Medium Density Residential (RSM)

The only area where this change is proposed is in the Shell Beach Planning Area. According to LUP policy LU-H-1, "[t]he Shell Beach area is designated for. . .Medium Density Residential from there [Ocean Boulevard] toward Shell Beach Road." The proposed change could allow for more intense residential development, which would be consistent with the LUP land use designation.

ii. Commercial Recreation (CR) to Residential Single-Family Medium Density (RSM)

The existing land use designation, which is not proposed to be changed, is Resort Commercial (RC). The Resort Commercial designation "shall allow various visitor services including motels, hotels, and R.V. Parks."

There is a potential for loss of visitor serving opportunities at the Pismo Coast Village recreational vehicle park. The proposed zoning change there would be from Commercial Recreation to Single Family Medium Density Residential (RSM). The land use designation for the site is Resort Commercial. The revised zoning ordinance states that the RSM zone district is intended for areas appropriate for single-family and multi-family residential uses and that the zone district is consistent with the Medium Density land use designation. However, the existing land use designation of the Pismo Coast Village recreational vehicle park is Resort Commercial. The revised zoning ordinance states that the Resort Commercial (CRS) zone district, not the RSM zone district, is consistent with the Resort Commercial land use designation. Additionally, the CRS zone district "is intended for areas suitable for recreational vehicle parks and visitor-serving uses."

Clearly, the proposed rezoning from Commercial Recreation to Single-Family Medium Density Residential at Pismo Coast Village is inconsistent with the land use designation and so cannot be approved. Therefore, the proposed zoning map must be revised to indicate that the zoning of the Pismo Coast Village recreational vehicle park is Resort Commercial (CRS). Modification C (Appendix A, page 19) requires the revision to the zoning map.

iii. Table 2-3, Residential District General Development Standards

Table 2-3 of the proposed zoning ordinance lists the general development standards for residential districts. Table 2-3 generally limits height in the various residential zone districts to 25 feet or less, but allows heights up to 35 feet in the Single-Family Medium Density (RSM) zone district in the Pismo Heights and Motel District planning areas, and in the Resort Residential – Low Density (RR-L) and High Density (RR–H) zone districts through out the City.

LUP Policy D-2a allows for heights up to 35 feet in the Pismo Heights, Commercial Core, Industrial, Pismo Creek, Pismo Marsh, and Pismo Oaks planning areas but limits height to 25 feet in the Motel District planning area and all other planning areas from there north to the northern end of the City (See Exhibit F7). The proposed heights in the Zoning Ordinance for the various planning areas are almost the opposite of those given in LUP policy D-2a. The heights proposed in Table 2-3 are inconsistent with Policy D-2a, which limits height to no more than 25 feet from the southern boundary of the Motel District planning area north, and to not more than and 35 feet elsewhere, "[e]xcept where specified otherwise by this Plan or further*limited* by the implementing ordinance" (emphasis added).

The Zoning Ordinance (ZO) must be consistent with the LUP. Here the LUP only allows the ZO to limit heights further, not to increase them from those allowed by the LUP. In addition, Table 2-9, Height Limitation Overlay District Standards generally limits heights to 25 feet or less. The heights proposed in Table 2-3 are inconsistent with Table 2-9. Therefore, suggested modification B.1.a.i (Appendix A, page 4) to strike reference to the Pismo Heights and Motel District planning areas and insert language analogous to the LUP language is required to ensure consistency between the ZO and the LUP and ZO internal consistency.

iv. Table 2-4, Specific Plan Area Residential Development Standards

As submitted by the City, Table 2-4 suggests that the South Palisades Specific Plan is certified. However, the South Palisades Specific Plan has never been certified by the Commission. Land use regulations contained therein are not applicable in the coastal zone. Nevertheless, there is a South Palisades Planning Area and the LUP text includes specific development standards, much of which is the same as in the uncertified Specific Plan. Modification B.1.a.ii (Appendix A, page 4), indicating that there is no certified South Palisades Specific Plan and indicating that there are Specific Plans for the other planning areas, will avoid confusion and ensure that only the development standards listed in the certified LCP will be used in the South Palisades planning area.

c. Resort Residential-High Density (RR-H) Zone District

i. Two-Three Family Residential (R-2) to Resort Residential-High Density (RR-H)

This proposed change would occur in the Pacific Estates Planning Area along Pismo Creek just inland from Highway 101. The LUP map indicates that the lots proposed to be rezoned are designated for high density residential, 11 to 30 units per acre. The RR-H zone district allows from 11 to 30 units per acre. The proposed zoning change is consistent with the LUP

d. Commercial Zone Districts

i. Government (G) to Downtown Commercial Visitor Services (CD-V

The existing land use designation is Mixed Residential (MR), which is proposed to be changed to Visitor Services (CD-V). The area proposed to be rezoned from the Government zone district

is a public parking lot. The rezoning is consistent with the LUP both existing and as proposed to be amended, because the land use designation does not preclude parking lots.

ii. Hotel/Motel (R-4) to Downtown Commercial Core (CD-C)

The existing LUP designation is Central Commercial (CC), which emphasizes commercial, recreational, and cultural uses oriented towards visitors. The land use designation is proposed to be changed to Central Core (CD-C), which emphasizes intensive retail commercial, recreational, and cultural land uses oriented towards pedestrian visitors and residents. The land use designation change is largely one of name and not purpose. The proposed zoning change would allow more uses than the existing R-4 zoning. However, the proposed zoning change is consistent with the LUP, as proposed to be amended.

iii. Government to Downtown Commercial Central Core (CD-C)

The existing land use designation is Central Commercial (CC), which is proposed to be changed to Central Core (CD-C). The area proposed to be rezoned from the Government zone district is a public parking lot. The rezoning is consistent with the LUP both existing and as proposed to be amended, because the land use designations do not preclude parking lots.

iv. Subsection 17.12.020B.3, CD-V (Visitor Services) District

The Zoning Ordinance proposes this district as one "intended to provide areas appropriate for a mix of visitor lodging." "A mix of visitor lodging" is not defined. The uses listed under this proposed district in Table 2-6 clearly provide for more than a mix of visitor lodging.

The LUP land use designations, which currently cover the area proposed to be changed to CD-V, are Mixed Residential and Mixed Use. The MR designation is to permit a mixture of hotels and motels along with residential uses. The MU designation is to provide for commercial, office, and residential uses, including hotels and motels. The City proposes to change the land use designation to CD-V, which states that CD-V "is primarily intended to provide areas for a mix of visitor lodging, recreational entertainment, and limited residential, retail and service uses." This LUP definition indicates that CD-V is to provide for more than just a mix of visitor lodging.

Because the ZO must be consistent with the LUP, and as proposed here it clearly would not be, it is necessary to modify the subsection to include the LUP language. Modification B.1.b.i (Appendix A, page 5), to include the LUP language, makes the intent of the CD-V district consistent with the LUP as proposed to be modified.

v. Table 2-5, Allowed Uses. . .for Commercial Zoning Districts

CD-V Zone District

The ZO as submitted proposes uses that do not appear to fit with the intent of the CD-V zone district, either as submitted (a mix of visitor lodging) or as modified (a mix of visitor lodging, recreational entertainment, and limited residential, retail and service uses). These uses are Private Residential Recreational Facilities, Duplexes, Multi-family Dwellings, Residential Care

Homes, Child Day Care Centers, and Repair Services – Non-vehicular. These uses are defined in the ZO as follows:

1. Private Residential Recreational Facilities: Privately-owned, non-commercial outdoor recreation facilities provided for members or project/neighborhood residents, including swim and tennis clubs, park and sport court facilities. Does not include golf courses/ country clubs, which are separately defined.
2. Duplexes: Detached residential structures under single ownership containing two dwellings.
3. Multi-family Dwellings: A building or a portion of a building used and/or designed as residences for three or more families living independently of each other. Includes: triplexes, fourplexes (buildings under one ownership with three or four dwelling units, respectively, in the same structure) and apartments (five or more units under one ownership in a single building); townhouse development (three or more attached single-family dwellings where no unit is located over another unit); senior citizen multi-family housing; and common ownership, attached unit projects including condominiums. Duplexes are separately defined.
4. Residential care homes: Not defined in the Zoning Ordinance; however, other jurisdictions' LCPs commonly define this use as a facility to provide non-medical residential or day care services for people who have physical or mental disabilities.
5. Child Day Care Centers: Child Day Care Center (land use). Commercial or non-profit child day care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.
6. Repair services – Non-vehicular: Establishments which repair consumer electronics equipment, computers, appliances, and similar products.

None of these uses are uses that are appropriate in the CD-V zone district because they do not fit with the reasons for the district as given in Subsection 17.12.020B.3 as modified and as given in proposed LUP Policy LU-K-3.3

CRS Zone District

The purpose of the proposed Resort Commercial (CRS) zone district is stated in the proposed new zoning ordinance as being

> for areas suitable for recreational vehicle parks and visitor-serving uses. The CRS zoning district is consistent with the Resort Commercial land use classification of the General Plan/Local Coastal Plan

Several areas in the City which have at least a half dozen motels/hotels total are proposed to be rezoned to the CRS district. Yet, Table 2-5 as submitted does not allow hotels/motels in the CRS district. LUP Policy LU-4 states that the Resort Commercial land use designation "shall allow various visitor services including motels, hotels, and R.V.Parks."

For internal consistency and to ensure consistency between the LUP and the ZO, modification B.1.b.ii (Appendix A, page 5) is suggested. This modification would delete the inappropriate proposed uses in the CD-V zone, and would add hotels/motels as a permitted use in the CRS zone district. It is necessary to ensure consistency between the ZO and the LUP and for internal ZO consistency between Subsection 17.12.020B.3 and Table 2-5.

vi. Table 2-6, Commercial District General Development Standards, CS zone district column, Floor Area Ration (FAR), and CD-C zone district column, Front Setback

The floor area ratio in the CS district is given as 1.5 in the Land Use Plan and in proposed Zoning Ordinance section 17.12.020.D. The floor area ratio given in Table 2-6 is 0.5. For both consistency with the LUP and for internal consistency, the floor area ratio figure in Table 2-6 needs to be changed to 1.5

Discussion with the City revealed that the 10 foot front setback applies only where a side lot line in the CD-C zone district abuts a lot or lots in a residential *zone district*, rather than just a residential use, which could occur in many zone districts, including commercial.

Modification B.1.b.iii (Appendix A, page 6) deletes 0.5 and adds 1.5 as the allowed floor area ratio for the CS zone district and adds the word "zone" to indicate that the 10 foot front setback in the CD-C district is applicable only when abutting a residential zone district..

2. General Development Standards

i. Table 2-9, Height Limit Overlay District Standards

Proposed Table 2-9 lists nine special height limitation overlay districts in various areas of the City that modify the heights allowed in the underlying zone districts.

LUP Policy D-2a allows for heights up to 35 feet in the Pismo Heights, Commercial Core, Industrial, Pismo Creek, Pismo Marsh, and Pismo Oaks planning areas but limits height to 25 feet in the Motel District planning area and all other planning areas from there north to the northern end of the City (See Exhibit F7). LUP Policy LU-B-5.5 allows two story structures in the South Palisades planning area only where it is determined that views of the ocean will not be blocked or substantially impaired and requires a visual analysis of potential view blockage.

Of the nine overlay districts, four are modified by Modification B.1.d.i (Appendix A, page 8. The modification to overlay district HL-1 is for internal consistency regarding where height is measured. The modification to HL-3 is for consistency with the LUP about the height of structures immediately landward of the required bluff setback and which does not allow views from Highway 101 to be blocked or substantially impaired and requires a visual analysis. Overlay district HL-4 is modified to be consistent with a previous LCP amendment regarding Dinosaur Caves, certified by the Commission on July 9, 1998. Finally, the modification to HL-9 is for consistency with the LUP Policy D-2a, which limits heights in all of the Motel District planning area to 25 feet.

See also ***b.iii. Table 2-3, Residential District General Development Standards***, above.

ii. Subsection 17.20.020, Maximum Height of Structures

This section states that structure height shall not exceed the standards for the applicable zoning distract, except as otherwise provided by the Chapter. The Chapter allows general height limits to be exceeded only in residential districts. In the Resort Residential (RR) zone district, the height limit may be exceeded by up to 15 percent subject to discretionary determination by the City "that the height, bulk, and scale of the proposed structure is compatible with the adjacent area, and is consistent with view and other General Plan/LCP considerations." LUP Policy D-2 requires that new development "be designed to reflect the small scale image of the city rather than create large monolithic buildings." To ensure that the intent of Policy D-2 is achieved when allowing excess height, language is proposed in modification B.1.d.iii (Appendix A, page 8) to disallow fill to be used to increase the elevation of a building pad that would result in the height of a new building exceeding the height of existing structures on adjacent parcels that were built within the height limit, unless approved by a Conditional Use Permit.

iii. Subsection 17.20.030, Height Measurement, Figure 2-31

The ZO in this subsection states that "height shall be measure as the vertical distance from the site grade. . . ." Figure 2-31 does not show site grade. Rather it shows Natural Grade and Approved Pad Grade. The definition of site grade in the Zoning Ordinance, as modified, is "the precise topography of the parcel at the time of completion of finished grading, as approved by the City." There is no definition of natural grade. The definition of existing natural grade, as modified, is "[t]he natural contour of the ground surface on an individual parcel before any grading. There is no definition of pad grade. To avoid confusion, there should be one reference point from which height is measured. Site grade, as modified, provides a single reference point that ensures a structure won't be overly tall. For example, if height is measured from natural grade and the height limit is 35 feet, then structure height would be a line 35 feet above and parallel to natural grade. Presumably natural grade would be that existing before any human manipulation of the surface of the land. But if a site is excavated to 15 feet for example, either there is no natural grade from which to measure or the structure height could be as much as 50 feet (15 feet from the grade as excavated plus 35 feet above what was the grade before grading). Measuring from the grade established by the grading would not allow this. For internal consistency between the text and the figure, Modification B.1.d.ii (Appendix A, page 8) is necessary. That modification would change Natural Grade and Approved Pad Grade to Site Grade.

iv. New Subsection 17.22.020D, Blufftop Setbacks

In this general setback requirement subsection, there is no reference to blufftop setbacks. Modification B.1.d.iv (Appendix A, page 8) would add a reference to the ZO section that gives detailed bluff top setback requirements. This addition is to clarify that there are other regulations that apply to development on blufftop parcels.

v. Subsection 17.24.060C, Height Limitations (for fences, walls, and hedges)

This subsection refers the reader to subsection D for height limits on coastal blufftop fences. The correct reference is subsection E. Modification B.1.d.v (Appendix A, page 9) simply corrects the reference to the appropriate subsection.

vi. Section 17.24.060E2, Readily removable fences required

Subsection 17.24.060E, Coastal blufftop fences, prohibits fences "in bluff retreat setbacks *except* within the RSL district" (emphasis added), thus indicating that fences *are* allowed in bluff retreat setbacks in the RSL zone district. Subsection 17.24.060E.2 states that

> Fences shall be designed and sited to allow their easy removal or relocation in order to continually maintain a 25-foot minimum setback from the top edge of the bluff.

The first referenced subsection clearly allows fences in the blufftop retreat setback, in the RSL district . Subsection 17.24.060E.2 implies that fences must be outside of the blufftop setback.

In order to maintain internal consistency between the two subsections, Modification B.1.d.v (Appendix A, page 9) would delete the language about maintaining a 25 foot minimum setback (this refers to fences, not structures such as houses) and add language that would require that fences be moved landward as necessary to accommodate erosion and that no shoreline protective structure will be allowed to protect a fence from bluff erosion.

vii. New Subsection 17.24.140, Polluted Runoff

Runoff from development, including streets, parking lots, and heavily fertilized landscaping can contain numerous materials that are harmful to the ultimate destination of the runoff – the ocean. Some of these materials are oil, grease, heavy metals, and fertilizer. Any development can contribute to polluted runoff. The submitted zoning ordinance specifically requires all off-street/loading areas to be designed and constructed in compliance with the City's Best Management Practices. However, there is no requirement that development generally be designed and constructed in compliance with Best Management Practices to reduce or eliminate polluted runoff.

LUP Policy CO-31(j) provides that

> Degradation of the water quality of the groundwater basins, streams, or wetlands shall not result from development of a project. Pollutants such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or along side streams or wetlands during or after construction.

The LUP clearly indicates that polluted runoff must be dealt with during development construction and afterward. There is no existing or proposed ordinance to implement this policy consistent with the LUP. Therefore, to implement Policy CO-31(j), a new subsection 17.24.140, Polluted Runoff needs to be added to Chapter 17.24, General Property Development and Use Standards. This chapter applies "to all proposed development and new land uses regardless of

the applicable zoning district." Locating a subsection on polluted runoff in this chapter means that the standards will apply to all development, unlike subsection 17.34.070D, which applies only to off street parking/loading areas. Modification B.1.d.vii (Appendix A, page 9) will add language requiring all development to address polluted runoff.

viii. Subsection 17.26.030, Type of Bonus and Incentives Allowed (for affordable housing)

This subsection addresses density bonuses and regulatory concessions or incentives available to housing developments that include housing for low-income households and/or other qualifying residents. The density bonus allowed is a 25 percent increase in the number of dwellings normally allowed by the zone district. The concessions or incentives include reduction in site development standards.

The LUP contains a Housing Element that allows for density bonuses and/or other incentives to further the provision of housing for low-income households and other qualifying residents. The Coastal Commission no longer deals with affordable housing as such. While density bonuses for provision of affordable housing furthers the societal goal of ensuring housing for all citizens, the Coastal Act and the LUP both require that development not adversely affect coastal resources.

Modification B.1.d.viii (Appendix A, page 9) would add language clarifying that bonus units and other incentives are not allowed to adversely affect coastal resources.

ix. Subsection 17.30.040A.1, Landscape Planning Requirements

The ZO requires that "[a]ll setback areas. . .shall be landscaped. . .except where. . .occupied by a sidewalk or driveway, or is enclosed and screened from public view."

LUP Policy D-38 requires that side yards remain unobstructed where they provide ocean and attractive hillsides and valley views.

To remove potential conflicts, modification B.1.d.ix (Appendix A, page 9) adds language clarifying that landscaping is not required in those side yards that provide public views of scenic areas, pursuant to LUP Policy D-38.

x. Subsection 17.32.070F, Sand Mining

This subsection prohibits offshore sand mining within the City's jurisdiction.

LUP Policy CO-15 states that the ocean shore is the principle open space feature of the City and that ocean front land shall be used for open space, recreation, and related uses. Policy CO-16 prohibits dredging, drilling, diking, or filling of open coastal waters except as specifically permitted for beach restoration, pier maintenance, utility pipes and cables, or wetlands restoration.

Mining sand from the beach would compromise open space and recreation goals, and would be contrary to Policies CO-15 and 16. Modification B.1.d.x (Appendix A, page 9) adds the words "and beach" to this subsection to prohibit sand mining of the beach as well as offshore.

xi. Subsection 17.34.070C2 and Table 3-2, Required Parking Stall and Parking Lot Dimensions

This subsection refers to Table 3-2 as providing the dimensions for parking stalls and parking lots. Table 3-2 appears earlier in this chapter and lists the required number of spaces, not the dimensions. Dimensions are listed in what is labeled Table 3-2, but should be Table 3-3. Modification B.1.d.xi (Appendix A, page 10) makes the clarification.

xii. Table 3-4, Minimum and Maximum Driveway Width

LUP Table D-1 lists the minimum and maximum two-way traffic driveway widths. For clarity and to be consistent with the LUP Table, the Zoning Ordinance table should include in its title the words "Two-Way Traffic". Modification B.1.d.xii (Appendix A, page 10) makes this change.

xiii. Subsection 17.42.070E5, Variances, Findings, decision

One of the findings for a variance is that "[t]he adjustment authorized by the Variance is consistent with the General Plan and any applicable Specific Plan." Modification B.1.d.xiii (Appendix A, page 10) adds language so that a finding of consistency with the LCP is included.

3. Habitat

i. Subsection 17.12.050C.2, CD District Site.Planning and Land Use Standards, Setback of Structures from the Pismo Creek Channel

The ZO as submitted states that

> all structures located on parcels adjacent to Pismo Creek shall be set back from the top of the creek bank a minimum distance of 50 feet for parcels between Highway 101 and Dolliver Street and 25 feet for parcels between Dolliver and the Pacific Ocean.

Existing LUP Policy CO-21(a) requires "a minimum streamside protection zone to conserve the environmentally sensitive habitats of the creek." Policy CO-21(a) requires minimum buffer zone widths on the west bank of the creek of 100 feet from Cypress Street northward and 25 feet from Cypress Street to the ocean. East bank minimum buffer zone widths are 100 feet from Highway 101 northward, 50 feet from the highway to Dolliver Street, and 25 feet from Dolliver Street to the ocean.

The proposed standard in the ZO is not consistent with the LUP in that it does not address the buffer for those parcels north of Highway 101 and it does not differentiate between the east and west banks as does the LUP. Modification B.1.e.i (Appendix A, page 10) is necessary to

maintain consistency between the LUP and the Zoning Ordinance setbacks from Pismo Creek. The modification essentially replaces the proposed language with the LUP policy language.

ii. Subsection 17.22.020C, Riparian Setbacks

This subsection states that

> Structures, paving, and grading (other than grading determined by the Director to be necessary for slope stabilization) shall be set back from watercourses in compliance with Section 17.24.120 (Riparian Habitat Protection).

LUP Policy CO-14, Riparian Habitat, discusses standards for biotic resources management plans that are to be required as part of applications for discretionary permits. The standards prohibit "significant disruption of riparian vegetation" and require a minimum riparian buffer "generally not less than 25 feet."

The City-proposed language would allow "grading determined by the Director to be necessary for slope stabilization" to not be setback from riparian areas. No specific provision exists in the LUP to allow grading to not be setback the same as structures. However, it is possible that the safety of existing development adjacent to a riparian area may require grading in the riparian setback for slope stabilization in the event of ground movement caused by heavy rainfall or some other natural occurrence. Given the sensitive nature of the riparian area and the protection given by Policy CO-14, grading within the riparian setback should be allowed only upon approval of a conditional use permit. This would allow for full environmental review of the proposed grading by the Planning Commission. It may be that emergency situations will arise where grading in the riparian setback must be done immediately for public safety or to protect property. In such cases, an emergency permit could be issued by the Director.

Modification B.1.e.ii(Appendix A, page 10) would delete the parenthetical part of the subsection that would allow the Director to simply determine that grading in the riparian setback is necessary. Requirements for a conditional use permit or emergency permit for such grading is found in subsection 17.24.120C.3 (Riparian Habitat Protection), as modified, which is referenced in this subsection.

iii. Subsection 17.24.120B.2, General habitat standards

Subsection 16.24.120 requires a biotic resources management plan as part of a land use permit application for a site within 100 feet of Pismo Creek. Subsection B.2 requires that the plan include a provision for removal and replacement in riparian habitat areas of diseased plants or those that present public safety hazards.

LUP Policy CO-14 requires preservation of riparian habitat. The riparian habitat may be degraded with non-native plants. In order to further the policy of habitat preservation, if non-natives are removed, they should be replaced with native species. Modification B.1.e.iii (Appendix A, page 11) specifies that if non-native species are removed from habitat areas, any replacement plants must be appropriate native species, so as to restore the habitat, consistent with LUP policy CO-14.

iv. Subsection 17.24.120C, Riparian setbacks

This subsection states that

> Structures, paving, and grading (other than grading determined by the Director to be necessary for slope stabilization) shall be set back from Pismo Creek, and Pismo Marsh, and any other watercourses shown as blue lines on a U.S.G.S topographic quadrangle map, by the following minimum distances. . . .

The subsection continues with specific setbacks from Pismo Creek, Pismo Marsh, and other watercourses.

LUP Policy CO-14, Riparian Habitat, discusses standards for biotic resources management plans that are to be required as part of applications for discretionary permits. The standards prohibit "significant disruption of riparian vegetation" and require a minimum riparian buffer "generally not less than 25 feet."

As with subsection 17.22.020C, discussed at ***ii. Subsection 17.22.020C, Riparian Setbacks***, above, the City-proposed language in subsection 17.24.120C would allow "grading determined by the Director to be necessary for slope stabilization" to not be setback from riparian areas. No specific provision exists in the LUP to allow grading to not be setback the same as structures. However, it is possible that the safety of existing development adjacent to a riparian area may require grading in the riparian setback for slope stabilization in the event of ground movement caused by heavy rainfall or some other natural occurrence. Given the sensitive nature of the riparian area and the protection given by Policy CO-14, grading within the riparian setback should be allowed only upon approval of a conditional use permit. This would allow for full environmental review of the proposed grading by the Planning Commission. It may be that emergency situations will arise where grading in the riparian setback must be done immediately for public safety or to protect property. In such cases, an emergency permit could be issued by the Director.

Modification B.1.e.iv (Appendix A, page 11) would delete the parenthetical part of the subsection that would allow the Director to simply determine that grading in the riparian setback is necessary.

v. New Subsection 17.24.120C.3, Grading within the riparian setback

See ***l. Subsection 17.22.020C, Riparian Setbacks*** and ***q. Subsection 17.24.120C, Riparian setbacks***, above.

LUP Policy CO-14, Riparian Habitat, discusses standards for biotic resources management plans that are to be required as part of applications for discretionary permits. The standards prohibit "significant disruption of riparian vegetation" and require a minimum riparian buffer "generally not less than 25 feet." No specific provision exists in the LUP to allow grading to not be setback the same as structures. However, it is possible that the safety of existing development adjacent to a riparian area may require grading in the riparian setback for slope stabilization in the event of ground movement caused by heavy rainfall or some other natural occurrence. Modification B.1.e.v (Appendix A, page 11) would add a new subsection

17.24.120C.3 requiring approval of a conditional use permit or emergency permit for such grading.

4. Hazards

i. Subsection 17.32.030B, Prohibition on new access stairways – Sunset Palisades

This subsection prohibits new public or private beach stairways in the Sunset Palisades planning area and requires that if existing stairways are removed, damaged, or destroyed, they are not to be repaired or replaced, in accordance with LUP Policy LU-A-11. The goal of this policy is to protect the sensitive intertidal area (tidepools, etc.) by limiting direct access, which is consistent with Coastal Act Section 30210d(a)1.

LUP Policy LU-A-11 also requires protection of tidal and subtidal areas. The access policies generally require that public access be provided. Debris from stairways allowed to fall into disrepair and not removed and from those damaged by storms may adversely affect the tidal and subtidal environment and may interfere with beach access as debris washes onto the sandy beaches downcoast. Modification B.1.f.i (Appendix A, page 11) would add a new sentence that would require the owner of the stairway to be responsible for removing from the beach debris from the stairway.

ii. Subsection 17.32.040A, Erosion Control Plan

According to this proposed subsection, the required erosion control plan for any development on an ocean fronting parcel

> shall ensure that the development will not contribute to the erosion or failure of any bluff face, and will eliminate or mitigate any adverse impacts on local shoreline sand supply to the maximum extent feasible.

LUP Policy S-6 states that shoreline protective structures "must be designed to eliminate or mitigate adverse impacts on local shoreline sand supply, and to maintain public access. . . ." While this policy applies specifically to shoreline protective structures, it would be logically inconsistent to require that erosion controls only eliminate or mitigate adverse impacts on local shoreline sand supply *to the maximum extent feasible*. Modification B.1.f.ii (Appendix A, page 11) would strike the words to the maximum extent feasible so that erosion controls would have to eliminate or mitigate any adverse impacts on local shoreline sand supply.

iii. Subsection 17.32.040B, Application Content, Geology Report

This subsection requires a geology report when structures are proposed in an area between the face of the bluff and a line on the blufftop described by the intersection of the bluff top and a line from the base of the bluff inclined at a 20 degree angle, or 50 feet inland, whichever is greater.

LUP Policy S-3 requires that all structures be set back a distance from the bluff so that they will not need shoreline protection for a minimum of 100 years.

Geologic conditions on the parcel that could affect bluff erosion and siting of structures may occur and/or continue farther inland than 50 feet from the blufftop or the point of intersection of the 20 degree line from the base of the bluff with the top of the bluff. Also, since it may not be possible to assure stability and structural integrity for development in the 100 year erosion zone or geologic study zone, information on the stability of the overall parcel can be used to determine if there are safe developable areas anywhere on the parcel. Geologic conditions also need to be investigated when development is proposed seaward of the face of the bluff, as with seawalls and public accessways. Modification B.1.f.iii (Appendix A, page 11) would require a geology report for the entire parcel when structures are proposed seaward of the face of the bluff or within the area between the face of the bluff and a line described on the blufftop by the intersection of a plane inclined at a 20 degree angle from horizontal passing through the toe of the bluff or cliff, or 50 inland from the blufftop, whichever is greater..

iv. Subsection 17.32.040C, Application Content, Preparation and contents of geology report

The method of preparing a geology report and its contents are described by this subsection. These include preparation of the report by a qualified, licensed engineer, who shall analyze cliff geometry, historic maps and photographs, soil types, ground and surface water, etc., in order to understand erosional processes and derive therefrom a setback such that no shoreline protection will be needed for a minimum of 100 years.

The LUP, in Policy S-3 requires structures to

> be set back a safe distance from the top of the bluff in order to retain the structures for a minimum of 100 years, and to neither create nor contribute significantly to erosion, geologic instability or destruction of the site or require construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Policy S-6 permits shoreline protective structures

> only when necessary to protect existing principal structures. . .in danger of erosion. If no feasible alternative is available, shoreline protection structures shall be designed and constructed in conformance with Section 30235 of the Coastal Act and all other policies and standards of the City's Local Coastal Program. Devices must be designed to eliminate or mitigate adverse impacts on local shoreline san supply, and to maintain public access to and along the shoreline.

Policy PR-22 requires dedication of a lateral public access easement with new development of parcels located along the shoreline, to ensure that the public can use and enjoy dry sandy beaches and rock beaches and intertidal and subtidal areas.

An engineer may or may not have the expertise to prepare the required geology report. Typically, a geologist or an engineering geologist will have the proper education and experience to prepare the report. The subsection should be modified to indicate that the report be prepared by either a geologist or an engineering geologist.

Subsection 17.40.040A of the proposed Zoning Ordinance encourages an applicant or applicant's agent "to request a pre-application review prior to completion of project design and the formal submittal of a permit application." Through this pre-application review, all affected City departments review the proposal and inform the applicant of any additional requirements, issues of concern, and possible alternatives or modifications to the project. Because a basic requirement for development on ocean fronting parcels is understanding of the parcel's geology, it is logical to have a geology report prepared before detailed, final plans are created and to have the City review the geology report and preliminary plans.

A blufftop setback is used to locate a structure sufficiently far from the bluff edge so that the structure will not be threatened by natural retreat of the bluff face. Over time, bluffs generally will go from having a steep, almost vertical face, to a more gentle, less steep face. In areas where the bluffs contain faulting and fractures, the bluff face may retreat through slides or block failures as these zones become weak. Rainfall, slope wash and wind also cause a gradual rounding of natural bluffs. On a coastal bluff this blufftop setback must be combined with the anticipated retreat of the lower bluff, due to long-term (100-year) erosion. A safe setback for a coastal bluff would add the setback necessary to assure that the structure will not be threatened by natural retreat of the bluff face with the anticipated landward retreat of the bluff due to natural erosion at the base of the bluff. For example, assume that the structure would become unsafe when the bluff edge was 15 feet away, and assume that the average long-term erosion rate is six inches per year. The structure in this hypothetical case should be setback 65 feet from the bluff edge to provide both the necessary blufftop setback for the stability of the structure (15 feet) and the long-term retreat of the overall bluff due to erosion at the base (6 inches per year times 100 years, or 50 feet). The subsection should be modified to require an adequate buffer from the 100-year erosion line. Without such a buffer, the structure would not be safe for a minimum of 100 years because if located at the 100-year erosion line, the structure would become unsafe sometime before 100 years (e.g., there would probably be foundation settling and cracking and associated damage making the structure unsafe well before erosion actually reached the structure). This is even more the case on high bluffs, where potential catastrophic failures may require a greater setback. Thus a geologic report should also contain a risk assessment for proposed principle structures such as a house and secondary structures such as public access facilities and public utilities.

Bluffs can contribute to sand supply. Therefore, the geology report should contain a thorough sand supply analysis so that the effect of development on beach sand supply can be quantified. This could be helpful if shoreline protection was required, because shoreline protection typically reduces, by a greater or lesser amount, the supply of sand to the beach through retention of bluff material.

Shoreline protective structures can have adverse effects on recreational use of the ocean. These structures essentially extend the bluff face seaward, encroaching on the beach. This can change wave dynamics in the nearshore environment, potentially affecting surfing, swimming, boating, and fishing. Because of this, a geologic report for development seaward of the bluff face should address impacts to nearshore recreation.

Suggested modification B.1.f.iv (Appendix A, page 12) will make this subsection consistent with the LUP.

v. Subsection 17.32.050C.1, Bluff retreat setback requirements

The ZO requires that new structures

> be setback a sufficient distance from the bluff top to be safe from bluff erosion for a minimum of 100 years, as determined by a site-specific geology report, prepared in compliance with Section 17.32.040.B (Application Content – Geology Report); provided that in no case shall the minimum setback be less than 25 feet.

LUP Policy S-3 requires a setback to retain the structure for a minimum of 100 years and further specifies that on single-family residential lots subdivided before January 23, 1981, the minimum setback is to be 25 feet, although the City Engineer, at his or her discretion, may require a geologic investigation. A setback greater than 25 feet may be required if warranted by the report. The policy requires a geology report for all other development.

As discussed above, if a structure is located right at where the edge of bluff is projected to be in 100 years, then it is unlikely that the structure will be safe from erosion for 100 years because it will exhibit loss of structural integrity (severe cracking of foundation, etc.) or fall onto the beach before 100 years has passed or 100 years' worth of erosion has occurred. Coastal Commission experience is that houses setback right at the erosion line, whether 75 years or 100 years, have needed shoreline protection in a much shorter time. That is why there should be a buffer beyond the 100 year projected bluff edge, so that the structure truly won't be endangered from erosion for 100 years, or the equivalent amount of erosion. This buffer is the blufftop setback necessary for all blufftop development, and must be sufficient to assure structural stability as the bluff face becomes more gradual due to slope wash, rain, wind, surficial slides or block faults. At a minimum this setback should be 15 feet. The geologist or engineering geologist will have to determine if a greater buffer is necessary based on the geological conditions at the site.

Modification B.1.f.v (Appendix A, page 12) would require a safety buffer of a minimum of 15 feet, in addition to the setback from the bluff based on 100 years of erosion, to ensure that structures truly are safe for 100 years.

vi. Subsection 17.32.070, Shoreline Protection

Shoreline protective structures can be permitted by this subsection if, among other things, the structure is the least environmentally damaging feasible alternative and if designed to provide lateral beach access, where feasible. Yet, the subsection also states that no permanent structures shall be permitted on the dry sandy beach except facilities necessary for public health and safety.

LUP Policy S-3 requires a setback to retain a new structure for a minimum of 100 years and further specifies that on single-family residential lots subdivided before January 23, 1981, the minimum setback is to be 25 feet, although the City Engineer, at his or her discretion, may require a geologic investigation. A setback greater than 25 feet may be required if warranted by the report. The policy requires a geology report for all other development. Policy S-6 permits shoreline protective structures

> only when necessary to protect existing principal structures. . .in danger of erosion. If no feasible alternative is available, shoreline protection structures shall be designed and constructed in conformance with Section 30235 of the Coastal Act and all other policies and standards of the City's Local Coastal Program.

Policy PR-22 requires dedication of a lateral public access easement with new development of parcels located along the shoreline, to ensure that the public can use and enjoy dry sandy beaches and rock beaches and intertidal and subtidal areas.

With the appropriate setback from the edge of the bluff, including a buffer area, blufftop structures should not need any shoreline protection for the life of the structure. Policies S-3 and S-6 allow shoreline protective structures only when necessary to protect existing *principal* structures, coastal dependent development, and public beaches in danger from erosion, *if no feasible alternative is available.* Older houses on smaller lots may have no feasible alternative to shoreline protection. However, new houses set back the appropriate distance should never need shoreline protection. The appropriate setback at the start is the least environmentally damaging feasible alternative to shoreline protection.

Shoreline protective structures cannot just be constructed and forgotten. They must be inspected regularly and maintained as necessary. It is not unusual, for example, for rip rap to migrate over time farther seaward and/or to be displaced laterally. This can interfere with public use of the beach and weaken the integrity of the shoreline protective structure.

Finally, Policy PR-22 requires a lateral public access easement to allow public use of the beach. As submitted, this subsection would allow approval of shoreline protective structures when, among other things, they are designed to provide lateral beach access, *where feasible.* The LUP has no such qualifying language.

Modification B.1.f.vi (Appendix A, page 13) would require that approval of all new development on ocean fronting parcels include a condition prohibiting shoreline protective structures in the future to protect the development from erosion. The alternative of an appropriate setback at the start of a development so as to preclude the need for a protective structure is feasible. The modification also requires a maintenance agreement; and would add the word "principal" to describe the kinds of structures to be protected, and would delete the words "where feasible."

5. Access

i. Subsection 17.32.060A, Access defined

Access is defined by this subsection as either lateral, providing public access and use along the shoreline; or vertical, providing access from the first public road to the shore, or perpendicular to the shore.

LUP Policy PR-22 requires public access for all developments on parcels located along the shoreline, from the oceanside parcel boundary to the top of the bluff. Policy PR-23 provides that on parcels greater than 10,000 square feet in area a lateral blufftop access way be dedicated or

established by easement. Width of the area is required to be equal to the estimated 100-year bluff retreat plus a minimum of 25 feet additional inland from the 100-year erosion line.

Because lateral access may include not only public access and use along the shoreline, but also along the blufftop as described above, Modification B.1.g.i (Appendix A, page 13) is needed to clarify that lateral access may also include blufftop access.

ii. Subsection 17.32.060B, Protection of existing coastal access, and Subsection 17.32.060C, Access dedication requirements.

This proposed subsection states that lateral and vertical access *may* be required in new development located between the ocean and the first public road and that development on ocean fronting parcels between Pismo Creek and Main Street *may* be required to dedicate a lateral access easement. It also provides that the developer of land along the boardwalk route may be required to construct and install the boardwalk if substantial development is proposed. No definition is given for substantial development.

LUP Policy PR-22 *requires* provision of lateral access for all shoreline development to allow "public use and enjoyment of dry sandy and rocky beaches." Policy PR-24 *requires* provision of vertical access in new development. Policy LU-K-2 *requires* properties adjacent to the future boardwalk to dedicate ocean frontage for the boardwalk.

Modification B.1.g.ii (Appendix A, page 13) consists of two parts; the first replaces the non-mandatory word may with the mandatory word shall. The second addresses the issue of the developer constructing and installing the boardwalk if the development is such that an access dedication is required. This is intended to provide guidelines by which to judge when development is considered "substantial" and could then require actual construction of the boardwalk. The guidelines regarding when development is considered substantial are not meant to be applied in a determination of whether or not an access dedication is required. Only after the City determines that the development would be required to make an access dedication would the issue of actual construction be investigated. New development and additions that increase the floor area or height by more that 10 percent are to be considered substantial for purposes of determining if actual construction of the boardwalk may be required. The percentages suggested are consistent with Commission regulations Section 13250 and 13253, which govern the size of certain improvements that do not need coastal development permits from the Coastal Commission. Because the regulations use 10 percent as the threshold for when a permit may be needed, it is reasonable to apply the same percentage here in setting a threshold beyond which development may be required to actually construct a portion of the boardwalk, if an access dedication has been required.

iii. Subsection 17.32.060E.2, Construction of improvements

According to this subsection, construction of improvements

> [s]hall occur at the same time as construction of the approved development, unless another time is established through conditions of land use permit approval.

The LUP provides no specific guidance as to when access improvements are to occur. However, because public access is required, if the developer is to construct the access, it should be available to the public no later than the time the development is completed.

Modification B.1.g.iii (Appendix A, page 14) clarifies that construction of access improvements must be completed at the same time as or earlier than the approved development that triggered the need for access improvements. This is to ensure that public benefits required as part of a development approval are available when the development is available for its intended use.

iv. Subsection 17.32.060F, Access title and guarantee

The ZO provides that required access be guaranteed through a deed restriction, dedication of fee interest, or easement.

The LUP refers to lateral access easements and lateral access dedications and to provision of vertical access.

Obtaining a right-of-way for accessways through a grant of fee simple interest in the accessway is the best method of guaranteeing access. Offers to dedicate, which typically have a 21-year life, have in many cases not been accepted by local governments. Once the 21-year life of the offer to dedicate expires, the property owner is no longer under any obligation to provide for public access. Many of the offers to dedicate are reaching the end of their 21-year life span. Because of this, the City should, if possible, accept those offers to dedicate, construct and open the accessways before any of the offers expire. The suggested modification, B.1.g.iv (Appendix A, page 14), is to encourage the City to accept, construct, and open all outstanding offers to dedicate from existing development.

6. Local Coastal Program/Coastal Development Permit

i. Coastal Appeal Overlay Zone Map, page 2

This map shows the Commission's original, retained permit jurisdiction along Pismo Creek being wider than it should be. The area shown as Commission Permit Jurisdiction along Pismo Creek needs to be narrowed inland from the beach. Much of the area southeast of the creek was in the Commission's permit jurisdiction but permitting authority was delegated to the City pursuant to Coastal Act section 30613 as an area potentially subject to the public trust but which has been determined by the Commission to be filled, developed, and committed to urban uses. Modification B.1.h.i (Appendix A, page 15) requires the revision.

ii. New Subsection 17.42.080, Emergency Coastal Development Permits

The ZO update as submitted does not contain a section on emergency coastal development permits, even though such a section was put into the existing ZO via an amendment several years ago. Modification B.1.h.ii (Appendix A, page 15) adds a new subsection addressing the emergency coastal development permit procedure. Without this modification, the City could not legally issue emergency permits in those situations where warranted. The new subsection includes the requirement for a follow-up regular permit.

iii. Subsection 17.44.020B, Appealable development

The subsection on appealable development states that approval of a project in the appealable area shall become effective on the 11th day after the Commission's receipt of the city's notice of final local action where no appeal has been filed by two Coastal Commissioners.

Coastal Commission regulations Section 13110 states that "[t]he ten *working* day appeal period shall be established from the date of receipt of the notice of final local government action" (emphasis added). The Coastal Commission appeal period runs for 10 *working* days, not calendar days. Commission regulations Section 13111(a) states, in part:

> An appeal of a local government's decision on a coastal development permit application (or local government equivalent) may be filed by an applicant or any aggrieved person who exhausted local appeals, or any two (2) members of the Commission.

The proposed subsection does not indicate that the Commission appeal period runs for working days and not calendar days. The subsection does not indicate that the applicant or any aggrieved person may also appeal a City decision. Finally, there are instances where a local government's notice of final action is inadequate, e.g., it does not contain the proper findings or the conditions are missing. In such a case, the Commission appeal period does not begin until the requisite information has been received by the Commission. Modification B.1.h.iii (Appendix A, page 16) deletes the City-proposed language and replaces with new language for clarity.

iv. Subsection 17.44.030, Final City Action on Land Use Permits

This proposed subsection requires that the City send a notice of final city action to the Commission office "[w]ithin five calendar days of the review authority decision on a land use permit. . . ." However, it may be that a given "review authority decision" is not in fact the City's final action on a permit. An example is when the Planning Commission acts on a permit but that action is appealed to the City Council. In that case, the City's final action is that taken by the Council, not the Planning Commission. Coastal Commission staff have received notices of final action from local governments when a decision was made by a review authority other than the City Council or County Board of Supervisors and before the local appeal period to the Council or Board was exhausted. Appeals of the local government decision have been filed with Coastal Commission staff and staff has begun or in some cases even completed work on appeals, only to receive another notice of final action by the Council or Board some weeks later for the same project. The Council or Board action is in fact the local government's final action if a local appeal is filed.

The suggested modification here, B.1.h.iv (Appendix A, page 17), would specify that the notice of final action is to be mailed to the Commission office either within five days of a Council decision on a land use permit, or at the close of the local appeal period (e.g., from Planning Commission to Council). This will ensure that Commission staff receives notices of final action that do indeed document the local government's final action.

v. Subsection 17.44.050, Time Limits and Extensions; and 17.44.060, Changes to an Approved Project

Determination of time limits and extensions of same to a City-approved project and changes to a City-approved project require City approval, at a level determined by the City, which is what this subsection addresses.

However, the Coastal Commission is the review authority for time limits, extensions, and amendments of coastal development permits that have been appealed to and approved by the Commission. Approval of an appealed permit means that the Commission has found that substantial issue exists with the consistency of the City's approval with the LCP and that the Commission has taken jurisdiction of the permit. Modification B.1.h.v (Appendix A, page 17) adds a new subsection stating this.

vi. Subsection 17.46.050, Adoption of Specific Plan

This subsection addresses adoption of Specific Plans, which are like a mini-LCP for a specific area of the City. Because a Specific Plan governs kinds, intensity, and density of development, it must be certified by the Commission before it can be effective in the coastal zone, just as a zoning ordinance or land use plan, or amendment thereto must be certified by the Commission. Therefore suggested modification B.1.h.vi (Appendix A, page 17) adds a sentence clarifying that certification of Specific Plans by the Coastal Commission is required for them to be effective in the coastal zone.

vii. Subsection 17.46.060, Implementation, Amendments (to a Specific Plan)

A Specific Plan is essentially a separate general plan/land use plan for a specific area of the City. It specifies the kinds, location, density, and intensity of land use. As such, it is considered an amendment to the LCP. Amendments to the LCP are not effective until certified by the Coastal Commission. See Modification B.1.h.vii (Appendix A, page 17), which adds a new subsection indicating the necessity for Commission approval.

viii. Subsection 17.54.050C.3, Sensitive Coastal Resource Area

This subsection states that projects in a sensitive coastal resource area may be appealed to the Coastal Commission.

Those areas which would qualify as the City's sensitive coastal resource areas, as defined in the Coastal Act, are either in the Commission's permit jurisdiction or are covered by the first and second criteria for projects appealable to the Commission. These are 1) development between the sea and the first public road; and 2) development on public trust lands, submerged lands, tidelands, or within 100 feet of any estuary, stream, or wetland. The inclusion in the Zoning Ordinance of "sensitive coastal resource area" as an area where developments may be appealed to the Commission is not necessary and is potentially confusing. See Modification B.1.h.viii (Appendix A, page 17).

ix. Subsection 17.54.050D, Grounds for appeal to Coastal Commission

The ZO states that the

> grounds for an appeal to the Coastal Commission of a City decision to either approve a land use permit, or to deny a land use permit for a major public works project or a major energy facility, shall be limited to an allegation that the development does not conform to the standards of the City's certified Local Coastal Program or the public access policies of the Coastal Act.

Coastal Act Section 30603(b)(1) states that the grounds for appeal of an *approved* project

> Shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

The grounds for appeal of a *denial* of a major public works project or a major energy facility, according to Coastal Act Section 30603(b)(2)

> shall be limited to an allegation that the development conforms to the standards set forth the certified local coastal program and the public access policies set forth in this chapter.

Approval of applications for any type of appealable development may be appealed to the Commission, based on the ground that the approval is not consistent with the LCP, or Coastal Act public access policies. However, for major public works projects or major energy facilities that are *denied*, an appeal may be made on the ground that the denied project *is* consistent with the LCP and the Coastal Act public access policies.

ZO subsection 17.54.050D incorrectly states the grounds for appeal when it says that the grounds for appeal of either an *approval* of a land use permit or a *denial* of a major public works facility or major energy facility are both limited to an allegation of inconsistency with the LCP. Modification B.1.h.ix (Appendix A, page 18) deletes the incorrect language and adds language with the correct grounds for appeals.

7. Definitions

Subsection 17.62.020, Definitions of Specialized Terms and Phrases

While the ZO contains 38 pages of definitions, some of them are incomplete, such as the definition of development. Other definitions need to be added, such as the definition of an emergency. Still others are confusing such as the definition of grade.

Modification B.1.i (Appendix A, page 18) adds the definition of Coastal Commission and emergency; modifies the definition of development to include the full definition from the Coastal Act; clarifies the definitions of existing, finished, and site grade; building height; and how yards are measured.

8. Growth Management Ordinance

The City's Growth Management Ordinance text is less than two pages. It limits growth to 3 percent annually (calendar year), exempts replacement of existing residential units in a manner consistent with the LCP and room additions or remodeling which do not result in an increase in the number of dwelling units in the City.

The text of the Administrative Procedures for Implementing the Residential Growth Management Ordinance likewise is less than two pages. Highlights include a first come-first serve basis for priority for projects to be among the annual three percent limit, a 10 percent set-aside (of the total 3% annual growth limit) for infill development, a 10 percent set-aside (of the total 3% annual growth limit) for affordable housing, and each unit in a multi-unit building to be considered to be one unit for purposes of complying with the three percent annual growth rate.

Only one Policy addressing growth management has been certified by the Commission. Policy GM-1 states that the growth shall be managed to ensure that public services and infrastructure will be adequate for new growth, that the issuance of building permits for new residential units shall not exceed three percent per year based on the number of units estimated by the California Department of Finance to exist within the City as of January 1 of the preceding year, and that a status report be prepared by City staff and provided to the Council at least every three years that will include the number of residential permits issued and the status of services and infrastructure..

Modification B.2 (Appendix A, page 19) simply adds language to Section 15.32.020, Annual housing review, that the housing review include the number of residential building permits issued in the prior calendar year, making the section consistent with LUP Policy GM-1 .

D. 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 effect on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake. The Commission's suggested modifications are the result of consideration of alternatives. Approval of the amendment, as modified, will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

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APPENDIX A: SUGGESTED MODIFICATIONS

Key for modifications: Unaltered text represents City-proposed language. **Bold** is language suggested by the Coastal Commission. ~~Struck-through~~ language represents deletions suggested by the Coastal Commission.

A. Land Use Plan

1. Policy CO-21(c), Pismo Creek Protection, Conservation Dedication, modify as follows:

CO-21 Pismo Creek Protection

Pismo Creek shall be retained in its natural state and protected from significant alterations. The following measures shall be employed to accomplish this intent:

a. Streamside Protection Zone. . . .

b. Open Space. . . .

c. Conservation Dedication – Any new development ~~should~~ **shall** be required to dedicate as a condition of nay discretionary approval, an easement for the protection of the streamside area consisting of 25 feet or more from the top of the creek bank. In addition, new development ~~should~~ **shall** provide access amenities adjacent to the creek for the city to use as a greenbelt and/or recreation corridor. **All access requirements shall be consistent with the access policies of the Coastal Act.**

2. Policies LU-J-3, Lateral Blufftop Access and Open Space; LU-J-9, Lateral Access; PR-22, Lateral Beach/Shoreline Access Required; PR-23, Lateral Bluff-Top Open Space and Access Required; PR-24, Perpendicular Access to Shoreline Required; and PR-30, Spindrift Viewpoint; modify as follows, and add a new policy PR-21a:

LU-J-3 Lateral Blufftop Access and Open Space

The lateral blufftop access dedication requirement set forth in Policy PR-23 ~~should~~ **shall** apply except that the width may be up to 25 additional feet beyond the 100 year bluff retreat lines, depending upon the size of the parcel and the location of existing structures. It ~~should~~ **shall** be the intent to develop a continuous blufftop path. . . .**All access requirements shall be consistent with the access policies of the Coastal Act.**

LU-J-9 Lateral Access

In order to access the Wilmar Avenue stairs, development approvals for properties between Franklin Drive and Wilmar or between Wilmar Avenue and Harbor View Street ~~should~~ **shall** be required to dedicate a pedestrian pathway easement between the streets. . . . .**All access requirements shall be consistent with the access policies of the Coastal Act.**

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PR-21a **Overall Access Policy**

All access requirements of the General Plan/Local Coastal Plan and imposed pursuant to the Zoning Ordinance shall be consistent with the access policies of the Coastal Act, and shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on facts and circumstances in each case, including, but not limited to, the following:

(1) Topographic and geologic site characteristics:
(2) The capacity of the site to sustain use and at what level of intensity;
(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses; and
(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

It is the intent of the City that the public access policies of the General Plan/Local Coastal Plan and the access requirements of the Zoning Ordinance be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this policy, the General Plan/Local Coastal Plan, or the Zoning Ordinance shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

PR-22 Lateral Beach/Shoreline Access Required

Coastal Beach Access Dedication – for all developments on parcels along the shoreline, a lateral public access easement in perpetuity extending from the oceanside parcel boundary to the top of the bluff ~~should~~ **shall** be required for the purpose of allowing public use and enjoyment of dry sandy and rocky beaches, intertidal and subtidal areas. Such easements ~~should~~ **shall** be granted to the California Department of Parks and Recreation, the City of Pismo Beach, or other appropriate public agency. **All access requirements shall be consistent with the access policies of the Coastal Act.**

PR-23 Lateral Bluff-Top Open Space and Access Required

Bluff-Top Access Dedication – To ensure public safety, provide for protection of fragile ocean blufftops, and permit enjoyment by the public of oceanfront amenities and recreation, all development on the bluff edge ~~should~~ **shall** be required to dedicate in fee or by an

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easement in perpetuity a blufftop conservation and public access zone. . . .In certain areas the width of the blufftop dedication ~~should~~ **shall** be greater. . . .The dedication ~~should~~ **shall** be made to the City of Pismo Beach or other appropriate public agency as determined by the city. **All access requirements shall be consistent with the access policies of the Coastal Act.**

PR-24 Perpendicular Access to Shoreline Required
Public access from the nearest public roadway to the shoreline ~~should~~ **shall** be provided in new development projects except where protection of fragile coastal resources prevents access or adequate public access already exists nearby. . . . **All access requirements shall be consistent with the access policies of the Coastal Act.**

PR-30 Spindrift Viewpoint
A 50-foot linear easement at the top of the bluff and southeast of the existing view point ~~should~~ **shall** be granted to the city concurrent with any development approvals. This easement ~~should~~ **shall** include as many of the existing pine trees as possible. A minimum 10-foot easement from the south end of the Spindrift path ~~should~~ **shall** be dedicated to the city. . . . . **All access requirements shall be consistent with the access policies of the Coastal Act.**

3. Policy LU-K-2(b), Oceanfront Boardwalk, modify as follows:

Continuous pedestrian access shall be established from Main Street to Pismo Creek. A continuous pedestrian boardwalk is proposed from Main Street to Pismo Creek **along this section of downtown beach frontage**. This boardwalk shall include pedestrian amenities such as, but not limited to, seating, lighting, and landscaping. Properties adjacent to the future boardwalk location **shall provide public coastal access as required by the Access Component (Policies PR-22 through PR-33) and the Zoning Ordinance, consistent with the access policies of the Coastal Act. These properties** may be required to dedicate up to 20 feet of the ocean frontage of the property for the boardwalk. . . .

4. Policy LU-K-2(c), Pismo Creek Trail, delete the proposed policy and retain the existing Policy LU-K-2(b), which will be re-lettered to LU-K-2(c).

~~b~~ **c.** ~~Pismo Creek Trail~~
~~A new creekside trail will be located along the northwest side of Pismo Creek from the Ocean to Highway 101. New projects may be required to dedicate a public access easement as a condition of approval ranging in width from 10 feet to 20 feet. Pathway improvements will be installed by the developer. The City will develop a creek side master plan for both sides of the creek as specified in Table PR-3(1) and (2) of the General Plan/Local Coastal Plan.~~
Pismo Creek Trails
A creekside trail system shall be developed on both sides of Pismo

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Creek from its mouth at the ocean inland to the future golf course/recreation area in Price Canyon. Public improvements such as trash cans and seating shall be included with the development of the creek trails. Dedication of a portion of properties adjacent to Pismo Creek for a public pathway shall be required with new development applications. These dedications shall include the buffer zone as identified in the conservation and open space element. Development approvals by the City shall require the installation of trail improvements. See also: Conservation Element Policies 21 and 22.

5. Policy LU-K-2(p), Motel Site at the End of Main Street, modify 1 as follows:

1. The Oceanfront Boardwalk is intended to extend to Main Street along the blufftop of the property. The future development project ~~should~~ **shall** ~~incorporate and dedicate to the~~ **provide public coastal access as required by the Access Component (Policies PR-22 through PR-33) and the Zoning Ordinance, consistent with the access policies of the Coastal Act. The access** should incorporate the boardwalk and an access stairway leading from the top of the bluff down to the sandy beach below.

6. Policy LU-K-3, districts, modify as follows, for clarity:

Downtown shall have ~~five~~ **four** districts or land use categories as shown in Figure ~~LU-K-1~~ **LU-15**.

7. Policy LU-K-3.5, Open Space District, retain and renumber to LU-K-3.4, because the Open Space District is one of the downtown districts appearing on Figure LU-15.

B. Implementation Plan

1. Zoning

a. Residential Zone District

i. Table 2-3, Height Limit, RSM Zone District

25 ft. in ~~the Pismo Heights and the Motel District planning areas~~ **in Planning Areas A – J, and P.** 35 ft. elsewhere.

ii. Table 2-4, Specific Plan Area Residential Development Standards, modify the headings of both pages of the Table, as follows:

TABLE 2-4
SPECIFIC PLAN and PLANNING AREA RESIDENTIAL DEVELOPMENT STANDARDS

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Development Feature	Requirement by Specific Plan or Planning Area			
	Bay Cliff Village **Specific Plan**	Mattie Road **Specific Plan**	Pacific Estates **Specific Plan**	Pismo Oaks **Specific Plan**

TABLE 2-4
SPECIFIC PLAN and PLANNING AREA RESIDENTIAL DEVELOPMENT STANDARDS
(Continued)

Development Feature	Requirement by Specific Plan or Planning Area			
	Spyglass Ridge **Specific Plan**	South Palisades **Planning Area**	Sunset Palisades/ Ontario Ridge **Specific Plan**	Toucan Terrace **Specific Plan**

b. Commercial Zone Districts

i. Modify 17.12.020B.3, CD-V (Visitor Services) District, as follows:

The CD-V district is intended to provide areas appropriate for a mix of visitor lodging, **recreational entertainment, and limited residential, retail and service uses.**

ii. Table 2-5 – Allowed Uses. . .for Commercial Zoning Districts, modify by deleting six uses total in the Recreation, Education & Public Assembly; Residential; and Service/Commercial Uses categories; and by adding Lodging – Hotels, motels, bed and breakfast inns as a use in the Resort Commercial (CRS) district, as follows:

TABLE 2-5 – ALLOWED USES. . .FOR COMMERCIAL ZONING DISTRICTS

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See standards in Section:
	CRS	CG	CS	CD-C	CD-M	CD-V	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES							
Private residential recreational facilities					CUP	~~CUP~~	
RESIDENTIAL USES							
Duplexes					P	~~CUP~~	
Multi-family Dwellings					CUP	~~CUP~~	17.38.120
Residential care homes					P	~~P~~	
SERVICE/COMMERCIAL USES							
Child Day Care Centers			CUP		CUP	~~P~~	17.38.050
Lodging – Hotels, motels, bed and breakfast inns	P	CUP		P	CUP	P	17.38.080
Repair services – Non-vehicular		P			P	~~CUP~~	

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iii. Table 2-6, Commercial District General Development Standards, modify as follows:

CS zone district column, modify Floor Area Ratio (FAR), as follows:

~~0.5~~ **1.5**

CD-C zone district column, modify Front Setback for clarity, as follows:

10 ft. where side lot line abuts **a** residential **zone**, none otherwise.

c. Special Purpose Zone Districts

i. Table 2-7, Allowed Uses. . .Special Purpose Zoning Districts: delete 1)Home occupations and 2)Residential accessory uses and structures as uses permitted with approval of a CUP in the OS zone district, and add a reference to standards in 17.16.040, Table 2-8 regarding which OS zoned parcels may have residential development, to be internally consistent.

TABEL 2-7 – ALLOWED USES AND PERMIT REQUIREMENTS
FOR SPECIAL PURPOSE ZONING DISTRICTS

RESIDENTIAL USES

Home occupations		~~CUP~~	17.38.070 **and 17.16.040, Table 2-8, Residences**
~~Residential accessory uses and structures~~		~~CUP~~	~~17.38.150~~
Single-family dwellings		CUP	**17.16.040, Table 2-8**

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ii. Table 2-8, Special Purpose District General Development Standards, modify the residential standards of the OS zone district, as follows:

TABLE 2-8
SPECIAL PURPOSE DISTRICT GENERAL DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District	
	OS	PF
Minimum lot size (1)	Determined through subdivision review process	
Residential density (2)	1 unit per parcel	N.A.
Setbacks required. . .	. . . .	
Site coverage (3)	Up to 60%; or 5,000 sq.ft. of the parcel, whichever is less	80%
Floor Area Ratio (FAR)	. . .	. . .
Open Space (minimum) **(4)**	As required by Conditional Use Permit	As required by Conditional Use Permit
Height limit	*Maximum allowed height of structures, except where a Height Limitation (HL), or View Considerations(V) overlay district applies (Sections 17.18.040, and 17.18.060, respectively). See also Chapter 17.20 (Height Measurement and Exceptions).*	
Residences **(5)**	15 ft.	N.A.
Other structures	~~N.A.~~ **15 ft.**	25 ft.
Landscaping **(4 6)**	Determined by Conditional Use Permit for the approved use.	10% of site area
Parking and loading	. . . .	
Signs	. . . .	

Notes:

(1) Minimum area and width for parcels proposed in new subdivisions. **No further subdivisions allowed for APNs 10-183-01, 10-183-02, and 10-154-037.**

(2) Maximum number of dwelling units allowed. . .or other uses. **Residential uses on OS parcels may be permitted only on the three privately-owned open space parcels that were the subject of LCP amendment 1-91: APNs 10-183-01, 10-183-02, and 10-154-037, and only when the owner demonstrates that Nature preserve interpretive facilities and/or Parks and playgrounds are not feasible and do not permit favorable and advantageous results, both social and economic, consistent with and advancing the goals, policies and programs of the certified LCP.**

(3) Maximum percentage of the site area that may be covered with structures. See the definition of site coverage in Article VI (definitions). **Site coverage for APN 10-183-01, 10-183,01, and 10-154-037 shall include all buildings, parking, landscaping, gardening, and outdoor living area (e.g., decks, patios, lawn, etc.), if residential development is approved.**

(4) Minimum area of landscaping required, in compliance with Chapter 17.30 (Landscaping). **On APNs 10-183-01, 10-183-02, and 10-154-037 the minimum landscaping requirement is 40% and a permanent open space easement is required over the portion of those lots not occupied by residential uses.**

(5) Residential uses on OS parcels may be permitted only on the three privately-owned open space parcels that were the subject of LCP amendment 1-91: APNs 10-183-01, 10-183-02, and 10-154-037.

(6) Drought-tolerant species native to the Central Coast that will not impair views to the ocean from Highway 101 shall be utilized to the maximum extent feasible.

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d. General Development Standards

i. In order to maintain internal consistency; modify Table 2-9, Height Limitation Overlay District Standards as follows:

Height Limitation District	Height Limit
HL-1 (Sunset Palisades, Pismo Heights, St. Andrews Tract)	25 ft.; or 15 from the highest point of ~~natural~~ **site** grade**, whichever is less.**
HL-2 (Central Sunset Palisades)	15 ft. from site grade
HL-3 (South Palisades)	Up to 2 stories, provided ocean views from Highway 101 are not **blocked or** substantially ~~blocked.~~ **impaired**; 15 ft~~. from the center of the building footprint~~ on ocean fronting lots. **A visual analysis of potential view blockage shall be required for each development proposal.**
HL-4 (Dinosaur Caves)	25 ft.; ~~or up to height~~ **and below** the southbound lane of Highway 101. . .and 118.0 ft. above sea level for the South Dinosaur Cave planning area. **No structure or landscaping shall be allowed which would significantly impair views from Highway 101.**
HL-5 (Freeway Foothills)	25 ft., or 3 stories. . . .
HL-6 (Shell Beach)	25 ft., and not to appear. . . .
HL-7 (Spyglass)	25 ft., from site grade.
HL-8 (North Spyglass)	25 ft., from site grade. . .elsewhere. Buildings on blufftop. . . and providing variations in setbacks.
HL-9 (Motel District)	25 ft. from site grade ~~within 100 ft. of the bluff; as required by the primary zoning district elsewhere~~. Buildings on blufftop properties. . .and providing variations in setbacks.

ii. Modify Section 17.20.030, Height Measurement, Figure 2-31: change "Natural Grade" and "Approved Pad Grade" to **Site Grade**, to maintain internal consistency.

iii. Modify Section 17.20.020, as follows:

The height of structures shall not exceed the standard for the applicable zoning district established by this Article, except as otherwise provided by the Chapter. **Fill material shall not be used to increase the elevation of a building pad on an individual parcel, so that the height of a new building will exceed that of structures built to the height limit on adjacent parcels, except with Conditional Use Permit approval.**

iv. Add a new Section 17.22.020D, as follows:

Blufftop setbacks. Regulations governing the setback of structures are found at Section 17.32.050C.

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v. Section 17.24.060C, Height limitations (for fences, walls, and hedges):

Fences and walls are subject to the height limitations in Subsection B above except as follows, and except as provided by Subsection ~~D~~ **E** below, for coastal blufftop fences.

vi. Section 17.24.060E.2, Readily removable fences required:

Fences shall be designed and sited to allow their easy removal or relocation in order to ~~continually maintain a 25-foot minimum setback from the top edge of the bluff~~ **move them landward as necessary to accommodate continuing bluff erosion. No shoreline protective structure shall be permitted to protect a fence in the blufftop setback from bluff erosion.**

vii. Add a new Subsection 17.24.140, Polluted Runoff, as follows:

All development shall be designed, constructed, and maintained in compliance with the City's Best Management Practices (see Chapter 17.62, Definitions) in order to reduce or eliminate the runoff of pollutants from a site.

viii. Section 17.26.030, Type of Bonus and Incentives Allowed. Add a sentence to the first paragraph, as follows:

A housing project that satisfies all applicable provisions of this Section shall be entitled to the following density bonus and other incentives. I a density bonus and/or other incentives. . . the Commission is hereby authorized to waive or modify development standards as necessary to accommodate all bonus units and other incentives to which the development is entitled**, except where such waiver or modification of development standards would adversely affect coastal resources.**

ix. Subsection 17.30.040A.1, Landscape Planning Requirements. Modify as follows:

All setback areas required by this Zoning Code shall be landscaped in compliance with this Section, except where a required setback is occupied by a sidewalk or driveway, or is enclosed and screened from public view**, or where a side yard provides a view from the street to the ocean or a view to attractive hills and valleys, pursuant to LUP Policy D-38.**

x. Subsection 17.32.070F, Sand mining, modify as follows:

Offshore **and beach** sand mining shall be prohibited within the City's jurisdiction.

APPENDIX A

xi. Subsection 17.34.070C.2, compact car spaces, modify reference to Table 3-2; and Table of Required Parking Stall and Parking Lot Dimensions, modify as follows:

A maximum of 33 percent of the total number. . .shown in Table 3-~~2~~ **3** for compact cars.

TABLE 3-~~2~~ **3**
REQUIRED PARKING STALL AND PARKING LOT DIMENSIONS

xii. Modify Table 3-4 by adding the following to the title:

MINIMUM AND MAXIMUM **TWO-WAY TRAFFIC** DRIVEWAY WIDTH

xiii. Modify Subsection 17.42.070E.5, Variances, to read as follows:

The adjustment authorized by the variance is consistent with the General Plan **and Local Coastal Program,** and any applicable Specific Plan.

e. Habitat

i. Modify Section 17.12.050C.2. to be consistent with LUP Policy CO-21, as follows

Setback of structures from the Pismo Creek Channel. Except for public access improvements, all structures located on parcels adjacent to Pismo Creek shall be set back from the **outer edge of the riparian vegetation or, where there is no riparian vegetation, from the** top of the creek bank ~~a minimum distance of 50 feet for parcels between Highway 101 and Dolliver Street and 25 feet for parcels between Dolliver and the Pacific Ocean. A lesser setback may be permitted if~~**as follows:**

a. West Bank: a minimum distance of ~~50~~ **100** feet for parcels between Highway 101 and ~~Dolliver~~ **Cypress** Street and 25 feet for parcels between ~~Dolliver~~ **Cypress** Street and the Pacific Ocean.

b. East Bank: a minimum distance of 100 feet from Highway 101 northward, 50 feet from Highway 101 to Dolliver Street, and 25 feet from Dolliver Street to the ocean.

A lesser setback may be permitted if:

~~a~~ **c.** The minimum setback would render a parcel inaccessible or unusable for the purpose designated by the applicable zoning district; or

~~b~~ **d.** A resource assessment study demonstrates that a lesser buffer will not ~~have~~ **result in loss of, or** adverse effects on, streamside vegetation or the biotic quality of the stream.

ii. Section 17.22.020C, Riparian setbacks:

APPENDIX A

Structures, paving, and grading ~~(other than grading determined by the Director to be necessary for slope stabilization)~~ shall be set back from watercourses in compliance with Section 17.24.120 (Riparian Habitat Protection).

iii. Subsection 17.24.120B.2, General habitat standards. Modify as follows:

Provisions for the removal of plants from the habitat areas which are diseased or present public safety hazards. These conditions shall be certified by a professional horticulturist or a licensed landscape architect. Plants removed for these reasons must be replaced with at least four minimum 15 gallon specimens of each species. **If non-native species are removed, they shall be replaced by appropriate native species.**

iv. Subsection 17.24.120C, Riparian setbacks. Modify as follows:

Structures, paving and grading ~~(other than grading determined by the Director to be necessary for slope stabilization)~~ shall be set back. . . .

v. Add a new Subsection 17.24.120C.3, as follows:

3. Grading within the riparian setback. Grading within the riparian setback that is necessary to ensure public safety and/or prevent loss of public or private property may be permitted with approval of a conditional use permit. At his or her discretion, the Director may issue an emergency permit for such work in accordance with Section 17.42.080.

f. Hazards

i. Subsection 17.32.030B, Prohibition on new access stairways – Sunset Palisades, add the following after the last sentence:

The property owner shall be responsible for removing from the beach all debris resulting from removal, damage, or destruction of an existing stairway.

ii. Subsection 17.32.040A, Erosion Control Plan, modify as follows:

All land use permit applications. . . .will eliminate of mitigate any adverse impacts on local shoreline sand supply ~~to the maximum extent feasible~~.

iii. Subsection 17.32.040B, Geology Report, modify as follows:

A geology report, **for the entire parcel,** shall be required when structures are proposed **seaward of the face of the bluff, within the 100-year erosion zone,** or within an area

APPENDIX A

between the face of the bluff, and a line described on the blufftop by the intersection of a plane inclined at a 20 degree angle from horizontal, passing through the toe of the bluff or cliff, or 50 feet inland from the blufftop, whichever is greater. See Figure 3-6.

iv. Subsection 17.32.040C, Preparation and Contents of Geology Report, modify as follows:

A required geology report shall be prepared by a qualified, licensed ~~engineer~~ **geologist or engineering geologist** approved by the City, and shall be submitted ~~with the land use permit application~~ **as part of a pre-application review (see 17.40.040A)** for the proposed structure. The report shall consider, describe, and analyze the following:. . . .

1. Cliff geometry. . . .

11. Anticipated location and configuration of the bluff 100 years into the future, based on professional judgment and analysis of historic erosion rates, historic photos and site surveys, and other information relevant to local and regional shoreline change.

12. An adequate buffer from the 100-year erosion line, within which no structures shall be built, based on the geological conditions at the site. Such buffer shall be a minimum of 15 feet landward of the required 100 year erosion setback. The buffer, combined with the 100-year erosion line, shall ensure structural stability and integrity without the need for shoreline protection until the end of the 100-year erosion period or until erosion equivalent to 100 years of erosion has occurred, regardless of how many years have passed.

13. Impact of development on sand supply and shoreline processes including, but not limited to, type of beach (e.g., rocky, sandy), beach sand supply sources and the relative contribution of each, description and location of the local littoral cell and its dynamics, impacts from fixing the back beach location, retaining bluff materials, beach area encroachment, scour and end effects, and interruption of onshore and longshore processes. Sand content of any bluff materials retained shall be provided.

14. Impacts of development on offshore recreational areas including, but not limited to, swimming, surfing, boating, and fishing areas.

15. A Geologic Hazards Risk Assessment for principal structures and secondary structures including but not limited to public access facilities and public utilities.

v. Subsection 17.32.050C.1, Bluff retreat setback requirements, modify as follows:

New structures shall be set back a sufficient distance from the bluff top to be safe from bluff erosion for a minimum of 100 years **without reliance on a shoreline protective structure** as determined by a site-specific geology report, prepared in compliance with Section 17.32.040B (Application Content – Geology Report); provided that in no case

APPENDIX A

shall the minimum setback be less than 25 feet. **The minimum setback from the bluff top shall include that portion of the bluff projected to erode in 100 years plus a safety buffer of 15 feet so that the structure will be safe from erosion for 100 years, or until the equivalent of 100 years of erosion has occurred. All structures shall be sited landward of the projected 100 year location of the bluff top a minimum of 15 feet to ensure that the structure will be safe from erosion for 100 years. The minimum distance may have to be increased, based on the geological conditions of the site, as determined by the preparer of the geology report.**

vi. Subsection 17.32.070C, Shoreline protective structures, modify as follows:

Shoreline Protective Structures. **Approval of all new development on ocean fronting parcels shall include a condition that no shoreline protective structure shall be allowed in the future to protect the development from bluff erosion. Prior to the issuance of a coastal development permit for the development, a deed restriction acceptable to the Director shall be recorded memorializing the prohibition on future shoreline protective structures.**

When a shoreline protective structure is allowed for development, approval shall include a maintenance agreement binding the owner and successors to maintain the structure, including, but not limited to, annual inspections by a qualified engineer and maintenance as determined by the engineer, and retrieval of rip rap that migrates from the approved footprint. Shoreline protective structures including sea walls, revetments, groins, breakwaters, and rip-rap may be allowed with Conditional Use Permit approval, only when the review authority determines that the structure is:

1. Necessary to protect existing **principal** structures. . . .
2. The least environmentally damaging feasible alternative;
3. Designed to successfully eliminate or mitigate. . .sand supply
4. Designed to avoid significant rocky point and intertidal or subtidal areas;
5. Designed to provide lateral beach access~~, where feasible~~;
6. Designed to respect natural landforms. . . .
7. Consistent with policy CO-17. . . .

g. Access

i. Subsection 17.32.060A, Access Defined, modify as follows:

1. Lateral access: Provides for public access and use **to and** along the shoreline **or blufftop**.

ii. Subsection 17.32.060B and C, Public Access. Strike may and insert shall, as follows:

B. Protection of existing coastal access. Development ~~may~~ **shall** not interfere with public rights of access. . . .

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C. Access dedication requirements. The review authority ~~may~~ **shall** require the dedications described. . .access created by the project.

1. Lateral and vertical access. Proposed development and new land uses located between the ocean **and** the first public road ~~may~~ **shall** be required to provide. . .in compliance with policies PR-22 through PR-33 of the Parks, Recreation & Access Element of the General Plan/Local Coastal Plan.

2. Sites adjacent to the Boardwalk. Proposed projects on sites adjacent to the area intended for the Boardwalk ~~may~~ **shall** be required to comply with the following access requirements.

   a. Lateral access for Boardwalk. As a condition of approval, any development on any oceanfront parcel located between Pismo Creek and Main Street, ~~may~~ **shall** be required to dedicate a lateral access easement. . . .

   b. Where the review authority determines that a land use permit application proposes substantial development along the area intended ~~of~~ **for** the Boardwalk, land use permit approval may be subject to the condition that the developer construct and install boardwalk improvements of the segment located within or adjacent to the site. **Substantial development shall include all new development and additions to existing development that increase the floor area or height by more than 10 percent.** Projects determined to include only minor development **(i.e., 10 percent or less increase in existing floor area or height)** may be permitted to pay in-lieu fees as provided by Council resolution.

iii. Subsection 17.32.060E.2, Construction of improvements, modify as follows

2. **Final** construction of improvements. Shall occur at the same time as **final** construction of the approved development, unless ~~another time~~ **an earlier construction date** is established through conditions of land use permit approval.

iv. Subsection 17.32.060F, Access title and guarantee, modify as follows

Where public coastal accessways are required. . .shall require guarantee of such access through deed-restriction, or dedication of right-of-way or easement. Before approval of a land use permit. . .area to be set aside for public access. The method of access guarantee shall be chosen according to the following criteria:

1. Deed restriction. . . .
2. Grant of fee interest or easement. . . .
3. Offer of dedication. . . .

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For existing development where offers to dedicate have been made, the City should accept, construct, and open all such offers to dedicate prior to their expiration.

h. Local Coastal Program/Coastal Development Permit Procedures

i. Revise page 2 of Coastal Appeal Overlay Zone Map, first map after page II-76, to correctly indicate the Commission's permit jurisdiction as being limited to the Pismo Creek channel from the coastal zone boundary to just seaward of Cypress Street, as shown on the adopted post-certification maps.

ii. Add a new Subsection 17.42.080, Emergency Coastal Development Permits, as follows:

Emergency Coastal Development Permits

A. Application

1. Notification to City

In case of emergency, applications shall be made by letter to the Community Development 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 action taken, including the probable consequences of failing to take action.

B. Verification of Emergency

The Community Development Director shall verify the facts including the existence and the nature of the emergency, as time allows.

C. Criteria for Granting Emergency Permit

1. Public Notice

The Community Development 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. Community Development Director's Findings

The Community Development Director may grant an emergency permit if an emergency exists as defined in Section 9148.2 of this chapter. If granted, the permit shall be

APPENDIX A

subject to reasonable terms and conditions, including language indicating that the work accomplished under an emergency permit is considered temporary unless a regular permit is issued for the work, an expiration date of the emergency permit, and a condition specifying the necessity for the submittal of a regular permit application within 30 days of the effective date of the emergency permit. The emergency permit may be granted if the Community Development 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;

c. The work proposed would be consistent with the requirements of the certified Local Coastal Program; and

d. The emergency permit shall be followed up with a regular Coastal Development application within 30 days of issuance of the emergency permit. The emergency permit, if not exercised or if 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 Community Development 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 the Executive Director of the Coastal; Commission and 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 provision of this Chapter.

iii. 17.44.020B, Appealable Development, modify as follows:

~~The approval of a land use permit for a project located within the –CA overlay district shall become effective upon termination of the Coastal Commission 10 working day appeal period which begins after the receipt by the Central Coast office of the California Coastal Commission of the notice of final action required by following section 17.44.030, and where no appeal of the review authority's action has been filed by two Coastal Commissioners in compliance with the Coastal Act, and where no local appeal has been~~

APPENDIX A

~~filed within 10 days of the date of the decision by the review authority in compliance with Chapter 17.54 (Appeals).~~ **The local approval of a coastal development permit for project located within the CA overlay district shall become effective upon termination of the Coastal Commission ten working day appeal period if no appeal has been filed by either any two Coastal commissioner, the applicant or any aggrieved party. The Coastal Commission appeal period begins after the exhaustion of all local appeals and after the receipt, by the Central Coast office of the Coastal Commission of adequate notice of final action as required by Section 17.44.030.**

iv. Section 17.44.030, Final City Action on Land Use Permits, modify as follows:

A. Notice of final City action. Within five calendar days of **a City Council decision** on a land use permit, **or at the close of the local appeal period (e.g., from Planning Commission to Council)** and meeting the requirements of Section B., following. . . .

v. Sections 17.44.050, Time Limits and Extensions; and 17.44.060, Changes to an Approved Project, add a new subsection D to each:

D. Determination of time limits and actions on extensions and amendments to coastal development permits approved by the Coastal Commission on appeal shall be submitted to the appropriate office of the Commission for processing.

vi. Subsection 17.46.050, Adoption of Specific Plan, add a sentence after the last sentence:

The Specific Plan shall be adopted by ordinance, or by resolution of the Council. **No Specific Plan or amendment thereto shall be effective in the coastal zone until it is certified by the California Coastal Commission.**

vii. Section 17.46.060, Implementation, Amendments to Specific Plans. Add a new subsection A and re-letter submitted subsections A and B accordingly.

A. LCP Amendment Required. No Specific Plan adopted by the City for any area of the City within the coastal zone shall be effective until the Specific Plan is certified by the Coastal Commission as an amendment to the LCP.

~~A~~ B.

~~B~~ C.

viii. Subsection 17.54.050C.3, Sensitive coastal resource area, delete and renumber 4 to 3, as follows:

~~3. Sensitive coastal resource area. Developments not included within Section C-2, above, located in a sensitive coastal resource area; or~~

4 3. Public works/energy facility. . . .

APPENDIX A

ix. Subsection 17.54.050D, Grounds for Appeal to Coastal Commission. Modify as follows:

As required by Public Resources Code Section 30603, the grounds for an appeal to the Coastal Commission of a City decision ~~to either approve a land use permit, or to deny a land use permit for a major public works project or a major energy facility, shall be limited to an allegation that the development does not conform to the standards of the City's certified Local Coastal Program or the public access policies of the Coastal Act.~~ **are as follows:**

1. **For approval of development located in the areas described in C.1, C.2, and C.3 above, an allegation that the development does not conform to the standards of the City's certified Local Coastal Program or the public access policies of the Coastal Act.**
2. **For denial of development described in C.3 above, an allegation that the development conforms to the standards of the City's certified Local Coastal Program and the public access policies of the Coastal Act.**

i. Definitions: Subsection 17.62.020, Definitions of Specialized Terms and Phrases, modify definitions by adding and deleting as follows:

- **Coastal Commission. The appointed body responsible for administering and implementing the Coastal Act.**

- **Development.** In compliance with Public Resources Code Section 30106, "development" means. . . .New development is any development after the effective date of this Zoning Code. **As used in this Title, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.**

- **Emergency. A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.**

- Grade.
  1. Existing **Natural** Grade. The natural contour of the ground surface on an individual parcel before any grading~~, or the building pad elevation resulting from grading in compliance with approved subdivision improvement plans~~.
  2. Finished Grade. The level of the finished surface of the ground at the completion of all approved grading by a subdivider or developer. **Excessive berming to elevate finished grade is prohibited.**
  3. Site Grade. ~~Site grade is determined as follows:~~
     ~~a. For subdivided properties existing as of the time of adoption of the October 12, 1976 Zoning Ordinance, site grade shall be the existing topography of each parcel as of October 12, 1976.~~
     ~~b. For unsubdivided properties, or parcels subdivided after October 12, 1976, s~~Site grade shall be established as being the precise topography of the parcel at the time of completion of finished grading, as approved by the City

APPENDIX A

- **Height, Building. The vertical distance from site grade at any point of that portion of the building site covered by the building to the top of the topmost element of the roof directly above that point, but not including ventilation stacks and chimneys under six feet in width or length.**

- Yard. An area between a lot line and a setback. . . .and Figure 6-5(Setbacks).
  1. Front yard. An area. . . .
  2. Rear yard. . . .
  3. Side yard. . . .
  4. **Measurement of yards. Yards adjacent to local streets shall be measured from the right-of-way line or offer-to-dedicate line.**

2. Growth Management Ordinance

The following modification is to the proposed Growth Management Ordinance.

Section 15.32.020, Annual housing review, modify as follows:

In January of each calendar year the City Council shall review the housing unit growth over the prior calendar year. It shall be the responsibility of City staff to schedule this review and provide the City Council with at least the following information:

1. The percentage of growth that occurred during the prior calendar year.
2. The total number of residential units that have applied for a building permit in the prior calendar year **and the number of residential building permits issued in the prior calendar year.**
3. A report on the status of public infrastructure. . . .

C. Map Changes

Revise page 2 of the Zoning Map, second map after page II-6, to show the Pismo Coast Village site as Resort Commercial (CRS) rather than Single Family Medium Density Residential (RSM).

Coastal Commission

RESOLUTION 98-48

A Resolution of the City Council of the City of Pismo Beach approving a Negative Declaration for and an amendment to General Plan/Local Coastal Plan Program (GP/LCP) land use policies CO-21(c), LU-J3, LU-J9, PR-19, PR-22, PR-23, PR-24, and PR-30 (these policies require offers to dedicate land as a part of development approval) and revisions and replacement of policies and figure LU-15 related to the downtown, specifically Page LU-36 - Background discussion of the Downtown Core, Planning Area K, Replacement of Figure LU-15, K - Downtown Core, replacement of policy LU-K-1, revision of policies LU-K-2, LU-K-3, and LU-K-3.1 through LU-K-3.3.

WHEREAS, the City of Pismo Beach Planning Commission has held public hearings on the recommended amendments to GP/LCP policies related to offers to dedicate land for public access and bluff protection as a part of development approval and amendments to GP/LCP policies related to downtown Pismo Beach ; and,

WHEREAS, the City of Pismo Beach City Council have held public hearings, reviewed the Planning Commission recommendations and accepted public comment related to the proposed amendments; and,

WHEREAS, revisions to the City's General Plan/Local Coastal Program Land Use Plan are required to implement these amendments.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PISMO BEACH AS FOLLOWS:

1) NEGATIVE DECLARATION

A) Environmental impacts that may be associated with this project have already been analyzed in the Pismo Beach General Plan/Local Coastal Plan (GP/LCP) Environmental Impact Report (EIR) and the Negative Declaration for the Draft Downtown Specific Plan.

B) This project will not result in additional impacts by implementing the policies of the GP/LCP and the Draft Downtown Specific Plan.

C) This project will likely reduce potential environmental impacts from development projects and land uses by decreasing the potential for misinterpretation or misapplicatgion of procedures and information in the Zoning Code.

D) The City Council finds that these amendments will not have a significant adverse affect on the environment and approves the Negative Declaration (Exhibit 1) for the GP/LCP amendments and related Zoning Code amendments.

EXHIBIT A
PSB LCP 2-98

2) GENERAL PLAN/LOCAL COASTAL PLAN

A) Policies CO-21(c), LU-J3, LU-J9, PR-19, PR-22, PR-23, PR-24, PR-30 of the City of Pismo Beach GP/LCP related to offers to dedicate land, are hereby amended to read as set forth in Exhibit 2.

B) The following provisions of the City of Pismo Beach GP/LCP, related to land use policies in the downtown are hereby amended as set forth in Exhibit 3:

Background discussion of the Downtown Core, Planning Area K
Figure LU-15, K - Downtown Core exhibit
Policy LU-K-1 - Land Use Concept
Policy LU-K-2 - Downtown Core Policies
Policy LU-K-3-1 - Central Core (CD-C) District
Policy LU-K-3.2 - Mixed-Use and Resident-Serving Commercial (CD-M) District
Policy LU-K-3.3 - Visitor Services (CD-V) District
Policy LU-K-3.4 - (delete)
Policy LU-K-3.5 - (delete)

3) The Planning Division is hereby authorized to submit an application to the California Coastal Commission for certification of these amendments to the Pismo Beach Local Coastal Program. These proposed amendments are consistent with the California Coastal Act and shall take effect immediately upon Coastal Commission approval.

ON MOTION of Councilmember Reiss, seconded by Councilmember Brown, the foregoing Resolution is hereby approved and adopted the 21 day of July, 1998 by the following role call vote, to wit:

AYES: Councilmember Reiss, Mayor Brown, Councilmembers Mellow and Rabenaldt

NOES: Councilmember Halldin

ABSTAIN: None

ABSENT: None

John C. Brown
JOHN C. BROWN, MAYOR

ATTEST:
Sharon Jones
Sharon Jones
City Clerk

EXHIBIT A, 2
PSB LCP 2-98

Exhibit 2
of Resolution 98-___
Amended GP/LCP policies
related to offers to dedicate land
page 1

Italics - new language
~~**Strikeouts**~~ - language to be deleted

Policy CO-21(c) Pismo Creek Protection

3) Conservation Dedication - Any new development ~~shall~~ *should* be required to dedicate as a condition of any discretionary approval, an easement for the protection of streamside area consisting of 25 feet or more from the top of the creek bank. In addition, new development ~~shall~~ *should* provide access amenities adjacent to the creek for the city to use as a greenbelt and/or recreation corridor.

Policy LU-J3 Lateral Blufftop Access and Open Space

The lateral blufftop access dedication requirement set forth in Policy PR-23 ~~shall~~ *should* apply except that the width may be up to 25 additional feet beyond the 100 year bluff retreat lines, depending upon the size of the parcel and the location of existing structures. It ~~shall~~ *should* be the intent to develop a continuous blufftop path within the lateral open space area; development approvals shall require installation of pathway segments in a manner which connects with adjacent segments.

Policy LU-J9 Lateral Access

In order to access the Wilmar Avenue stairs, development approvals for properties between Franklin Drive and Wilmar Avenue or between Wilmar Avenue and harbor View Street ~~shall~~ *should* be required to dedicate a pedestrian pathway easement between the streets. Where developments have ~~already~~ blocked this access the City should consider acquiring land as necessary and constructing a pedestrian path.

Policy PR-19 Spyglass Ridge Public Park

A one-acre public park in the extreme northwest portion of Planning Area Q ~~shall~~ *should* be dedicated for public parkland. This area, comprising the sides and bottom of a small canyon, ~~shall~~ *should* be improved as small park/picnic area that will provide new public recreational opportunities where none now exist. A small pullout area and small bay(s) for parallel parking for the public ~~shall~~ *should* be provided on Mattie Road along the frontage of the park.

Policy PR-22 Lateral Beach/Shoreline Access Required

Coastal Beach Access Dedication - For all developments on parcels located along the shoreline, a lateral public access easement in perpetuity extending from the oceanside parcel boundary to the top of the bluff ~~shall~~ *should* be required for the purpose of allowing public use and enjoyment of dry sandy and rocky beaches, intertidal and subtidal areas. Such easements ~~shall~~ *should* be granted to the California Department of Parks and Recreation, the City of Pismo Beach, or other appropriate public agency.

EXHIBIT A, p 3
PSB LCP 2-98

Exhibit 2
of Resolution 98-___
Amended GP/LCP policies
related to offers to dedicate land
page 2

Italics - new language
~~Strikeouts~~ - language to be deleted

Policy PR-23 Lateral Bluff-Top Open Space and Access Required

Bluff-Top Access Dedication - To ensure public safety, provide for protection of fragile ocean blufftops, and permit enjoyment by the public of oceanfront amenities and recreation, all development on the bluff edge ~~shall~~ *should* be required to dedicate in fee or by an easement in perpetuity a blufftop conservation and public access zone. The width of the area to be dedicated shall be a distance equal to the estimated 100 year bluff retreat plus a minimum of 25 feet additional inland from that line. In certain areas the width of the blufftop dedication ~~shall~~ *should* be greater as provided in the land use element. Existing single family lots on the bluff less than 10,000 feet in area are exempted from the requirements of dedication of the blufftop area, if another lateral public access route (beach, sidewalk or separate path) is or will be available nearby so as to provide for continuity of the Coastal Trail. The extent of the bluff retreat shall be determined through a site-specific geological study conducted by a qualified registered geologist. The dedication ~~shall~~ *should* be made to the City of Pismo Beach or other appropriate public agency as determined by the city.

Encroachments into the blufftop conservation and lateral access zone shall be limited to roadway extensions which incorporate public parking opportunities. Such encroachments shall not extend more than a depth of 35 feet into the conservation and public access zone. Development of structures shall be prohibited within the zone, except for public amenities such as walkways, benches, and vertical beach access stairs. Landscaping and irrigation of these areas shall be designed to avoid or minimize blufftop erosion problems.

Policy PR-24 Perpendicular Access to Shoreline Required
Public access perpendicular from the nearest public roadway to the shoreline ~~shall~~ *should* be provided in new development projects except where protection of fragile coastal resources prevents access or adequate public access already exists nearby (generally within 500 feet or as shown on Figure PR-3) Existing blufftop single-family lots less than 10,000 s.f. in area are exempted from this requirement.

Policy PR-30 Spindrift Viewpoint
A 50' linear easement at the top of the bluff and southeast of the existing view point ~~shall~~ *should* be granted to the city concurrent with any development approvals. This easement ~~shall~~ *should* include as many of the existing pine trees as possible. A minimum 10 foot easement from the south end of the Spindrift path ~~shall~~ *should* be dedicated to the city with development of the oceanfront property and concurrent with expansion of the blufftop area for public use. The nearby heron rookery shall remain undisturbed.

EXHIBIT A, p.4
PSB LCP 2-98

EXHIBIT 3

City of Pismo Beach

General Plan/Local Coastal Plan Amendment

The Land Use Element of the General Plan/Local Coastal Plan shall be amended to incorporate the policies of the Draft Downtown Specific Plan as follows.

Page LU-36

Replace the last sentence in the last paragraph with the following:

> A draft Specific Plan was completed, and its policies have been incorporated into the Downtown Core policies of the General Plan/Local Coastal Plan, to enhance public access to the beach and develop a more pedestrian-oriented downtown.

Page LU-37

Replace Figure LU-15, K - Downtown Core

Page LU-39

Replace policy LU-K-1 with the following:

LU-K-1 Land Use Concept

The downtown area is designated for Central Core, Mixed-Use and Resident-Serving Commercial, and Visitor Services categories as shown in Figure LU-15.

Revise policy LU-K-2 by: replacing policy a. with new policy a. below; revising existing policy a. (new policy b.) to read as follows; revising existing policy b. (new policy c.) to read as follows; renumbering existing policies a. through e. as b. through f.; and placing following policies g. through s. after policy f.

LU-K-2 Downtown Core Policies

Development in the downtown area shall integrate the following policies:

a. A Vision for the Downtown

The following policies are intended to guide the future development of downtown Pismo Beach to enhance its role as a focal point for residents and visitors. To realize this goal, the City envisions the policies for the Downtown Core emphasize the following principles:

1. A pedestrian oriented focus, especially in the Central Commercial core area;
2. Identification of the appropriate areas for visitor serving lodging and commercial retail services;
3. Establishment of a district for resident services and an area in which mixed land uses are suitable;

EXHIBIT A, p 5

4. Conservation of existing residential neighborhoods; and

5. Enhancement of the natural features of the downtown area such as the Pacific coastline and the Pismo Creek area.

b. Oceanfront Boardwalk

A continuous pedestrian boardwalk is proposed from Main Street to Pismo Creek. This boardwalk shall include pedestrian amenities such as, but not limited to, seating, lighting, and landscaping. Properties adjacent to the future boardwalk location may be required to dedicate up to 20 feet of the ocean frontage of the property for the boardwalk. The amount of dedication shall be subject to the size of the ocean-facing parcels and the area required to minimize bluff erosion identified in geologic studies submitted with development applications. The boardwalk will connect to the Pismo Creek trail at the end of Addie Street.

c. Pismo Creek Trail

A new creekside trail will be located along the northwest side of Pismo Creek from the Ocean to Highway 101. New projects may be required to dedicate a public access easement as a condition of approval ranging in width from 10 feet to 20 feet. Pathway improvements will be installed by the developer. The City will develop a creek side master plan for both sides of the creek as specified in Table PR-3 (1) and (2) of the General Plan/Local Coastal Plan.

[Note: existing policies c., and e. are omitted here, but are renumbered as d., and f.]

e. Downtown streets perpendicular to the ocean

Streets in the commercial core area which end at the ocean ~~shall~~ may be developed into cul-de-sacs compatible with public safety standards for safe turn-around. Owners of ocean-front properties shall participate in the cost of developing cul-de-sacs on a per development basis. Participation is defined as the construction of all improvements on the owner's side of the street along the property frontage.

~~**g. Circulation and parking to accommodate land uses**~~

~~Proposed public and private downtown transportation, circulation and parking facilities shall be designed to accommodate the permitted land uses allowed in the downtown districts by the Zoning Code.~~

~~**h. Improvements to the street system**~~

~~Proposed modifications and improvements to the circulation system shall focus on improving street geometrics for smoother traffic flow, safety, and emergency access rather than increasing traffic capacity. These types of improvements will include the dedication of right-of-way for improved turning radii, street widening in some areas and the installation of new or expanded cul-de-sacs on downtown streets ending at the ocean.~~

EXHIBIT A, p. 6

~~i~~ g. Automobile alternatives: Bus, bicycle, and pedestrian facilities

Bicycle and bus facilities, pedestrian walkways and an ocean fronting boardwalk shall be further developed to reinforce the pedestrian focus of the downtown and minimize traffic congestion and parking needs.

~~j~~ h. Parking facilities

Designated pedestrian corridors will be developed that link new parking areas through the commercial core to the pier, beach and boardwalk. ~~The boardwalk and pedestrian corridors are identified in Figures LU-16 and LU-17.~~

Adequate parking shall be provided for future development in the core area. A program should be established to regularly monitor and reevaluate the effectiveness of private parking standards and requirements. Amendments to these regulations should be initiated if and when it appears that sufficient spaces are not being provided, or if parking requirements are inhibiting development. Public parking may be developed outside the Central Core district for downtown visitors. Public parking may be provided in partnership with private property owners and through other financing mechanisms.

~~k~~ i. Public street improvements

The construction of public street improvements including street widening, curbs, gutters and sidewalks fronting adjacent private property shall be the responsibility of adjacent property owners. The City may consider using Chapter 27 of the State of California Streets and Highways Code to require adjacent property owners to construct public street improvements where they do not exist when more than 50 percent of the block is already improved with street improvements.

~~l~~ j. Streetscape design guidelines

The City's Capital Improvement Program shall be updated to incorporate the public improvements and streetscape design guidelines and standards included in Section 3 of the Draft Downtown Specific Plan. Some of the design guidelines are incorporated in the Zoning Code, where appropriate.

The Streetscape design guidelines specify street trees, intersection design, pedestrian lighting, street furniture, public signs and special design elements for City entryways, Pomeroy street, a voluntary compliance program for news and information racks, one-way street barricades and design of the boardwalk. These guidelines provide a catalyst to improve the overall image of the street and surrounding area; heighten the visitors sense of arrival; create a unique sense of place and identity for the downtown; and enhance the pedestrian experience.

~~m~~ k. Pedestrian corridors

Signature pedestrian corridors guide the downtown visitor from parking sites to the commercial core of the downtown, the pier, the boardwalk and the beach. Special signage identifying parking sites and directions for pedestrians will be provided, along with such amenities as benches and trash receptacles.

EXHIBIT A, p 7

~~n~~ l. The pier as open space

The City pier is at the heart of the downtown, providing open space for pedestrian activities and community events. A variety of pedestrian oriented uses for the pier may be considered by the City.

~~o~~ m. Pier parking lot and pedestrian plaza

The pier parking lot may be redesigned at the time of development of the Levi-Benson property (the site bounded by the Pismo Pier parking lot, Cypress and Pomeroy Streets, and Hinds Avenue) to provide maximum parking opportunities and improved pedestrian and landscape amenities. ~~In the long term, an option may be produced to allow the construction of a multi level parking structure, with portions of the surface level uses as open plaza area.~~ The existing plaza to the northwest of the pier parking lot may ~~also~~ be redesigned to provide an inviting and park-like setting with landscaping, seating, public art, lighting, and trash receptacles. The existing plaza and boardwalk area to the southwest of the pier parking lot may be improved to provide landscaping, seating, and lighting amenities.

~~p~~ n. Levi-Benson Site

The Levi-Benson site is adjacent to the pier parking lot and is also bounded by Cypress and Pomeroy Streets and Hinds Avenue. This parcel which is in the heart of downtown should have a predominantly retail commercial orientation of uses on the site. Visitor-serving commercial uses, as well as a mixture of year-round uses (such as a restaurant) are appropriate for the site. Residential or transient lodging should be limited to building area above the ground level. A pedestrian-sensitive design should be developed that includes the following features:

1. Orientation of the development should be such that retail shops front Cypress, Hinds and Pomeroy Streets. Retail uses should also front the internal paseo planned between Cypress street and the pier parking lot.

2. A paseo (small pedestrian passageway) should be provided from Cypress street to the Pier parking lot upon the development of the property. This ~~will~~ should consist of a small entry plaza at Cypress street and a "meandering" passageway, with substantial portions open to the sky, through the center of the property leading to the pedestrian corridor and the pier parking lot. The paseo ~~will~~ should have shops along each side and ~~will~~ range in width between 10 and 17 feet. An internal courtyard, landscaping, fountains, seating, and other amenities ~~will~~ should be provided. ~~Figure LU-17 identifies a conceptual location of a paseo and pedestrian corridor.~~

3. Small plazas and hardscape public areas are encouraged within and on the perimeter of the site to invite pedestrians to enter the site and spend time sitting or resting during their downtown visit.

4. A pedestrian and landscape corridor of up to 15 feet in width adjoining the pier parking lot will be designed to include landscaping, small plazas and pedestrian amenities and will be located between the development on the site

EXHIBIT A , p 8

and the pier parking lot. The width of this corridor may be shared between the subject site and portions of the pier parking lot as a part of the reconfiguration of the parking spaces adjacent to this common property line.

5. Parking to serve the site may be provided through a variety of methods. These include on-site parking, in-lieu parking fees, shared parking, and participation in a parking district. Entrance and exits from parking may be provided at a maximum of two locations in the development. Parking should not be the primary use of floor area at the street level.

6. If development on the Levi-Benson site is oriented perpendicular to the pier parking lot, the pier parking lot spaces presently adjoining the common property line with the Levi-Benson site may be oriented perpendicular to the site. This may permit portions of the present areas used for these spaces and a minimal landscape strip to be joined into the pedestrian and landscape corridor.

7. An on-site exhibition center of up to 5,000 - 6,000 square feet is a permitted use for a portion of this site. This use could serve local businesses and hotels/motels by providing a flexible area on-site that may be used for displays and exhibitions (such as trade shows, trade displays) as well as special events (such as wine festivals, travel shows). The design for this use should incorporate interior and exterior areas of the site. For purposes of establishing parking requirements, the exhibition center should be considered a retail use.

8. Residential ~~dwellings~~ or transient lodging uses may be allowed with the approval of a Conditional Use permit. ~~Such~~ These uses shall be restricted to the second and third ~~levels~~ floors.

9. Landscape planting area standards may be satisfied through the improvement of the paseo and plaza areas. These shall include planter areas as well as plants in containers. Off-site improvements to the sidewalks and parkways (including street trees) abutting the site on Cypress, Pomeroy and Hinds Avenues may be substituted for on-site landscape improvement standards by the Planning Commission.

~~q~~ o. Clam Digger Site

The Clam Digger property consists of two separate ownerships, and is located on Hinds Avenue across from the pier parking lot and is bounded by Stimson Street, Hinds Avenue, private property to the east and the ocean. It is currently occupied by a series of cottages that were built in the 1930s and are used for transient lodging.

The preferred land-use scenario on this large ocean-front site is a multi-use development consisting of a hotel or hotels with related visitor-oriented retail shops. Restaurants and small-scale retail shops may be permitted as secondary uses. Retail shops ~~will~~ should front on Hinds Street and/or the oceanfront boardwalk. The design and orientation of new development on the Clam-Digger site ~~will~~ should capitalize on its proximity to the ocean and incorporate the

EXHIBIT A, p.9

following features:

1. An ocean-front boardwalk should be incorporated into any future development project and be dedicated to the public. This boardwalk ~~will~~ should extend along the shoreline above the sandy beach, linking the pier parking lot area with the boardwalk section to the south adjacent to the Sandcastle hotel. The developer of this parcel ~~will~~ may be required to install a new beach access ramp or stairway at the end of Hinds Street as part of the Boardwalk extension. Since this boardwalk segment provides a benefit to the general area, the City may assist in securing a part of the funding for boardwalk construction and may consider providing other incentives to the developer(s).

2. Although the two portions of this site under separate ownerships may be developed independently, it is the intent of this plan to encourage coordinated site planning and development in order to obtain efficient utilization of the site. A single, integrated development project is preferred in order to achieve economies of scale that may be necessary to make visitor lodging and related uses feasible on the site.

3. Vehicular access should be provided jointly to both property owners via a common access easement near the inland property line. Traffic should enter from Stimson and exit on Hinds Avenue. If the two properties are not developed at the same time, provision should be made in any development approval on either site to reserve the common access ~~area~~ and egress.

4. Parking is required to be provided on site for all visitor serving uses.

5. Special development standards for this ocean fronting property are located in the zoning ordinance and are applicable to new development on this site. These standards include setbacks of upper floors from the public boardwalk and Hinds Avenue. A public courtyard and/or outdoor cafe should be incorporated into the development along Hinds Avenue and adjacent to the boardwalk.

~~r~~ p. ~~Dolphin Cove~~ Motel site at the End of Main Street

The ~~Dolphin Cove~~ motel site is located on a low-lying bluff fronting the ocean at the end of Main Street. Vehicular access to the site is from Main street. The current hotel on the site was built in the 1950s.

The Dolphin Cove Motel site's ocean fronting location enhances the opportunities for hotel development; a new hotel with accessory uses may be developed on this site with the following features:

1. The Oceanfront Boardwalk is intended to extend to Main Street along the blufftop of the property. The future development project ~~will~~ should incorporate and dedicate to the public the boardwalk and an access stairway leading from the top of the bluff down to the sandy beach below.

2. Vehicular Access ~~will~~ should be provided from Main street.

EXHIBIT A, p.10

3. Installation of a cul-de-sac for emergency vehicle turn-around ~~will~~ may be required with any new development on this site.

4. Parking shall be required on-site for all visitor serving uses.

~~s. Addie Street Parking Lot~~

~~The Addie Street parking lot is located between Park Avenue and Addie Street. This lot is utilized for public parking and is owned by the City.~~

~~The Addie Street parking lot shall be redesigned to accommodate additional parking, landscaping and incorporation into the ocean front boardwalk that will extend across the parking lot area to the end of Addie Street. Access to the parking lot will be provided from Park Avenue and egress from the lot will be provided onto Addie Street. The direction of one way traffic flow shall be determined upon improvements of the Addie Street parking lot following a public hearing. Figure LU-18 identifies the conceptual configuration of the improved parking lot.~~

Page LU-40

Revise policy LU-K-3 by deleting the first sentence of the second paragraph.

Revise policies LU-K-3.1 through LU-K-3.3 as follows.

LU-K-3.1 Central Core (CD-C) District

The primary land use focus for the CD-C district is to provide intensive retail commercial, recreational, and cultural land uses, oriented towards pedestrian visitors and residents. The pier and boardwalk provide the focus for pedestrian activities in the "walkable" downtown commercial area.

LU-K-3.2 Mixed-Use and Resident-Serving Commercial (CD-M) District

The CD-M district will provide for a wide variety of land uses that serve local residents, including food markets, drug stores, health services, professional offices, and mixed use projects, which may combine commercial, residential, hotels and motels, and other uses.

LU-K-3.3 Visitor Services (CD-V) District

The CD-V district is primarily intended to provide areas for a mix of visitor lodging, recreational entertainment, and limited residential, retail and service uses.

Page LU-41

Delete policies LU-K-3.4 and LU-K-3.5.

EXHIBIT A p 11

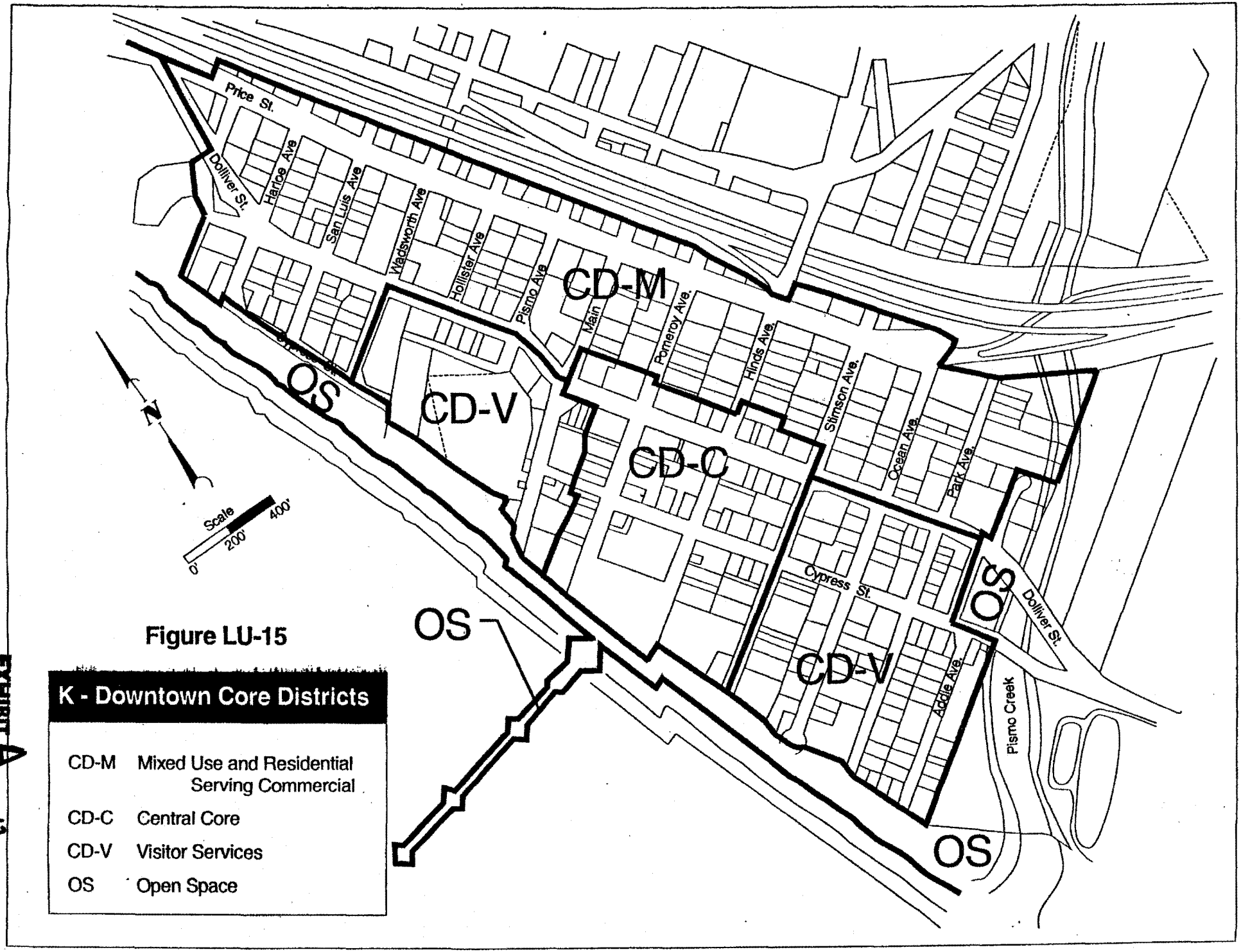


Figure LU-15

K - Downtown Core Districts

CD-M	Mixed Use and Residential Serving Commercial
CD-C	Central Core
CD-V	Visitor Services
OS	Open Space

EXHIBIT A, p 13
PSB LCP 2-98

ORDINANCE NO. O-98-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH CALIFORNIA, REPEALING PISMO BEACH MUNICIPAL CODE CHAPTER 17 (ZONING CODE) AND ALL AMENDMENTS THERETO AND ADOPTING A NEW CHAPTER 17 (ZONING CODE) AND LOCAL COASTAL PROGRAM

WHEREAS, the City of Pismo Beach Zoning Code/Local Coastal Program (Chapter 17 of the Pismo Beach Municipal Code) was adopted in December, 1983, implementing the 1983 General Plan/Local Coastal Plan (GP/LCP); and,

WHEREAS, the City of Pismo Beach General Plan/Local Coastal Plan was updated on May 18, 1993; and,

WHEREAS, Chapter 17 of the Pismo Beach Municipal Code/Local Coastal Program must comply with the GP/LCP; and,

WHEREAS, an update of Chapter 17 of the Pismo Beach Municipal Code (P.B.M.C.)/Local Coastal Program is required to provide consistency between the City of Pismo Beach GP/LCP and Zoning Code; and,

WHEREAS, at the direction of the City Council, the Planning Commission held duly noticed public hearings on the update of the City of Pismo Beach Zoning Code (P.B.M.C. Chapter 17)/Local Coastal Program in accordance with the provisions of state and local laws to consider the draft update. The Planning Commission has recommended an update to the entire chapter; and,

WHEREAS, the City Council held public hearings, reviewed the Planning Commission recommendations and accepted public comment related to the proposed amendments; and,

WHEREAS, the City Council finds that the LCP 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 Plan including these amendments in a manner fully consistent with the California Coastal Acts and all its provisions; and,

WHEREAS, revision to the City's General Plan/Local Coastal Program Land Use Plan has been adopted with Resolution 98-48. The Zoning Code Update amendments are reflective of the GP/LCP changes; and,

WHEREAS, a Negative Declaration has been approved on July 21, 1998 for the update of the City of Pismo Beach Zoning Code (P.B.M.C. Chapter 17)/Local Coastal Program by Resolution 98-48 determining that there are no significant environmental effects that would be caused by the adoption and implementation of this ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PISMO BEACH DOES ORDAIN AS FOLLOWS:

Section 1. **Repeal of the Pismo Beach Municipal Code Municipal Code Chapter 17.**

Chapter 17 of the Pismo Beach Municipal Code adopted in December, 1983 and all amendments thereto is hereby repealed in its entirety.

Section 2. **Adoption of Pismo Beach Municipal Code Chapter 17.**

Exhibit 1 is hereby adopted as Pismo Beach Municipal Code Chapter 17 and the City of Pismo Beach Local Coastal Program.

EXHIBIT B
PSB LCP 2-98

Section 3. Effect.

Planning Division staff is hereby authorized to submit an application to the California Coastal Commission for certification of this amendment of the Pismo Beach Local Coastal Program. The amendment will be carried out in accordance with the California Coastal Act and shall take effect immediately upon Coastal Commission approval.

Section 4. Certification of Passage

The City Clerk shall certify to the passage and adoption of this ordinance, shall enter the same in the Book of Original Ordinances of the City and shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted. Before the expiration of 15 days after the passage of this ordinance, it shall be posted with the names of members voting for or against the same in three public places within the City of Pismo Beach, to wit, 1) City Hall, 760 Mattie Road, Pismo Beach; 2) U.S. Post Office substation Shell Beach Road, Pismo Beach; 3) U.S. Post Office, Crest Drive, Pismo Beach.

INTRODUCED at a regular meeting of the City Council held this 21st day of July, 1998, on motion of Councilmember Reiss, seconded by Councilmember Mellow, and on the following roll call vote, to wit:

AYES: Councilmembers Reiss, Mellow, Rabenaldt and Mayor Brown
NOES: Councilmember Halldin
ABSENT: None
ABSTAIN: None

PASSED AND ADOPTED at a regular meeting of the City Council held this 4th day of August, 1998, on motion of Mayor Brown, seconded by Councilmember Mellow, and on the following roll call vote, to wit:

AYES: Mayor Brown, Councilmembers Mellow, Rabenaldt, and Reiss
NOES: Councilmember Halldin
ABSENT: None
ABSTAIN: None

John C. Brown
John Brown, Mayor

ATTEST:
Sharon Jones
Sharon Jones, City Clerk

APPROVED AS TO FORM:
David Hunt, City Attorney

EXHIBIT B p.2
PSB LCP 2-98

RESOLUTION NO. R- 98-44
A RESOLUTION OF THE COUNCIL OF THE CITY OF
PISMO BEACH ADOPTING REVISED PROCEDURES FOR IMPLEMENTING
THE CITY'S RESIDENTIAL GROWTH MANAGEMENT ORDINANCE
AND AN AMENDMENT TO THE LOCAL COASTAL PLAN (LCP) AND
RESCINDING RESOLUTION R-93-09

WHEREAS, Policy GM-1 of the 1993 Pismo Beach General Plan/Local Coastal Plan, provides for continuation of the City's residential growth management system, which was initiated by the adoption of similar policies in the 1981 General Plan;

WHEREAS, the intent of the residential growth management system is to assure that the yearly amount of new residential development is commensurate with the availability of public services and infrastructure, and will not result in a deterioration of the quality of service to existing or to new residents;

WHEREAS, Policy GM-1 limits the number of Building Permits that may be issued for new residential units each calendar year to no more than three (3) percent of the total number of residential units existing as of January 1 of the prior year;

WHEREAS, Ordinance No. 0-92-24 was adopted on 17 November 1992 to implement the General Plan/ Local Coastal Plan policy, and said ordinance provides that administrative procedures to carry out the requirements shall be contained within a separate resolution to be adopted by the Council;

WHEREAS, the administrative procedures stated in existing Resolution R-93-09 are outdated and need to be revised to reflect current conditions and the provisions of Ordinance 92-94 and GP/LCP policy GM-1;

WHEREAS, this resolution shall constitute the duly adopted administrative procedures for implementation of the City's Residential Growth Management Ordinance (Chapter 15.32 of this Code);

WHEREAS, if a water shortage arises in the future, the Council hereby acknowledges that further action may be considered at that time to amend the procedures stated herein so as to reduce the annual growth limit below the three (3) percent level.

NOW, THEREFORE, THE COUNCIL HEREBY RESOLVES AS FOLLOWS:

SECTION 1. TITLE

This Resolution shall be known as the "Administrative Procedures for Implementing the Residential Growth Management Ordinance."

SECTION 2. PURPOSE

The purposes of this resolution shall be to establish administrative procedures that will:

1. Effectively and fairly implement the City's three (3) percent annual cap on issuance of Building Permits for new residential units;
2. Be understandable to the public and to applicants; and
3. Be capable of implementation in a clear and consistent manner for all projects and from one year to another.

EXHIBIT C
PSB LCP 2-98

SECTION 3. ELIGIBILITY LIST FOR RESIDENTIAL BUILDING PERMIT APPLICATIONS.

3. 1 Definition of Eligible Residential Projects. Eligible Residential Projects shall be those projects which have received approval of all necessary and required planning permits from the City Council, Planning Commission, or from administrative officials where approval authority rests therein. These permits are as follows:

1. In the case of Planning Commission or Council approvals: Development Permit, Coastal Development Permit, Architectural Review Permit, and Conditional Use Permit.
2. In the case of administrative approvals: Development Permit, Coastal Development Permit and Zone Clearance.

Residential projects shall remain eligible for a building permit application allocation only as long as the associated planning permit remains in effect and has not lapsed or expired.

3. 2 Annual Growth Management List (Jan. 1 - Dec. 31). Those projects which have a complete building permit application submitted to the Building Division will be placed on the Growth Management list. Projects from a previous annual list may be transferred onto a subsequent annual list provided that the Building Permit Application is in process. Projects shall not be eligible for placement on the Growth Management List if the associated planning permit has expired.

3. 3 Order of Issuance of Building Permits and priority on Eligibility List. The priority order of projects shall be determined based on a first come-first serve basis.

3.4 10% Set-aside of Building Permits for infill development

While the priority order of projects shall be determined based on a first come-first serve basis, 10% of all building permits for residential development that can be issued in an individual year shall be reserved for "infill lots." An "Infill lot" is defined as any parcel in any residential zone in the City which was legally created prior to December 1, 1989. "Legally created" is defined as the recordation of a final map. Portions of this 10% not used by November 1 shall be available to applicants for any type of housing on a first-come, first-serve basis.

3.5 10% Set-aside of Building Permits for affordable housing

While the priority order of projects shall be determined based on a first come-first serve basis, 10% of all building permits for residential development that can be issued in an individual year shall be reserved for "affordable housing." "Affordable housing" is defined by the most recent San Luis Obispo Housing Authority affordability criteria. Portions of this 10% not used by November 1 shall be available to applicants for any type of housing on a first-come, first-serve basis.

SECTION 4. ESTABLISHMENT OF THE AMOUNT OF THE ANNUAL RESIDENTIAL GROWTH LIMIT AND NUMBER OF ALLOCATIONS OF BUILDING PERMIT APPLICATIONS

4.1 Definition of Annual Residential Growth Limit. The annual residential growth limit is the maximum number of dwelling units for which a building permit application will be accepted for processing. The limit shall be (3) percent of the number of existing dwelling units as of January 1 of the immediately preceding year. The number of dwelling units in existence for the prior year shall be the number estimated by the California Department of Finance for January 1 of each year, in the publication titled "Population and Housing Estimates for California Cities and Counties (Report E-5)".

4.2 Annual Residential Growth Allocations. Under no circumstances shall the total number of Building Permits issued in any calendar year exceed the residential growth limit for that year as defined in Section 4.1.

4.3 Special Provision for Projects Which Consist of Residential Multi-Unit Buildings. If a project contains multiple dwelling units within a single building each dwelling unit shall be considered to be one unit for purposes of determining compliance with the 3% growth limit as specified in Sections 4.1 and 4.2.

EXHIBIT C, p 2
PSB LCP 2-98

SECTION 5. NOTICE OF ALLOCATION AVAILABILITY AND SUBMITTAL OF ACCEPTANCE OF AN ASSIGNED ALLOCATION

5.1 Provision of Notice to Owners/Applicants. Owners and applicants will be informed of the City's Growth management policy upon receipt of a Development Permit or a Coastal Development Permit or an Architectural Review Permit.

SECTION 6. ANNUAL REPORT TO COUNCIL

By January 31 of each year, the Public Services Director shall deliver a report to the City Council which summarizes 1. The percentage of growth that occurred during the prior year; 2. The total number of residential Building Permits applied for and issued in the prior calendar year; 3. A report on the status of public infrastructure and its capability to serve current and future needs including: water supply capacity, wastewater collection and treatment capacity and street system capacity and residential permits issued for previous calendar year.

SECTION 7. INTERPRETATION

It shall be the responsibility of the Public Services Director to interpret the provisions of this Resolution and to apply the requirements hereof to residential development projects. In the event that circumstances arise that are not expressly addressed by these provisions, the Director shall have authority to establish supplemental administrative procedures as necessary. The Council shall be notified of any supplemental procedures that may be established.

SECTION 8. RESCINDING OF RESOLUTION R-93-09

Resolution Number R-93-09 is hereby rescinded and shall have no further effect.

SECTION 9. EFFECTIVE DATE

This resolution shall be in effect immediately upon certification of Ordinance 98-05 as a Local Coastal Plan amendment by the California Coastal Commission and shall remain in effect until such a time as it may be rescinded.

APPROVED AND ADOPTED this 7th day of July, 1998, on motion of Councilmember Reiss and second of Mayor Pro Tem Pore Mellow, by the following roll call vote, to wit:

AYES:	Reiss, Mellow, Rabenaldt
NOES:	Halldin
ABSTAIN:	None
ABSENT:	Brown

Marian Mellow

Marian Mellow, Mayor Pro Tem Pore

ATTEST:

Sharon Jones

Sharon Jones, City Clerk

EXHIBIT C, p 3
PSB LCP 2-98

EXHIBIT 2

RESOLUTION NO. ~~R-93-09~~_____

A RESOLUTION OF THE COUNCIL OF THE CITY OF PISMO BEACH ADOPTING REVISED PROCEDURES FOR IMPLEMENTING THE CITY'S RESIDENTIAL GROWTH MANAGEMENT ORDINANCE AND AN AMENDMENT TO THE LOCAL COASTAL PLAN (LCP) AND RESCINDING RESOLUTION ~~S R-91-02 AND R-91-03~~ *R-93-09*

WHEREAS, Policy GM-1 of the new 1993 Pismo Beach General *Plan/Local Coastal Plan*, provides for continuation of the City's residential growth management system, which was initiated by the adoption of similar policies in the 1981 General Plan;

WHEREAS, the intent of the residential growth management system is to assure that the yearly amount of new residential development is commensurate with the availability of public services and infrastructure, and will not result in a deterioration of the quality of service to existing or to new residents;

WHEREAS, Policy GM-1 limits the number of Building Permits that may be issued for new residential units each calendar year to no more than three (3) percent of the total number of residential units existing as of January 1 of the prior year;

WHEREAS, Ordinance No. 0-92-24 was adopted on 17 November 1992 to implement the General Plan/ *Local Coastal Plan* policy, and said ordinance provides that administrative procedures to carry out the requirements shall be contained within a separate resolution to be adopted by the Council;

WHEREAS, the administrative procedures stated in existing Resolution *R-93-09* ~~s R-91-02 and R-91-03~~ are outdated and need to be revised to reflect current conditions and the provisions of ~~P.B.M.C 15.32~~ *Ordinance 92-94 and GP/LCP policy GM-1;*

WHEREAS, this resolution shall constitute the duly adopted administrative procedures for implementation of ~~P.B.M.C. 15.32~~ *the City's Residential Growth Management Ordinance (Chapter 15.32 of this Code);*

WHEREAS, if a water shortage arises in the future, the Council hereby acknowledges that further action may be considered at that time to amend the procedures stated herein so as to reduce the annual growth limit below the three (3) percent level.

NOW, THEREFORE, THE COUNCIL HEREBY RESOLVES AS FOLLOWS:

SECTION 1. TITLE

This Resolution shall be known as the "Administrative Procedures for Implementing the Residential Growth Management Ordinance."

SECTION 2. PURPOSE

The purposes of this resolution shall be to establish administrative procedures that will:

1. Effectively and fairly implement the City's three (3) percent annual cap on issuance of Building Permits for new residential units;
2. Be understandable to the public and to applicants; and
3. Be capable of implementation in a clear and consistent manner for all projects and from one year to another.

EXHIBIT C, p 4
PSB LCP 2-98

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SECTION 3. ~~ESTABLISHMENT OF~~ ELIGIBILITY LIST FOR RESIDENTIAL BUILDING PERMIT APPLICATIONS.

~~3.1 Residential Building Permit Eligibility List Created. The Community Development Director, City Planner and Building official shall establish and maintain a list of all residential development projects that are eligible to be considered for assignment of an allocation for a building permit application.~~

~~3.2 Applicability. The requirements imposed by this resolution shall apply to all residential development projects wherein the number of proposed dwelling units exceeds the number of existing units on the subject property. Only the net increase in the number of dwellings on the property shall be subject to the growth management limitation and allocation procedure.~~

3.1 ~~3~~ Definition of Eligible Residential Projects. Eligible Residential Projects shall be those projects which have received approval of all necessary and required planning permits from the City Council, Planning Commission, or from administrative officials where approval authority rests therein. These permits are as follows:

1. In the case of Planning Commission or Council approvals: Development Permit, Coastal Development Permit, Architectural Review Permit, and Conditional Use Permit.
2. In the case of administrative approvals: Development Permit, Coastal Development Permit and Zone Clearance.

Residential projects shall remain eligible for a building permit application allocation only as long as the associated planning permit remains in effect and has not lapsed or expired.

3.2 ***Annual Growth Management List (Jan. 1 - Dec. 31).*** *Those projects which have a complete building permit application submitted to the Building Division will be placed on the Growth Management list. Projects from a previous annual list may be transferred onto a subsequent annual list provided that the Building Permit Application is in process. Projects shall not be eligible for placement on the Growth Management List if the associated planning permit has expired.*

~~4 Removal of Projects from Eligibility List. Projects shall be removed from the eligibility list if any of the following occurs:~~

~~1. The associated planning permit lapses or expires, removal from the list shall occur as of the date the planning permit has lapsed or expired.~~

~~2. A building permit application has been submitted following the assignment of an allocation, removal from the list shall occur as of the date the building permit application is accepted as complete for processing.~~

~~3. The property owner/project applicant elects not to accept assignment of an allocation, following notification pursuant to Section 5.2 of this Resolution, such a project shall be returned to the eligibility list with the next cycle of notifications pursuant to Section 5.8.~~

3.3 ~~5~~ Order of *Issuance of Building Permits and priority on Eligibility List.* ~~Priority of Projects on Eligibility List.~~ The priority order of projects on the eligibility list shall be determined based on *a first come-first serve basis.* ~~the dates of expiration of the associated planning permits. The ordering of projects shall be from the earliest expiration date at the highest priority on the list to the most distant expiration date at the lowest priority.~~

3.4 10% Set-aside of Building Permits for infill development

While the priority order of projects shall be determined based on a first come-first serve basis, 10% of all building permits for residential development that can be issued in an individual year shall be reserved for "infill lots." An "Infill lot" is defined as any parcel in any residential zone in the City which was legally created prior to December 1, 1989. "Legally created" is defined as the recordation of a final map.

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SECTION 4. ESTABLISHMENT OF THE AMOUNT OF THE ANNUAL RESIDENTIAL GROWTH LIMIT AND NUMBER OF ALLOCATIONS OF BUILDING PERMIT APPLICATIONS

4.1 Definition of Annual Residential Growth Limit. The annual residential growth limit ~~shall be~~ *is* the maximum number of dwelling units for which a building permit application ~~has been~~ *will be* accepted for processing. ~~and potential issuance within each calendar year, commencing in 1993.~~ The limit shall be ~~established as three~~ (3) percent of the number of existing dwelling units as of January 1 of the immediately preceding year. The number of dwelling units in existence for the prior year shall be the number estimated by the California Department of Finance for January 1 of each year, ~~inclusive of mobile homes~~, in the publication titled "Population and Housing Estimates for California Cities and Counties (Report E-5)".

4.2 Annual Residential Growth Allocations. ~~A building permit application for a residential project which is subject to the provisions of this Resolution shall not be accepted and processed unless an allocation has been assigned pursuant hereto. Under no circumstances shall the~~ total number of *Building Permits issued* ~~allocations assigned~~ in any calendar year exceed the residential growth limit for that year as defined in Section 4.1.

~~4.3 Provisions for Assigned Allocations. Assignment of an allocation to a project shall enable the owner/applicant to submit a building permit application for the project during a 150-day period following assignment of the allocation. The allocation shall expire and be null and void if a building permit application has not been submitted by the end of the 150-day period. Any such forfeited allocations shall be released and made available for reassignment during the same calendar year to the next project(s) on the priority list identified in Section 3.4.~~

~~4.4~~ Special Provision for ~~Allocations to Projects Which Consist of~~ *Residential* Multi-Unit Buildings. ~~If a project next on the priority list to be assigned an allocation~~ contains multiple dwelling units within a single building ~~and the number of units therein would cause the annual growth limit established in section 4.1 to be exceeded, the project may be assigned allocations only if at least 75 percent of the total number of units in the building fall below the growth limit.~~ *each dwelling unit shall be considered to be one unit for purposes of determining compliance with the 3% growth limit as specified in Sections 4.1 and 4.2.*

~~4.5 Carryover of Unused Allocations Not Permitted. No unused allocation for a residential building permit application in any calendar year shall be permitted to be carried over to the following calendar year.~~

SECTION 5. NOTICE OF ALLOCATION AVAILABILITY AND SUBMITTAL OF ACCEPTANCE OF AN ASSIGNED ALLOCATION

~~5.1 Establishment of Notification List of Priority Projects. At the beginning of each calendar year, the City Planner and Building Official shall establish a notification list of projects with the highest priority to receive allocations. The list shall be established from the priority order defined in Section 3.4 so as to include those projects which have a cumulative total number of dwelling units which may equal, but not exceed, the annual growth limit number as defined in Section 4.1 of this Resolution.~~

~~5.2 Provision of Notice to Owners/Applicants on Priority List. Commencing on February 5, 1993, and by no later than January 10 of each year thereafter, the Building Official shall give written notice to the property owners and project applicants for all projects on the list defined in Section 5.1 of the availability of allocations for the calendar year and the procedures to request that an allocation be assigned to the project.~~ *Owners and applicants will be informed of the City's Growth management policy upon receipt of a Development Permit or a Coastal Development Permit or an Architectural Review Permit.*

~~5.3 Content of Notice. The Notification by the Building official shall include the following:~~

~~1. A statement that the project has priority status for requesting assignment of an allocation for building permit application.~~

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~~2. Identification of the number of dwelling units in the approved project that are subject to the allocation procedures, pursuant to Section 3.2;~~

~~3. A standard form which may be completed by the owner/applicant for the purpose of accepting or declining assignment of an allocation;~~

~~4. The date by which the allocation acceptance must be received by the City; and~~

~~5. If the allocation is accepted, the date by which a building permit application must be submitted or, if not submitted, the allocation will expire.~~

~~5.4 Submittal of Acceptance of an Allocation. In order to be assigned an allocation, the property owner/project applicant shall be required to complete and return the request for assignment of an allocation no later than thirty (30) days following the date at which the Notice by the Building Official was provided.~~

~~5.5 Failure to Submit Acceptance Within 30-day Period. If the City has not received the allocation request by the end of the 30-day period, the reservation of the allocation for that project shall be voided and the allocation made available for the next project(s) on the priority list.~~

~~5.6 Effect of Declining an Allocation. If an owner/applicant elects not to accept an allocation, the allocation shall be released and made available for the next project(s) on the priority list. If otherwise eligible, the project shall be returned to the notification priority list for the second cycle of notification of allocation availability pursuant to section 5.8.~~

~~5.7 Notification of Availability of Uncommitted Allocations. If any allocations are uncommitted pursuant to Sections 5.5 and 5.6, the Building Official shall provide a Notice to the owner/applicants for the next projects on the priority list in accordance with requirements of Section 5.3. Such Notices shall be provided within a reasonable and practicable time period following the determination that allocations are uncommitted.~~

~~5.8 Second Cycle of Notifications. Following expiration of the deadline for submittal of building permit applications pursuant to Section 4.3, and generally not later than July 10 of each year, the Building Official shall establish a second, adjusted notification list of priority projects. Adjustments shall be made for any changes in the list of eligible projects and for the number of initial allocations that have been followed by submittal of building permit applications. Thereafter, the Building Official shall provide a second written Notice in accordance with the procedures established in this Section.~~

~~SECTION 6. PROCEDURE WHEN THE NUMBER OF UNITS ON THE ELIGIBILITY LIST IS LESS THAN THE AMOUNT OF THE ANNUAL GROWTH LIMIT~~

~~Notwithstanding Section 5, if at the beginning of any calendar year the number of units on the eligibility list is 75 percent or less of the amount of the annual growth limit, all projects on the eligibility list shall be automatically assigned allocations and notice thereof shall be provided to the owner/applicants. Any additional projects that receive final planning permit approvals as defined in Section 3.3 shall also be so notified until such a time as the committed allocations reach but do not exceed 90 percent of the growth limit. Any residential project receiving approval of planning permits after the commitment of 90 percent of the growth limit shall receive notification pursuant to Section 5.~~

SECTION 6 7. ANNUAL REPORT TO COUNCIL

By January 31 of each year, the *Public Services* ~~Community Development~~ Director shall deliver a report to the City Council which summarizes *1. The percentage of growth that occurred during the prior year; 2. The total number of residential Building Permits applied for and issued in the prior calendar year; 3. A report on the status of public infrastructure and its capability to serve current and future needs including: water supply capacity, wastewater collection and treatment capacity and street system capacity and* allocations, ~~permit applications, and permits issued~~ *residential permits issued for previous calendar year.* ~~residential projects and units which are subject to the requirements of this Resolution.~~

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SECTION 7 ~~8~~. INTERPRETATION

It shall be the responsibility of the *Public Services* ~~Community Development~~ Director ~~and Building Official~~ to interpret the provisions of this Resolution and to apply the requirements hereof to residential development projects. In the event that circumstances arise that are not expressly addressed by these provisions, the Director shall have authority to establish supplemental administrative procedures as necessary. The Council shall be notified of any supplemental procedures that may be established.

SECTION 8 9. RESCINDING OF RESOLUTIONS *R-93-09* ~~R-91-02 AND R-91-03~~

Resolution Number s *R-93-09* ~~R-91-02 and R-91-03~~ is hereby rescinded and shall have no further effect.

SECTION 9 ~~10~~. EFFECTIVE DATE

This resolution shall be in effect immediately upon certification of Ordinance 98-___ as a Local Coastal Plan amendment by the California Coastal Commission and shall remain in effect until such a time as it may be rescinded.

APPROVED AND ADOPTED this ___day of_____, on motion of Councilmember_____ and second of Councilmember_____, by the following roll call vote, to wit:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

_____
John C. Brown, Mayor

ATTEST:

_____

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PSB LCP 2-98

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RECEIVED

AUG 1 0 1998

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

ORDINANCE NO. O-98-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH AMENDING THE CITY OF PISMO BEACH LOCAL COASTAL PLAN (LCP) AND THE P.B.M.C. CHAPTER 15.32 - RESIDENTIAL DEVELOPMENT GROWTH MANAGEMENT

Whereas, the City of Pismo Beach 1993 General Plan/Local Coastal Plan Policy GM-1 has established a 3% residential growth rate;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PISMO BEACH DOES ORDAIN AS FOLLOWS:

Section 1. Amendment
Chapter Sections 15.32.010, 20, .30, and .50 are hereby amended as follows:

15.32.010 Exemptions.

The following types of residential development shall be exempted from the provisions of this title:
A.. Replacement of existing residential units as per the requirements of the City's General Plan, Zoning Ordinance and Local Coastal Plan, up to replacement of residential units on a one-for-one basis or;
B. Room additions or remodeling which do not result in an increase in the number of dwelling units in the City.

15.32.020 Annual housing review

In January of each calendar year the City Council shall review the housing unit growth over the prior calendar year. It shall be the responsibility of City staff to schedule this review and provide the City Council with at least the following information:
1. The percentage of growth that occurred during the prior calendar year.
2. The total number of residential units that have applied for a building permit in the prior calendar year.
3. A report on the status of public infrastructure and its capability to serve current and future needs including water supply capacity, wastewater collection and treatment capacity, and street system capacity.

15.32.030 Growth rate-Policy.

No other provisions of law withstanding during any calendar year, the City Building Official shall not issue building permits for new dwelling units which exceed three (3) percent of the total number of dwelling units existing in the City on January 1 of the prior calendar year, as estimated by the California Department of Finance. The procedures for compliance with this three (3) percent residential growth rate shall be provided by City Council resolution.

Section 3. Environmental Determination
The Public Services Director has determined that this amendment is a Class Eight (8) exemption under the California Environmental Quality Act.

EXHIBIT D
PSB LCP 2-98

Section 4. Repeal of Ordinance 92-24
Ordinance 92-24 is hereby repealed in its entirety.

Section 5. Effect
This ordinance shall go into effect and be in full force and operation upon certification of this document as a Local Coastal Plan amendment by the California Coastal Commission.

Section 6. Certification of Passage

The City Clerk shall certify to the passage and adoption of this ordinance, shall enter the same in the Book of Original Ordinances of the City and shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted. Before the expiration of 15 days after the passage of this ordinance, it shall be posted with the names of members voting for or against the same in three public places within the City of Pismo Beach, to wit, 1) City Hall, 760 Mattie Road, Pismo Beach; 2) U.S. Post Office substation Shell Beach Road, Pismo Beach; 3) U.S. Post Office, Crest Drive, Pismo Beach.

INTRODUCED at a regular meeting of the City Council held this 7th day of July, 1998, on motion of Councilmember Rabenaldt, seconded by Mayor Pro Tem Pore Mellow, and on the following roll call vote, to wit:

AYES: Rabenaldt, Mellow, Reiss
NOES: Halldin
ABSENT: Brown
ABSTAIN: None

PASSED AND ADOPTED at a regular meeting of the City Council held this 21 day of July, 1998, on motion of Councilmember Mellow, seconded by Councilmember Rabenaldt, and on the following roll call vote, to wit:

AYES: Councilmembers Mellow,Rabenaldt,Halldin,Reiss and Mayor Brown
NOES: None
ABSENT: None
ABSTAIN: None

John Brown, Mayor

ATTEST:

Sharon Jones, City Clerk

APPROVED AS TO FORM:

David Hunt, City Attorney

EXHIBIT D, p.2
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DRAFT

Current language to be deleted - ~~strikeout~~
New language to be added - *italics*

EXHIBIT 1
ORDINANCE NO. O-98-___
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH AMENDING THE CITY OF PISMO BEACH LOCAL COASTAL PLAN (LCP) AND THE P.B.M.C. CHAPTER 15.32 - RESIDENTIAL DEVELOPMENT GROWTH MANAGEMENT

Whereas, the City of Pismo Beach 1993 General Plan/Local Coastal Plan Policy GM-1 has established a 3% residential growth rate;

~~Whereas, P.B.M.C. Chapter 15.32 is inconsistent with Policy GM-1 and requires amendment to provide consistency;~~

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PISMO BEACH DOES ORDAIN AS FOLLOWS:

Section 1. Amendment
Chapter Sections 15.32.010, 20, .30, and .50 are hereby amended as follows:

~~**15.32.010 Residential development - Applicability of regulations.**~~

~~These regulations shall only be applicable to residential housing subdivisions that have not been recored at the time of adoption of this title. Any existing subdivisions that are of record at the time of adoption of this title wherein any specific lots have a development limitation(s), said development limitation(s) are superseded insofar as they relate to growth management allotment procedures. (Ord. 89-21 - 1(part), 1989, prior code 15.48.010)~~

15.32.0*1*~~0~~20 Exemptions.

The following types of residential development shall be exempted from the provisions of this title:
~~A. Any single-family residence on a parcel that was legally subdivided and of record as of the date of adoption of the ordinance codified in this title, and which parcel is zoned to permit such a residence;~~
A.~~B.~~ Replacement of existing residential units as per the requirements of the City's General Plan, Zoning Ordinance and Local Coastal Plan, up to replacement of residential units on a one-for-one basis *or*;
~~C. Residential projects that do not involve the subdivision of land as defined in Ordinance 299 regarding subdivisions. (Ord. 89-21 - 1 (part), 1989: prior code 15.48.020)~~
B. *Room additions or remodeling which do not result in an increase in the number of dwelling units in the City.*

15.32.0*2*~~0~~30 Annual housing review

A. In ~~November~~ *January* of each calendar year the City Council shall review the housing unit growth over the ~~past~~ *prior calendar* year. It shall be the responsibility of City staff to schedule this review and provide the City Council with at least the following information:

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~~1. Total housing unit permits issued for the previous calendar year;~~
~~2. Total residential subdivisions recorded during the prior calendar year;~~
~~3. Total number of new residential units reviewed and acted upon by the Planning Commission and City Council insofar as planning permits and coastal permits are concerned;~~
~~4. Totals on non-residential types of development (both new construction and planning permit activity);~~
~~5. Current water production and consumption data including water sold to city consumers;~~
~~6. Current wastewater treatment volumes as reflected in records of the city wastewater treatment plant;~~
~~7. Projections for future housing unit production based on all types of permitting activity along with corresponding projections on needed water and sewer system capacities to handle these projections; and~~
~~8. Cumulative analysis to anticipate future development and public service facility trends~~
1. The percentage of growth that occurred during the prior calendar year.
2. The total number of residential units that have applied for a building permit in the prior calendar year.
3. A report on the status of public infrastructure and its capability to serve current and future needs including water supply capacity, wastewater collection and treatment capacity, and street system capacity.

~~**15.32.040 New subdivision recordation limits.**~~

~~For subdivisions determined by the planning commission and/or city council to be subject to the provisions of this title, subdivision maps not to exceed fifty units or lots shall be the maximum size application considered for final maps to be recorded. It shall be acceptable to process tentative tract maps that will include phased final map recordations, provided that no final map shall exceed the fifty unit or lot limitation. (Ord. 89-21 1 (part), 1989: prior code 15.48.040)~~

15.32.03050 Growth rate-Policy.

~~Consistent with the terms of this title, it shall be the stated policy of the city council to achieve an averaged growth rate of three percent. Recognizing that a number of factors affect housing unit production and demand, this averaged rate may be applied to a series of ten years as per the city's adopted general plan to determine overall housing growth over a period of time greater than a single year. (Ord. 89-21 1 (part), 1989: prior code 15.48.050)~~
No other provisions of law withstanding during any calendar year, the City Building Official shall not issue building permits for new dwelling units which ~~cumulatively~~ exceed three (3) percent of the total number of dwelling units existing in the City on January 1 of the prior calendar year, as estimated by the California Department of Finance. The procedures for compliance with this three (3) percent residential growth rate shall be provided by City Council resolution.

Section 3. Environmental Determination
The Public Services Director has determined that this amendment is a Class Eight (8) exemption under the California Environmental Quality Act.

EXHIBIT D . p 4
PSB LCP2-98 7A-3

Section 4. Repeal of Ordinance 92-24
Ordinance 92-24 is hereby repealed in its entirety.

Section 5. Effect
This ordinance shall go into effect and be in full force and operation upon certification of this document as a Local Coastal Plan amendment by the California Coastal Commission.

Section 6. Certification of Passage

The City Clerk shall certify to the passage and adoption of this ordinance, shall enter the same in the Book of Original Ordinances of the City and shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted. Before the expiration of 15 days after the passage of this ordinance, it shall be posted with the names of members voting for or against the same in three public places within the City of Pismo Beach, to wit, 1) City Hall, 760 Mattie Road, Pismo Beach; 2) U.S. Post Office substation Shell Beach Road, Pismo Beach; 3) U.S. Post Office, Crest Drive, Pismo Beach.

INTRODUCED at a regular meeting of the City Council held this ___ day of _____, 1998, on motion of Councilmember _____, seconded by Councilmember _____, and on the following roll call vote, to wit:

AYES: _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

PASSED AND ADOPTED at a regular meeting of the City Council held this ___ day of _____, 1998, on motion of Councilmember _____, seconded by Councilmember _____, and on the following roll call vote, to wit:

AYES: _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

_____
John Brown, Mayor

ATTEST:

_____
Sharon Jones, City Clerk

APPROVED AS TO FORM:

_____
David Hunt, City Attorney

EXHIBIT D, p 5
PSB LCP 2-98
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Downtown Core
Planning Area K

Background

The Downtown Core area encompasses downtown Pismo Beach, an important visitor-serving center of the city. Many motel and hotel uses are located here, primarily along Price, Pomeroy and Dolliver Streets and the oceanfront. The majority of commercial uses are between Dolliver Street and the ocean and Main and Stimson Streets.

Property landward of the ocean is gently sloping; however, the bluff and beach areas are varied in their physical characteristics. The bluffs along the northern portion of the area are about 40 feet high and have eroded to such an extent that Cypress Street has been turned into a one-way street, and a portion of the road has been closed. The bluffs begin to decline in elevation until they reach about five feet at the pier.

The Pismo Creek estuary and lagoon at the southern end of downtown is a sensitive wetland habitat. High tides occasionally reach the seawalls located at the pier parking lot and northward; none of the sandy beach can be used in the Commercial Core during some high tide periods in the winter months. The sandy beach provides excellent habitat for clams. Near shore, fish species are also prevalent in this stretch, thus making Pismo Beach a popular surf fishing area.

The state beach forms the major recreation area in the City. There are eleven major public access points to the wide sandy beach in the downtown area. These are located at ends of streets and off public roads along the bluff tops. Some of the motels and condominiums have private or semiprivate access to the beach; however, all of these private accesses lead to public beach areas. Public lateral access exists along the entire state beach.

In addition to the sandy beach, the city has a two-acre park complex adjacent to Pismo Creek consisting of the Ira Lease Park to the east of State Highway 1 and the Mary Harrington Park to the west of Highway 1.

The Commercial Core is a major tourist destination in the City. The sandy beaches provide opportunity for surfing, swimming, walking, surf fishing and other beach-oriented recreational activities. The close proximity of tent camping, motels and recreational vehicle park and related commercial services provides the necessary overnight lodging to support the attractive beach areas.

In the 1980's the 1983 Pismo Beach General Plan/Local Coastal Plan, the 1984 Waterfront Revitalization Plan and a 1989 study provided by a regional Urban Design Assistance Team (R/UDAT) addressed future revitalization of the downtown. In 1991, the city embarked on the creation of a downtown specific plan to pull together the many ideas from these plans. This specific plan includes land use policies, design guidelines, a streetscape program and public facility improvements to enhance public access to the beach and develop a more pedestrian-oriented downtown.

EXHIBIT E 2-98 PSB LCP

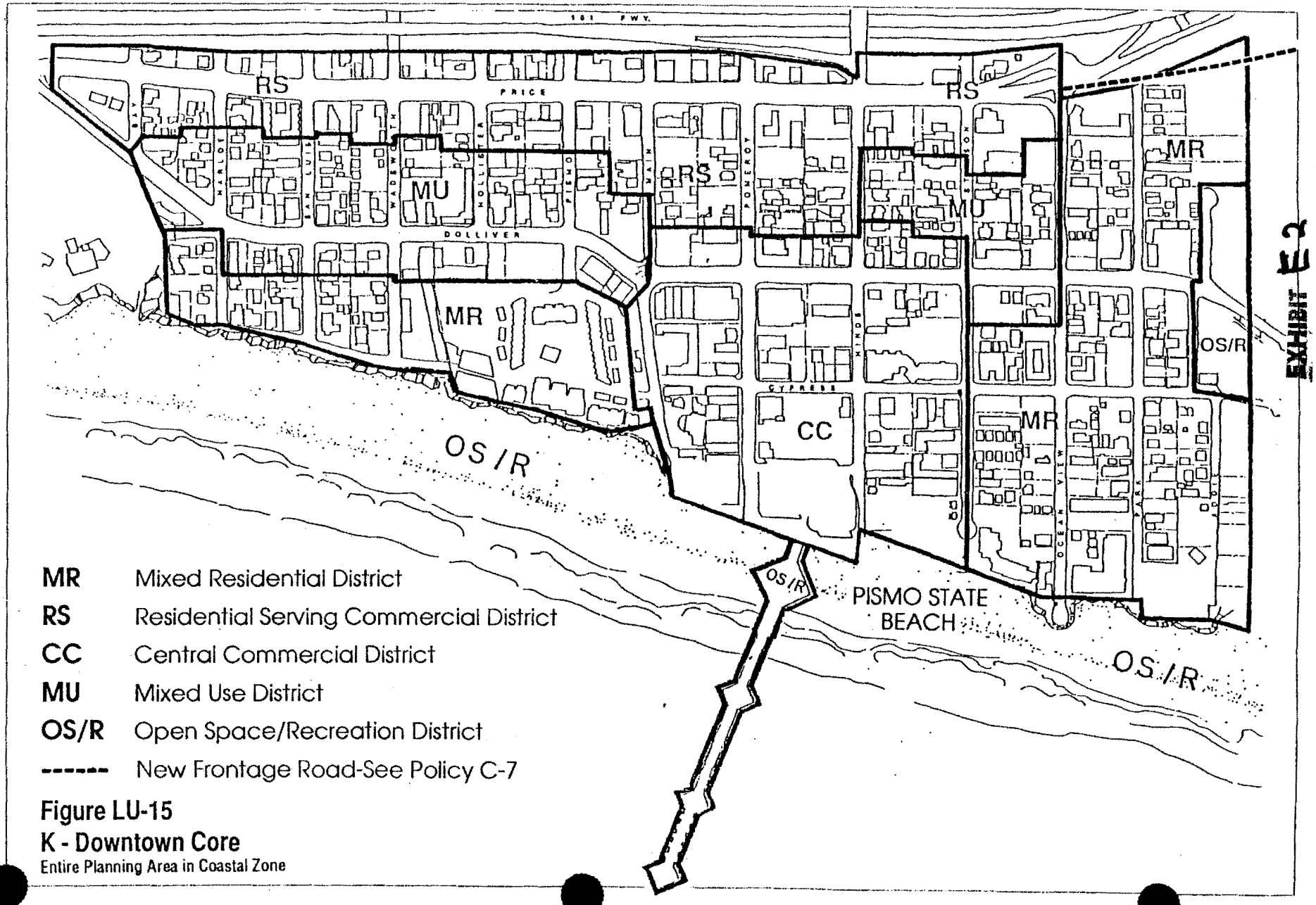


Figure LU-15
K - Downtown Core
Entire Planning Area in Coastal Zone

EXHIBIT 12

Policies

LU- Land Use Concept

K-1 The downtown area is designated for Central Commercial, Mixed Residential, Resort Servicing Commercial, and Open Space categories as shown in Figure LU-15.

LU- Specific Plan

K-2 A Specific Plan shall be developed for the downtown area that corresponds to the following policies.

a. Oceanfront Boardwalk

A continuous pedestrian boardwalk from Main Street to Pismo Creek shall be established. This boardwalk shall include pedestrian amenities such as, but not limited to, seating, lighting and landscaping. Properties adjacent to the future boardwalk location shall be required to dedicate up to 20 feet of the ocean frontage of the property for the boardwalk. Installation of the boardwalk may be required as a condition of approval of development projects. The amount of dedication shall be subject to the size of the ocean-facing parcels and the area required to minimize bluff erosion identified in geologic studies submitted with development applications. The boardwalk will connect into the Pismo Creek trail at the end of Addie Street.

b. Pismo Creek Trails

A creekside trail system shall be developed on both sides of Pismo Creek from its mouth at the ocean inland to the future golf course/recreation area in Price Canyon. Public improvements such as trash cans and seating shall be included with the development of the creek trails. Dedication of a portion of properties adjacent to Pismo Creek for a public pathway shall be required with new development applications. These dedications shall include the buffer zone as identified in the conservation and open space element. Development approvals by the City shall require the installation of trail improvements. See also: Conservation Element Policies 21 and 22.

c. Interpretive Panels or Signage

Appropriate interpretive panels shall be provided for the pier, boardwalk and Pismo Creek trail. These may be required as a condition of approval of development projects. Funding should be sought from a variety of sources.

d. Downtown streets perpendicular to the ocean

Streets in the commercial core area which end at the ocean shall be developed into cul-de-sacs compatible with public safety standards for safe turn-around. Owners of ocean-front properties shall participate in the cost of developing cul-de-sacs on a per development basis.

e. City-owned Addie Street property

The City shall provide improvements to the Addie Street parking lot which will include landscaping in the parking lot and extension of the boardwalk along the ocean frontage to the Pismo Creek Trail.

EXHIBIT E 3-00

The structure located in Mary Herrington Park on the west bank of Pismo Creek shall either be:

1. Removed and replaced with additional parking and/or a picnic area; or
2. Upgraded or replaced, to include reservation of the appropriate creekside protection and trail area. See also:

Parks & Recreation PR-15 Ira lease/Mary Harrington Park

LU-K-3 Districts

Downtown shall have five districts or land use categories as shown in Figure LU-K-1.

The specific plan shall include additional policies for each district as appropriate. The Districts and their permitted land use are described as follows:

LU-K-3.1 Mixed Residential (MR) District

The Mixed Residential or MR District shall permit a mixture of hotels and motels along with apartments, condominiums and other similar residential uses. Restaurants may be permitted when secondary to onsite hotel use. It is expected that the visitor-serving uses will gravitate toward the beach and the major thoroughfares. Small convenience markets that serve the daily needs of residents and visitors would be allowed in this district.

LU-K-3.2 Resident-Serving (RS) Commercial District

The Resident-Serving or RS Commercial District represents opportunities to segregate local traffic from the more tourist-serving areas of the downtown. This district shall permit retail, personal and business services, and professional office uses. Residential units may be allowed above the first floor. The focus of this district is provision of services for local residents, such as offices, (i.e. insurance, medical, financial), retail uses (i.e. furniture, appliance, and hardware stores), food markets, and other goods and services needed by the residents of Pismo Beach and the South County area. Mixed use projects with residential uses above the first floor will be encouraged. Residential uses orientated toward seniors are permitted, especially on floors above ground-level commercial uses. Visitor-serving retail uses such as gift and souvenir shops will not be encouraged as these are more appropriately located in the central Commercial District.

LU-K-3.3 Central Commercial (CC) District

The primary land use focus for the Central Commercial District is commercial, recreational and cultural. Commercial uses shall be oriented towards visitors (i.e. gift shops, clothing stores, restaurants). Residential uses, shall be limited to one accessory apartment per parcel located above ground floor retail uses. Mixed use projects are encouraged which incorporate office uses above the first floor. A pedestrian orientation will be promoted for all development in this district. The pier and boardwalk provide the focus for pedestrian activities in this very "walkable" downtown commercial area.

Improvements in the Commercial Core shall include reconfiguration of the pier parking lot for a more cohesive traffic flow from Pomeroy to Hinds and maximum use of the pier parking lot; dedication of a

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DSB LCP 2-98

portion of the property adjacent to the city parking lot for vehicles and pedestrian access between those two streets; and a cohesive streetscape program to complement and encourage the pedestrian emphasis of downtown.

LU- Mixed Use (MU) District

K-3.4 The Mixed Use or MU District will provide for a wide variety of land uses including commercial, office, and residential uses (including hotels and motels). The more intensive commercial uses and visitor-serving uses shall be encouraged to locate along the major thoroughfares. Office, resident-serving retail, and residential uses are more appropriate at interior locations. Mixed use projects are encouraged throughout the district.

LU- Open Space District

K-3.5 Open Space is the designated land use for the pier, the beach, Mary Herrington Park, and Ira Lease Park. The pier and the beach will provide the catalyst for development of a boardwalk along the beach from Main Street to Pismo Creek. Passive recreational uses are permitted in these areas.

The extension of the Pismo Creek trail from Cypress Street to Highway 101 will be located along the west bank of Pismo Creek adjacent to Mary Herrington and Ira Lease Parks. Pedestrian and bicycle uses will be permitted along the trail adjacent to these parks.

Pismo Creek
Planning Area L

Background

The Pismo Creek Planning Area consists of a year-round mobile home park (236 spaces), three recreational vehicle parks with 996 spaces, the state Department of Parks and Recreations North Beach Campground with 103 campsites, and related RV storage and repair.

The area includes the sensitive wetlands habitat at the mouth of Pismo Creek, riparian vegetation along side the creek, sand dunes along the beach front and a monarch butterfly habitat area.

The major beach accesses are through the Pismo Coast Village Trailer Park and the North Beach Campground. The accesses are open to general use but are not marked. Both the trailer park and campground have constructed access ways over the delicate dune vegetation to reduce unnecessary foot traffic through this sensitive area. The public campground and the semiprivate trailer parks have recreational facilities for use by guests only. The beach is open for public recreational use but there are no restrooms, parking lots, fire rings or recreation equipment available for free public use.

EXHIBIT E 5
PSB LCP 2-98

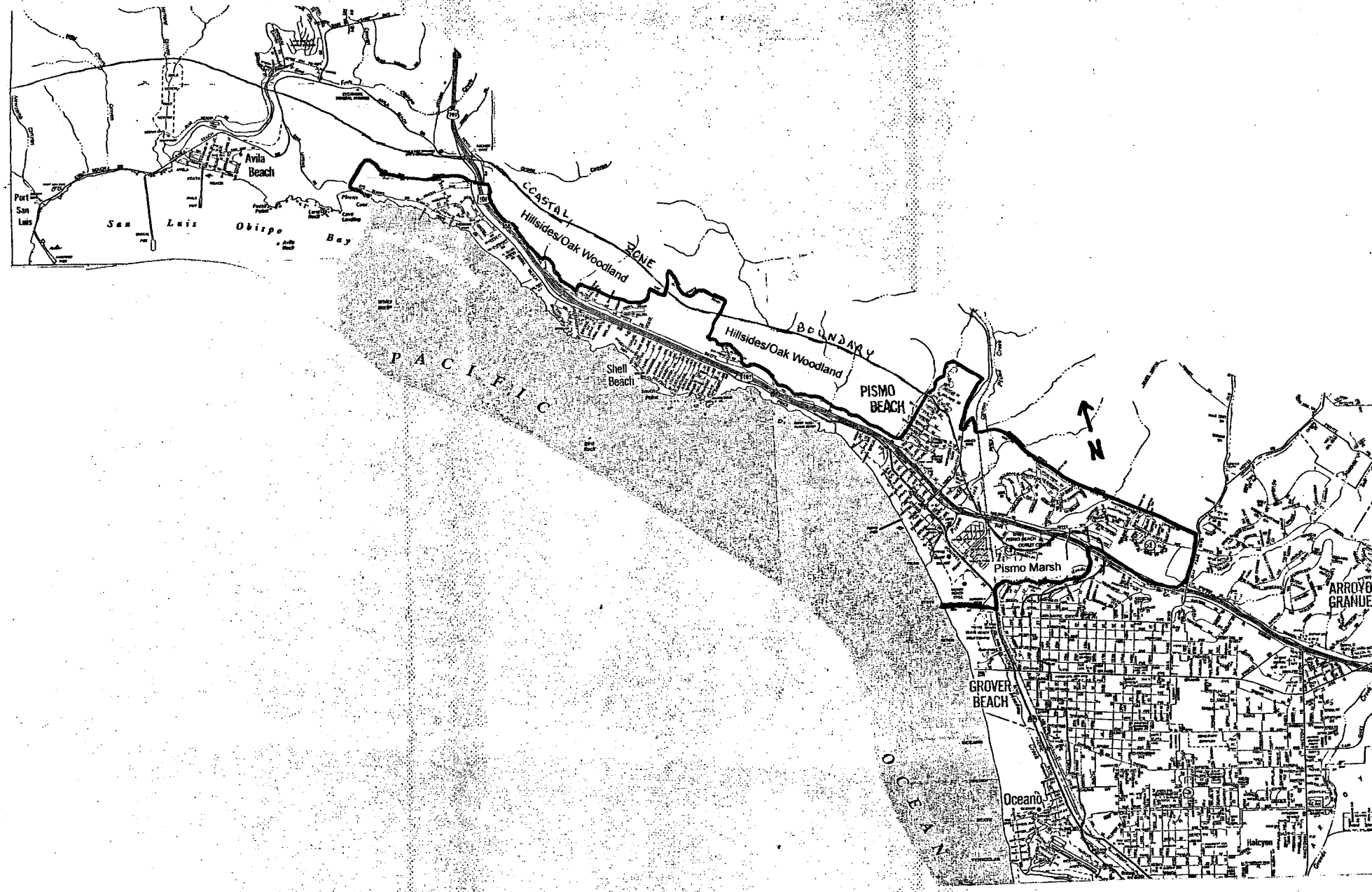


EXHIBIT F1
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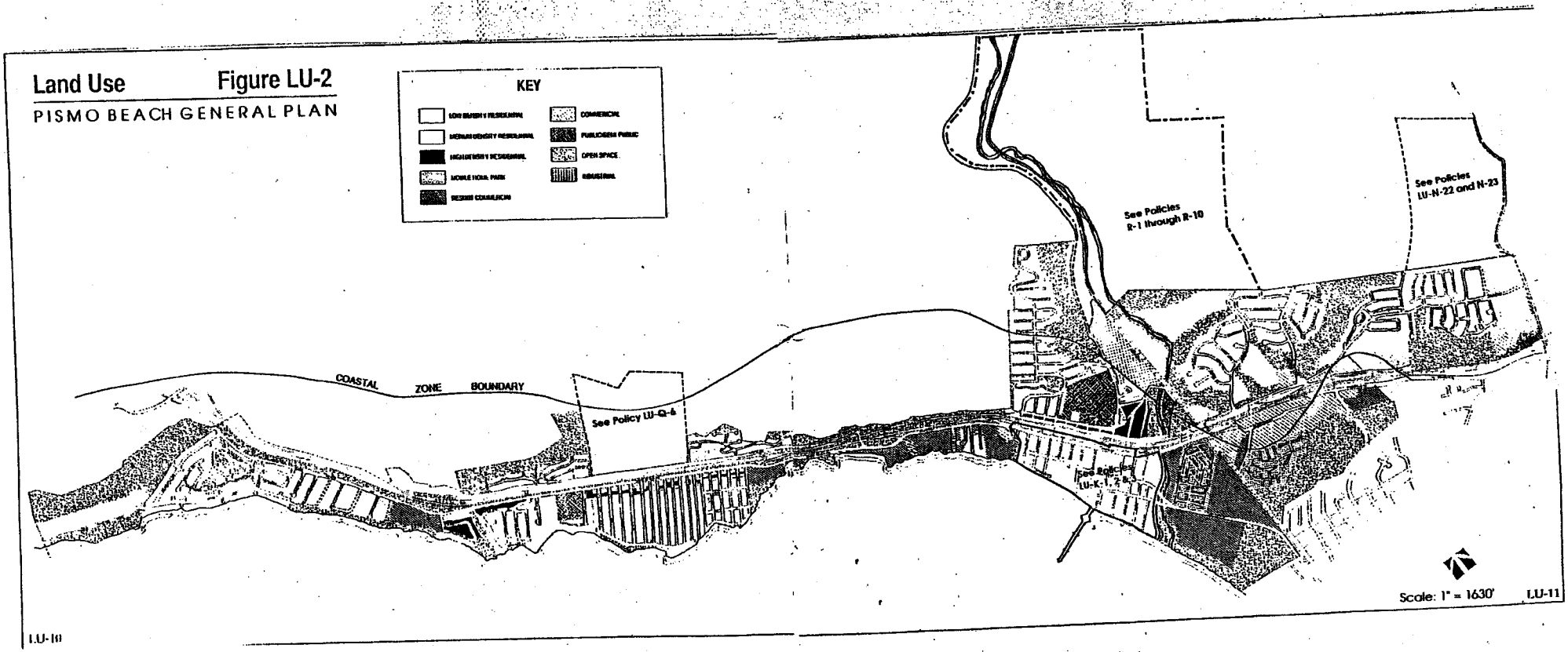


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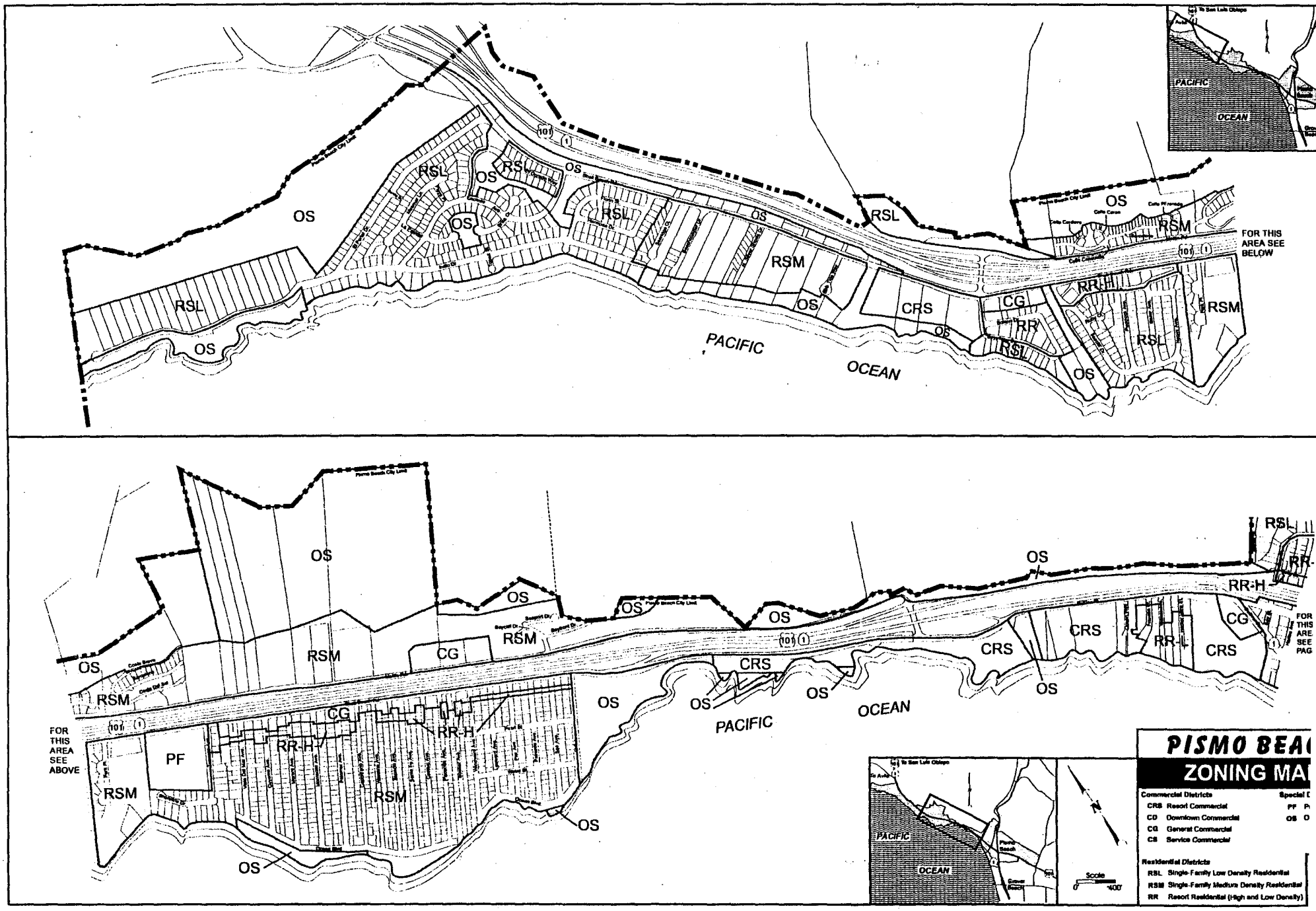
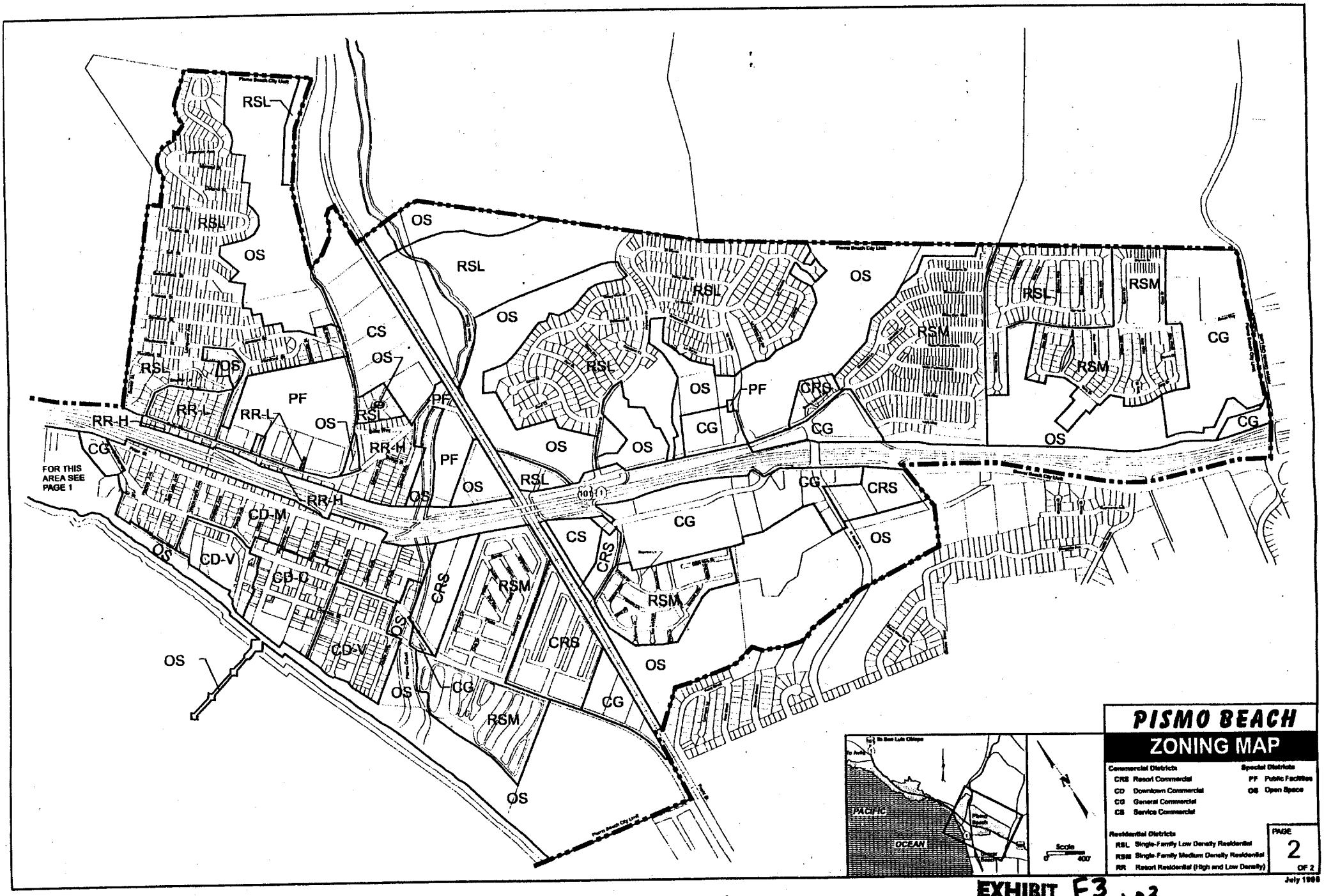


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PISMO BEACH
ZONING MAP

Commercial Districts
- CRS Resort Commercial
- CD Downtown Commercial
- CG General Commercial
- CS Service Commercial

Special Districts
- PF Public Facilities
- OS Open Space

Residential Districts
- RSL Single-Family Low Density Residential
- RSM Single-Family Medium Density Residential
- RR Resort Residential (High and Low Density)

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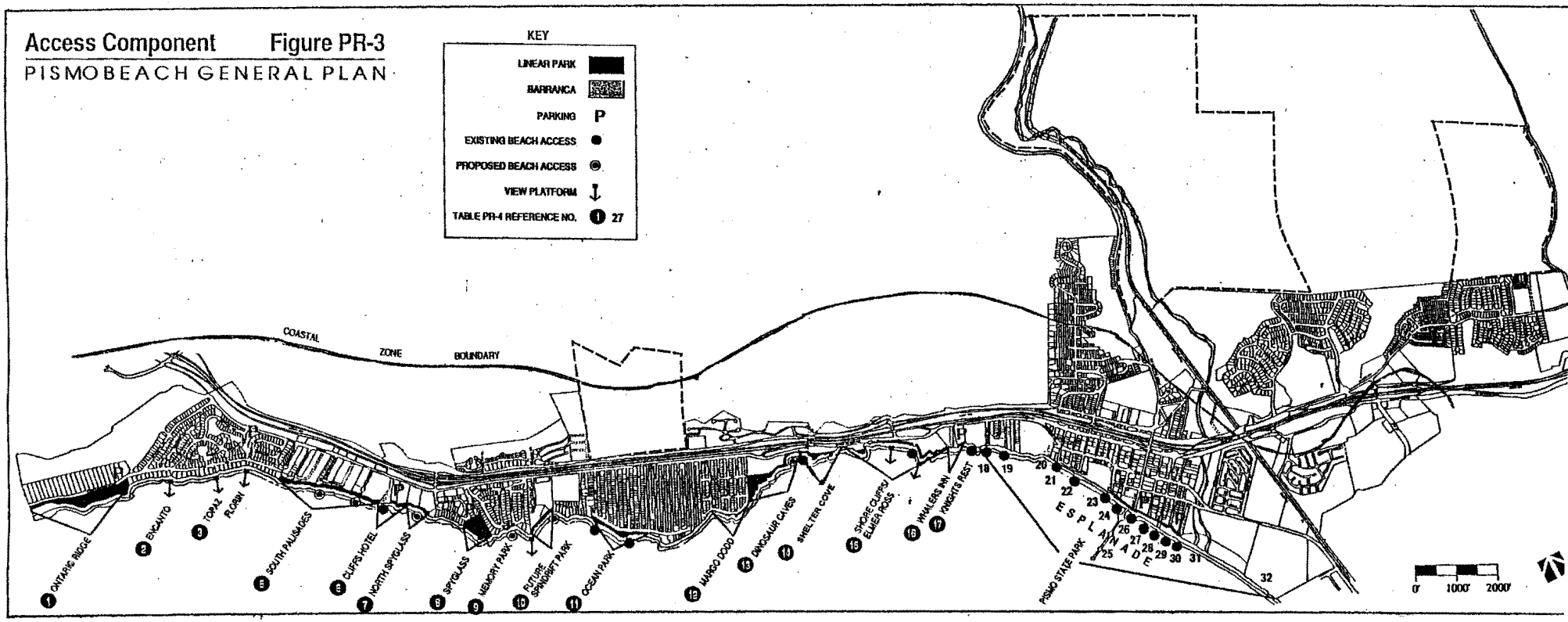


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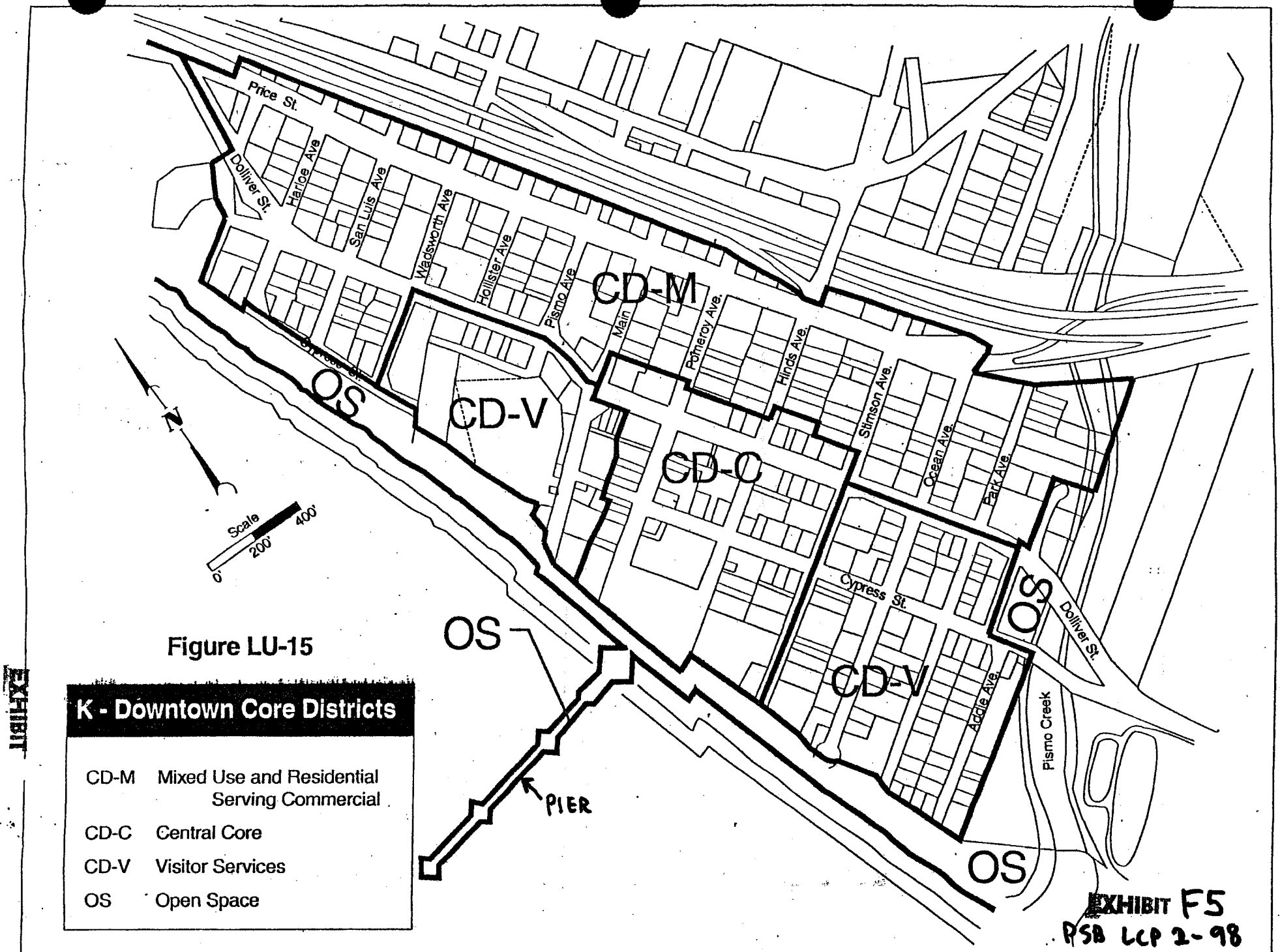


Figure LU-15

K - Downtown Core Districts

CD-M	Mixed Use and Residential Serving Commercial
CD-C	Central Core
CD-V	Visitor Services
OS	Open Space

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EXHIBIT
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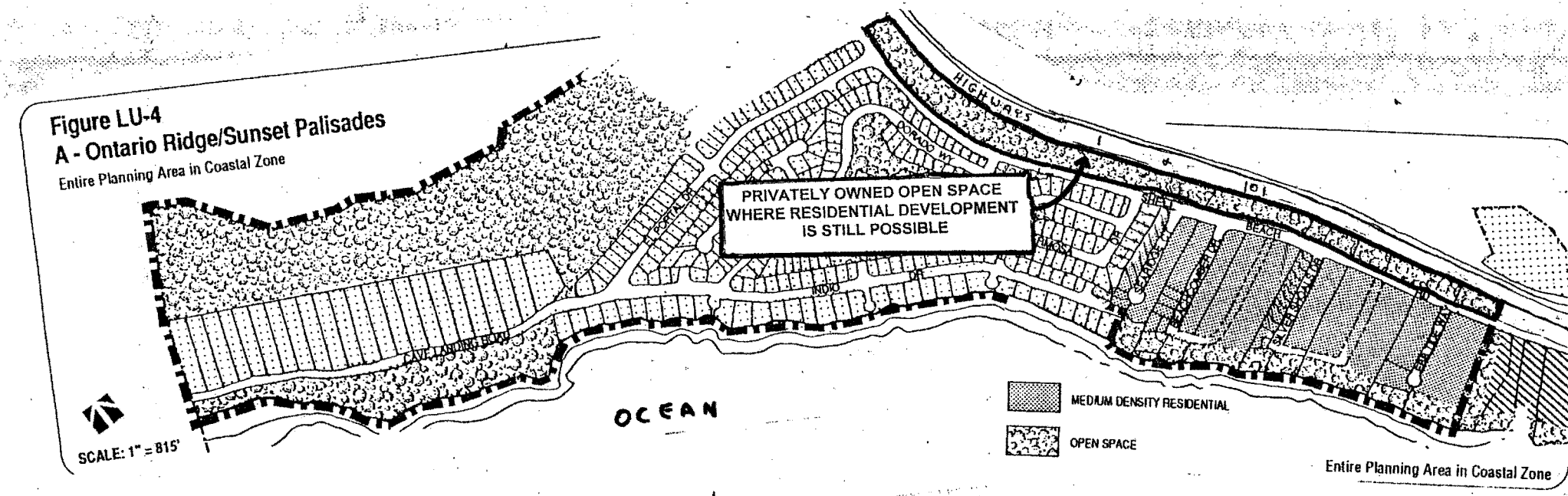


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Neighborhood Planning Areas Figure LU-3

PISMO BEACH GENERAL PLAN

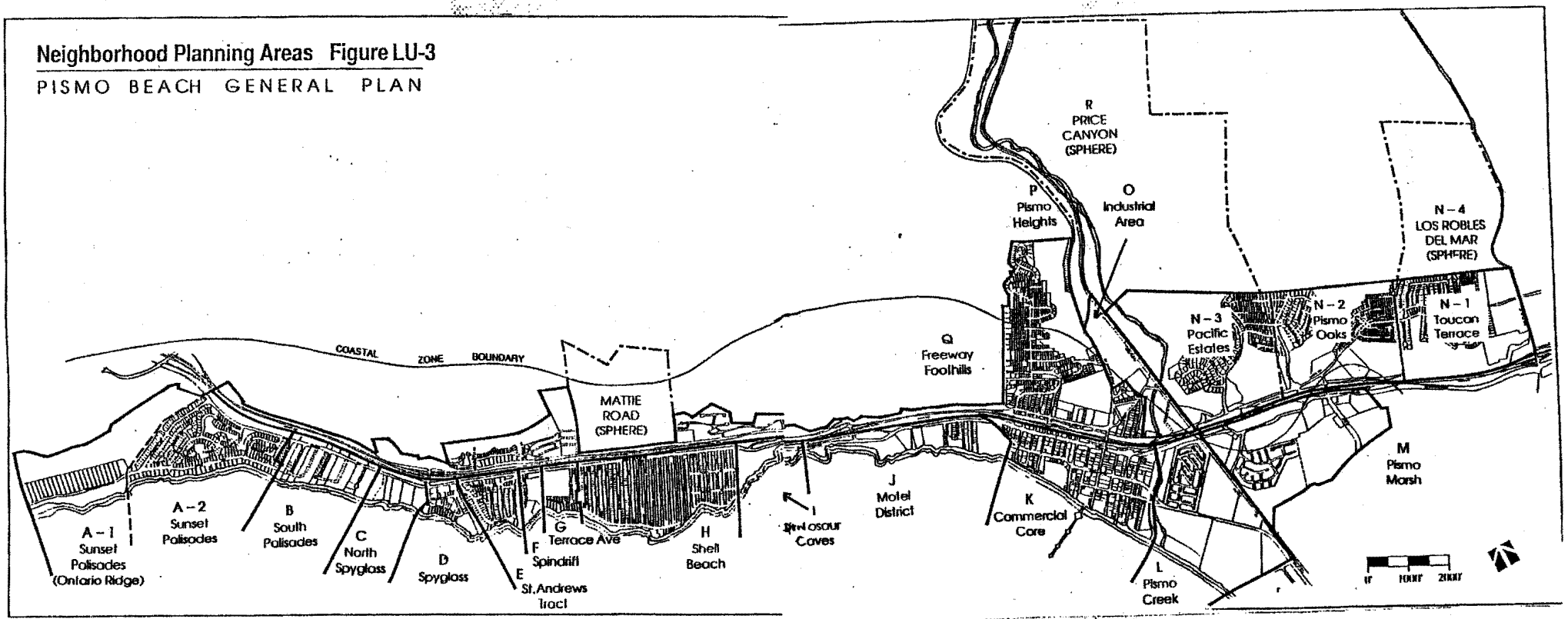


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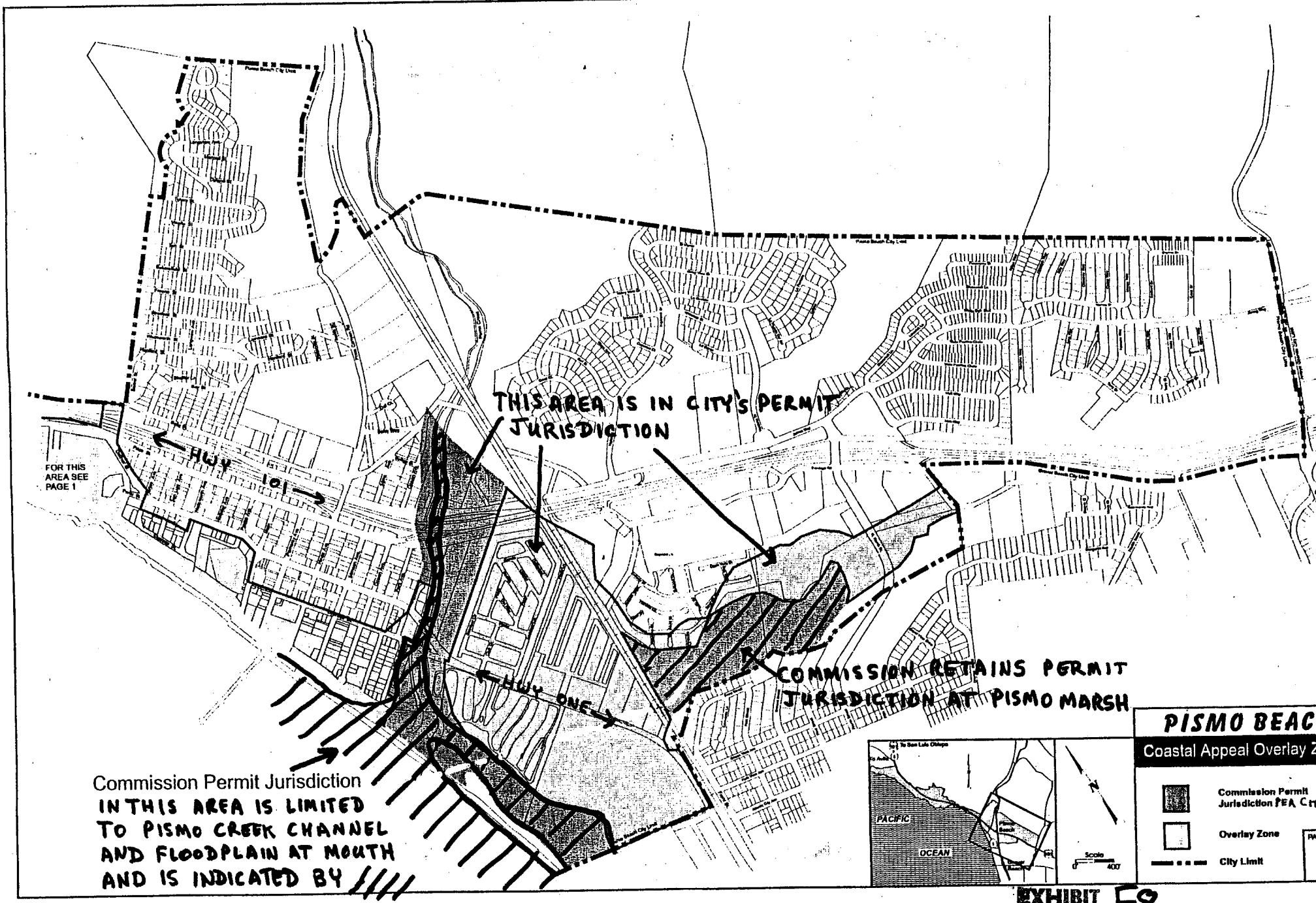


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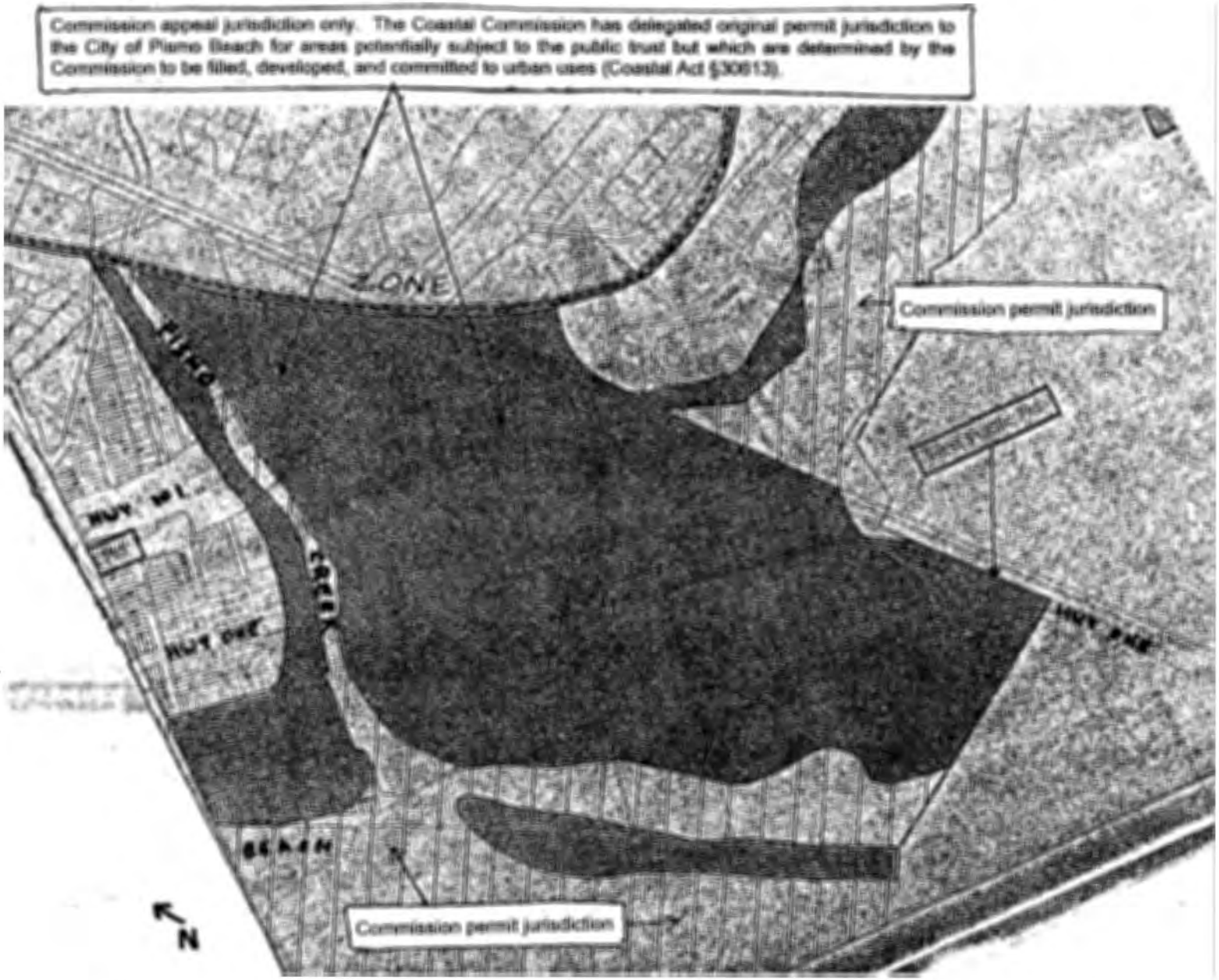


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CITY OF PISMO BEACH

ZONING CODE

July 1998

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CITY OF PISMO BEACH

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CITY OF PISMO BEACH

ZONING CODE

Title 17 - Pismo Beach Municipal Code

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City of Pismo Beach
ZONING CODE
User's Guide

A. Introduction

The Pismo Beach Zoning Code consists of Title 17 of the Pismo Beach Municipal Code, and contains the City's zoning and land use regulations. These provisions comprise most of the City's requirements for the development and use of private and public land, buildings and structures within the City. Additional requirements for building construction, and other aspects of development and land use can be found in other Titles of the Municipal Code.

The Zoning Code is a reference document. It is not intended to be read from cover to cover, but is instead organized so that you may look up only the specific information needed. The list of articles, chapters, and sections in the table of contents is, therefore, very important, as are the chapter and section listings at the beginning of each article. Later portions of this guide explain two different methods to use the Zoning Code for commonly asked questions. There are many other ways to use the Zoning Code, depending on your objectives.

This User's Guide to the Pismo Beach Zoning Code is intended to provide a basic orientation in the organization and use of the Code and provide answers to some frequently asked questions. This User's Guide is not adopted as part of the Zoning Code, and information provided here does not supersede or replace any information in the Zoning Code. The Zoning Code itself and any other applicable provisions of the Pismo Beach Municipal Code must be used to find the City's actual requirements for land use and development.

B. Organization of the Zoning Code

The regulations of the Zoning Code that cover related topics have been grouped together into chapters, and then into six articles. The contents of each article are summarized below.

I. Zoning Code Enactment and Applicability

Article I contains basic information on the legal framework of the Zoning Code, describes the land uses and development-related activities that are regulated by the Zoning Code, and provides information on how to use the Code.

II. Zoning Districts and Allowable Land Uses

Article II contains chapters on the different types of zoning districts (residential, commercial, etc.) that are applied to public and private property within the City.

These chapters list the specific types of land uses allowed in each zoning district, and the type of land use/development permit that must be obtained prior to initiating each use. They also provide basic development standards for each zoning district, among which are maximum height limits and setback/yard requirements for new structures. Design standards for residential and commercial development can also be found at the end of each chapter in Article II.

III. Site Planning and General Development Standards

Article III provides development standards that apply across zoning districts, including requirements for landscaping, off-street parking and loading, and signs. These chapters also contain regulations for specific land uses and development types that may be allowed in a variety of zoning districts (for example, child day care facilities, home occupations, multi-family housing, service stations, etc.). There are references in the zoning district chapters of Article II to the requirements in Article III, when applicable. The regulations in Article III generally supplement those in Article II.

IV. Land Use and Development Permit Procedures

Article IV describes each type of land use and development permit required by the Zoning Code and the City's requirements for the preparation, filing, processing, and approval or disapproval of each permit application. The article also sets time limits for the establishment of a land use or the commencement of development as authorized by an approved permit, and provides for permit extensions when needed. Some land use/development approvals may be granted by the Public Services Director (for example, Zoning Clearances, some Site Plan and Architectural Review approvals, Minor Use Permits, Sign Permits, etc.), while others require review and approval by the Planning Commission (for example, Conditional Use Permits, etc.).

V. Zoning Code Administration

Article V provides information on the City's administrative framework and procedures that relate to land use. Information on review bodies, public hearings, and appeals is included along with other provisions on administering, amending, and enforcing the Zoning Code.

VI. Zoning Code Definitions

Article VI contains definitions of the specialized and technical terms and phrases used in the Zoning Code, as well as definitions of each type of land use allowed in the various zoning districts by Article II (Zoning Districts and Allowable Land Uses).

Design Guidelines

Several sections of the Zoning Code in various chapters are called "design guidelines." These appear in Article III, where the design guidelines cover

landscaping, parking, and signs. Unlike other zoning "standards," design "guidelines" express City preferences for development, but may be applied to projects with greater flexibility than other zoning standards. The design guidelines will be used during the land use/development permit review process as additional criteria for project review.

Design guidelines may be applied to specific projects with flexibility, because not all design criteria may be workable or appropriate for each project. In some circumstances, a guideline may be relaxed in order to accomplish another guideline that the project review body determines is more important in the specific case. The overall objective is to ensure that the intent and spirit of the design guidelines are followed, and to attain the best possible design within reason.

C. Format of the Zoning Code

1. Outline

The format of the Zoning Code follows the same layout that will be found in the other parts of the Pismo Beach Municipal Code. The chapter and section numbers use an expandable decimal numbering system. Major divisions within the Zoning Code are called *articles*. Major divisions within articles are called *chapters*. Chapters divide into *sections* and *subsections*. The format of the divisions in the Zoning Code is shown below.

Title 17 - Zoning Code

Article X - Name of Article

Chapter 17.xx - Name of Chapter

17.xx.xxx - Section

A. Subsection

1. Subsection

a. Subsection

(1) Subsection

(a) Subsection

2. References, Citations

Provisions of the Zoning Code often include cross-references to other parts of the Code, other City documents, and requirements of California State law that relate to the particular Zoning Code section where the cross-reference appears. Cross-references and citations of other documents are handled as follows.

Outside of the same section. When a cross-reference is to text outside of the same section being referenced, the cross-reference starts with the Title number (i.e., 17) and continues to the appropriate level for the reference. For example, 17.010.050.B refers to Subsection B. of Section 050, of Chapter 010, of Title 17. The terms Title, Chapter, and Section are used if the reference is to an entire Title, Chapter, or Section. Cross-references will include the applicable Title, Chapter, or Section number, followed by the name of the Title, Chapter, or Section in parenthesis (for example, "Chapter 17.03 (Land Use Permit Requirements)").

Within the same section. When a cross-reference is to text within the same section, the name of the division level is used (i.e., Subsection) and the reference "number" starts with the appropriate subsection letter. For example "See Subsection D.2, below," refers to Paragraph 2., of Subsection D., of the same Section.

External documents. Provisions of State law that are cited in the Zoning Code will be referenced by the name of the applicable State Code, and either individual or multiple section numbers (for example, "Government Code Section 65091," "Map Act Section 66749," etc.). The reference will include the abbreviation "et seq." (the Latin "et sequitur," which means "and following") when also referring to all following sections that are relevant to the reference. For example, "Government Code Section 65090 et seq." refers to Section 65090 of the California Government Code, and all the following sections of the Government Code that relate to the same topic.

City documents other than the General Plan that are not part of the Municipal Code (for example, the Sunset Specific Plan) are referenced in the Zoning Code by showing the document title in italics (e.g., "*Instructions for Conditional Use Permit Filing*," etc.)

Availability of cited documents. Any external document referenced or cited in the Pismo Beach Zoning Code, including the Pismo Beach General Plan, Pismo Beach Municipal Code, California Government Code, Subdivision Map Act, and others, is available for review at the offices of the Pismo Beach Public Services Department.

3. Terms

The Zoning Code has been written in a "plain English" style and the meaning is intended to be clear as read. However, it is also a legal document and because of the need for technical terms with specific meanings, the Zoning Code also provides guidance on how specific terms are used. Article VI (Definitions), defines words that have a specific meaning in the Zoning Code. Chapter 17.02 (Interpretation of Code Provisions) contains other information on how terms are used in the Zoning Code.

D. Using the Zoning Code

1. Determining the Zoning Regulations for a Specific Site

To determine the zoning regulations applicable to a specific property, you must first find the site on the Pismo Beach Zoning Map. The Zoning Map will show the zoning applied to the site, and whether the site is subject to any overlay zoning districts or limitations on maximum residential density. After determining the zoning of the property, you use the Zoning Code to look up all the corresponding regulations.

a. **Allowed uses and zone-based development standards.** Look in Article II (Zoning Districts and Allowable Land Uses) under the applicable zoning district and any overlay zone to determine which land uses are possible on the property, and what type of land use permit is required for each use. Chapter 17.08 covers the residential zoning districts, and Chapter 17.10 the commercial districts.

Each chapter contains tables listing land uses allowed in each zoning district, and the permit required for each use. Where the Zoning Code provides unique standards and requirements for a particular land use (for example, child day care centers, home occupations, service stations, etc.), these tables also list the Zoning Code section where the specific standards can be found.

Additional tables describe the basic standards for development in each zoning district: the minimum size for lots proposed in new subdivisions; the maximum allowed residential density; maximum floor area ratio; maximum site coverage; minimum setback/yard requirements; and the maximum height for proposed structures.

b. **Additional development standards.** Look in Article III to find the remaining development standards that apply to proposed uses (in addition to those established for each zoning district in Article II). Each chapter in Article III applies to all development and new land uses within the City, depending upon the specific land use proposed, the characteristics of the particular site and its location. Each of the chapters in Article III should be reviewed in the following order to find the development standards that apply to a proposed land use.

- **Chapter 17.24 - General Property Development and Use Standards.** This chapter contains sections that each cover one topic, and that apply to most land use types. Each section should be reviewed to determine whether it applies to a particular use.

- **Chapter 17.26 - Affordable Housing Incentives.** This chapter applies to residential development projects proposing 10 or more housing units.

- **Chapter 17.28 - Hillside Development.** This chapter establishes requirements for development proposed on property with slopes of 10 percent or greater.

- **Chapter 17.30 - Landscaping.** This chapter applies to all land uses and development.

- **Chapter 17.32 - Ocean Fronting Development.** This chapter provides standards for development that is proposed on parcels adjacent to the ocean.

- **Chapter 17.34 - Parking and Loading.** This chapter applies to all land uses and development.

- **Chapter 17.36 - Signs.** This chapter contains the City's sign ordinance, and applies to all land uses and development proposing signs.

- **Chapter 17.38 - Standards for Specific Land Uses.** The sections in this chapter each provide standards applicable to specific land uses and activities, such as child day care facilities, home occupations, service stations, and others.

2. Determining Where a Specific Use May Locate

a. **The allowable use tables.** To determine in what zones a specific use may be located, first review the tables in Article II (Zoning Districts and Allowable Land Uses) in Sections 17.08.030 (Residential District Land Uses and Permit Requirements), and 17.12.030 (Commercial District Land Uses and Permit Requirements).

The left column of the tables lists the land uses allowed in each zoning district, organized into categories:

- Agriculture, Resource, and Open Space Uses
- Manufacturing and Processing Uses
- Recreation, Education, and Public Assembly Uses
- Residential Uses
- Retail Trade Uses
- Service Uses

Under each land use type is a list of the individual land uses that may be allowed in each zoning district. The names of the individual land uses are intended to generally describe each use so that the lists do not need to exhaustively itemize every possible land use that may be allowed. Each land use is then defined in detail in Article VI (Zoning Code Definitions), with examples of the specific land uses that are included under the general heading.

For an example of how this works, review the table of Commercial District Land Uses and Permit Requirements in Zoning Code Section 17.12.030. The page of the table that lists "Retail Trade Uses" includes "General Retail Stores" as one of the general land uses allowed in the commercial zoning districts. The definition of "General Retail Stores" in Zoning Code Article VI then lists 30

separate land uses/businesses as examples of those that are considered to be included under the general title of "General Retail Stores."

Each of the middle columns in the tables covers one zoning district, and the rows in the tables corresponding to each land use show whether a particular use may be allowed in the zoning district, and what permit is required to obtain permission for the use. A key at the bottom of each page explains the meaning of the symbols found within the tables.

The left column of the tables shows whether any unique Zoning Code standards apply to the particular land use.

b. **Using the tables.** Use the tables by first finding the general type of your land use as described above, and then look down the alphabetical list of specific uses to find your use. If your use cannot readily be found, try to find a use that looks similar, or appears to generally describe your use, and then look up the definition of the land use in Article VI (Zoning Code Definitions). If your use is not listed in the tables for a particular zoning district, it is prohibited in that zoning district.

c. **Checking overlay zone requirements.** In some cases, a property in a particular zoning district may also have an overlay zone applied in addition to the "base" zoning, that can limit the land uses normally allowed. For example, a site in the CD (Downtown Commercial) zoning district could also be designated within the Coastal Appeal overlay district. In this case, the Zoning Map would show the site within the "CD-CA" designation. The requirements of the Coastal Appeal district will need to be reviewed in addition to those of the "base" zone.

d. **Checking specific use standards.** In some cases, the standards for specific land uses in Chapter 17.38 of Article III may have the effect of prohibiting a particular land use based on the characteristics of its proposed site. For example, Section 17.38.050.E notes that a proposed child day care facility shall not be located on a parcel adjacent to a residential parcel that is bordered by another child day care facility. The left column of the allowable use tables in Article III will show a section number if the Zoning Code provides unique standards for a particular use. The listed section should be carefully reviewed to determine whether a particular site and project plan can qualify for approval.

ARTICLE I

Zoning Code Enactment and Applicability

Chapter 17.01 - Purpose and Effect of Zoning Code I-3

17.01.010 - Title I-3
17.01.020 - Purpose of Zoning Code I-3
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CHAPTER 17.01 - PURPOSE AND EFFECT OF ZONING CODE

Sections:

17.01.010 - Title
17.01.020 - Purpose of Zoning Code
17.01.030 - Authority, Relationship to General Plan
17.01.040 - Local Coastal Program Provisions
17.01.050 - Applicability of the Zoning Code
17.01.060 - Responsibility for Administration
17.01.070 - Partial Invalidation of Zoning Code

17.01.010 - Title

Title 17 of the Pismo Beach Municipal Code is and may be cited as the Pismo Beach Zoning Code, hereafter referred to as "this Zoning Code."

17.01.020 - Purpose of Zoning Code

This Zoning Code carries out the policies of the City of Pismo Beach General Plan and Local Coastal Program by classifying and regulating the uses of land and structures within the City of Pismo Beach. This Zoning Code is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the City. More specifically, the purposes of this Zoning Code are to:

A. Implement the General Plan by encouraging the uses of land designated by the General Plan and Local Coastal Program (LCP);

B. Provide standards for the orderly growth and development of the City that will assist in protecting the coastal characteristics of Pismo Beach, including public access and views, and recreational opportunities along the coast;

C. Conserve and protect the City's natural beauty including, coastal views, hillside open space, scenic highways, and historic and environmental resources;

D. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage and other public facilities and utilities;

E. Minimize automobile congestion by promoting pedestrian oriented development, safe and effective traffic circulation, and adequate off-street parking facilities; and

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

17.01.030 - Authority, Relationship to General Plan

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

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

17.01.040 - Local Coastal Program Provisions

All provisions of this Zoning Code and the Zoning Map (Section 17.06.030) constitute the City's ordinances for the implementation of the Pismo Beach Local Coastal Program, in compliance with the Coastal Act, except that the following Chapters and Sections of this Zoning Code are *not* part of the Local Coastal Program:

17.10	Residential District Design Standards
17.01.050	Applicability of Zoning Code
17.01.060	Responsibility for administration
17.01.070	Partial Invalidation of the Zoning Code
17.02	Interpretation of Code Provisions, except for 17.02.020.D.1
17.03	Land Use Permit Requirements, except for 17.03.020.B.2 and 17.03.030.A.2, A.3, and A.5.
17.08.030	Table 2-4 - Specific Plan Area Residential Development Standards for Pacific Estates, Pismo Oaks and Toucan Terrace
17.12.050	CD district site plan and land use standards
	A. Levi-Benson property (APN 5-201-17)
	E. Requirements for Pedestrian Plazas
	F. Accessory structures
	H. Maintenance of Vacant parcels
17.12.060	CD Building Design Standards
17.14	Commercial Design Standards
17.18.050	Noise Overlay District
	Noise Overlay District Map
17.22	Setback requirements and exceptions
17.24.040	Contiguous Parcel Development
17.24.080	Hazardous Materials
17.24.090	Noise
17.24.110	Radioactivity or Electric Disturbance
17.26	Affordable Housing Incentives
17.30	Landscaping
17.34	Parking and Loading, except Table 3-2

17.38.030 Adult Entertainment Establishments
17.38.050 Child Day Care Facilities
17.38.070 Home Occupations
17.40 Applications, Filing and Processing
17.48 Development Agreements
17.52 Nonconforming Uses, Structures, and Parcels
17.60 Enforcement of Zoning Code Provisions

17.01.050 - Applicability of the Zoning Code

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

A. **New land uses or structures, changes to land uses or structures.** It shall be unlawful, and a violation of this Zoning Code, for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of Section 17.03.020 (Requirements for Development and New Land Uses), and Chapter 17.52 (Nonconforming Uses, Structures and Parcels).

B. **Issuance of building or grading permits.** Building or grading permits may be issued by the Department only when the proposed land use and/or structure satisfy the requirements of Subsection A. above, when the Director of Public Services determines that the site was subdivided in compliance with all applicable requirements of Title 16 (Subdivisions) of the Municipal Code, and when proposed grading is in compliance with all applicable requirements of Title 18 (Grading and Erosion Control Ordinance) of the Municipal Code.

C. **Subdivision of land.** Any subdivision of land proposed within the City of Pismo Beach after the effective date of this Zoning Code shall comply with the minimum lot size requirements of Article II (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), all other applicable requirements of this Zoning Code, and the subdivision requirements of Title 16 (Subdivisions) of the Municipal Code.

D. **Continuation of an existing land use.** An existing land use is lawful and not in violation of the Pismo Beach Zoning Code only when operated and maintained in compliance with all applicable provisions of this Zoning Code or, where applicable, Chapter 17.52 (Nonconforming Uses, Structures, and Parcels). However, the requirements of this Zoning Code are not retroactive in their effect on a land use that was lawfully established before the effective date of this Zoning Code or any applicable amendment.

E. **Effect of Zoning Code changes on projects in progress.** The enactment of this Zoning Code or amendments to its requirements may impose different standards on new land uses than those that applied to existing development. (For example, this Zoning Code or a future amendment could require more off-street parking spaces for a particular land use than former Zoning Code provisions.) The following provisions determine how the requirements of this Zoning Code apply to projects in progress at the time requirements are changed.

1. **Projects with pending applications.** All land use permit applications that have been determined by the Department to be complete before the effective date of this Zoning Code or any amendment, will be processed according to the requirements in effect when the application was accepted as complete. Applications for land use permit extensions of time (see Section 17.44.050) shall be consistent with the requirements of this Zoning Code that are in effect when the time extension application is accepted as complete.

2. **Approved projects not yet under construction.** Any approved development for which construction has not begun as of the effective date of this Zoning Code or amendment, may still be constructed as approved, as long as required building permits have been obtained before the expiration of any applicable land use permit (Section 17.44.050, Time Limits and Extensions) or, where applicable, before the expiration of any approved time extension granted under Section 17.44.050.

3. **Approved projects not requiring construction.** Any approved land use not requiring construction that has not been established as of the effective date of this Zoning Code or amendment, may still be established in compliance with its approved permit, as long as establishment occurs before the expiration of the permit (Section 17.44.050, Time Limits and Extensions) or, where applicable, before the expiration of any approved time extension granted under Section 17.44.050.

4. **Projects under construction.** A structure that is under construction on the effective date of this Zoning Code or any amendment, need not be changed to satisfy any new or different requirements of this Zoning Code.

F. **Other requirements may still apply.** Nothing in this Zoning Code eliminates the need for obtaining any other permits required by the City, or any permit or approval required by other provisions of the Municipal Code or the regulations of any City department, or any County, regional, State, or Federal agency.

G. **Conflicting permits and licenses to be void.** All permits or licenses shall be issued by the City in compliance with the provisions of this Zoning Code, after the effective date of this Zoning Code or any applicable amendment. Any permit or license issued in conflict with this Zoning Code shall be void.

17.01.060 - Responsibility for Administration

This Zoning Code shall be administered by the Pismo Beach City Council, Planning Commission, Director of Public Services, and the Pismo Beach Public Services Department, as provided in Chapter 17.50 (Administrative Responsibility).

17.01.070 - Partial Invalidation of Zoning Code

If any portion of this Zoning Code is held to be invalid, unconstitutional or unenforceable for any reason, these decisions shall not affect the validity of the remaining portions of this Zoning Code. The Pismo Beach City Council hereby declares that this Zoning Code and each article, chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase and portion

thereof would have been adopted without regard to the fact that one or more portions of this Zoning Code may be declared invalid, unconstitutional or unenforceable.

CHAPTER 17.02 - INTERPRETATION OF CODE PROVISIONS

Sections:

17.02.010 - Purpose of Chapter
17.02.020 - Rules of Interpretation
17.02.030 - Procedures for Interpretations

17.02.010 - Purpose of Chapter

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

17.02.020 - Rules of Interpretation

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

B. **Language.**

1. **Abbreviations.** For the purpose of brevity, the following phrases, personnel and document titles are shortened hereafter in this Zoning Code. The City of Pismo Beach is referred to hereafter as the "City." The City of Pismo Beach Zoning Code is referred to hereafter as "this Zoning Code." The Director of Public Services is referred to hereafter as "Director," the City Council is referred to as the "Council," the Planning Commission is referred to as the "Commission." "Buildings and structures" are referred to hereafter as "structures."

2. **Terminology.** When used in this Zoning Code, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to . . .".

3. **Number of days.** Whenever a number of days is specified in this Zoning Code, or in any permit, condition of approval, or notice issued or given as provided in this Zoning Code, the number of days shall be construed as calendar days. Time limits will extend to the next working day where the last of the specified number of days falls on a weekend or holiday.

4. **State law requirements.** Where this Development Code references applicable provisions of State law (for example, the California Government Code, Subdivision

Map Act, Public Resources Code, etc.), the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.

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

C. **Zoning Map boundaries.** If there is uncertainty about the location of any zoning district boundary shown on the official Zoning Map, the following rules are to be used in resolving the uncertainty:

1. Where district boundaries approximately follow lot, alley, or street lines, the lot lines and street and alley centerlines shall be construed as the district boundaries;

2. If a district boundary divides a parcel and the boundary line location is not specified by instructions printed on the zoning map, the location of the boundary will be determined by using the scale appearing on the zoning map; and

3. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zoning district of the adjoining property on either side of the centerline of the vacated or abandoned street or alley.

D. **Allowable uses of land.** If a proposed use of land is not specifically listed in Sections 17.08.030 (Residential District Land Uses and Permit Requirements), 17.12.030 (Commercial District Land Uses and Permit Requirements), or 17.16.030 (Special Purpose District Land Uses and Permit Requirements), the use shall not be allowed, except as follows.

1. **Similar uses allowed.** The Director may determine that a proposed use not listed in Article II is allowable for the purposes of accepting an application for processing, and the review authority may approve an application for an unlisted use, if all of the following findings are made:

   a. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the uses listed in the zoning district as allowable, and will not involve a higher level of activity or population density than the uses listed in the district;

   b. The proposed use will meet the purpose/intent of the zoning district that is applied to the site; and

   c. The proposed use will be consistent with the goals, objectives and policies of the General Plan/Local Coastal Program and any Specific Plan.

2. **Applicable standards and permit requirements.** When the Director determines that a proposed, but unlisted, use is equivalent to a listed use, the proposed use will

be treated in the same manner as the listed use in determining where it is allowed, what permits are required and what other standards and requirements of this Zoning Code apply.

3. **Commission determination.** The Director may forward questions about equivalent uses directly to the Commission for a determination at a public meeting (a public hearing is not required).

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

F. **Conflicting requirements:**

1. **Zoning Code and Other Municipal Code provisions.** If conflicts occur between different requirements of this Zoning Code, or between this Zoning Code and other Municipal Code provisions, the most restrictive shall apply.

2. **Specific Plans.** If conflicts occur between the requirements of this Zoning Code and standards adopted as part of any Specific Plan, the requirements of the Specific Plan shall apply.

3. **Private agreements.** This Zoning Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction, without affecting the applicability of any agreement or restriction. The City shall not enforce any private covenant or agreement (for example, deed restrictions, CC&Rs, and other similar instruments).

17.02.030 - Procedures for Interpretations

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

A. **Request for interpretation.** A request shall be written, specifically state the provision(s) in question, and provide any information to assist in their review.

B. **Record of interpretations.** The Director will maintain a complete record of all official interpretations, available for public review, and indexed by the number of the Section that is the subject of the interpretation. Official interpretations shall be:

1. In writing, and shall quote the provisions of this Zoning Code being interpreted, and explain their meaning or applicability in the particular circumstances that caused the need for interpretation;

2. Distributed to the Council, Commission, City Attorney, City Clerk, and Department staff; and

3. Maintained in all copies of the Zoning Code used by the Department.

C. **Appeals and referral.** Any interpretations of this Zoning Code by the Director may be appealed to the Commission as provided by Chapter 17.54 (Appeals). The Director may also refer any interpretation to the Commission for a determination.

CHAPTER 17.03 - LAND USE PERMIT REQUIREMENTS

Sections:

17.03.010 - Purpose of Chapter
17.03.020 - Requirements for Development and New Land Uses
17.03.030 - Exemptions from Land Use Permit Requirements
17.03.040 - Temporary Uses
17.03.050 - Additional Permits or Approvals May be Required

17.03.010 - Purpose of Chapter

This Chapter describes the general requirements of this Zoning Code for the approval of proposed development and new land uses by the City. Land use permit requirements for specific land uses are instead established by Articles II (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) and III (Site Planning and General Development Standards).

17.03.020 - Requirements for Development and New Land Uses

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

A. **Allowable use.** The land use shall be identified by Chapters 17.08 (Residential Zoning Districts), 17.12 (Commercial Districts), or 17.16 (Special Purpose Districts) as being allowable in the zoning district applied to the site. The Director may determine whether a particular land use is allowable, in compliance with Section 17.02.020.D (Rules of Interpretation - Allowable Uses of Land).

B. **Land use and coastal development permit requirements.**

1. **Land use permit.** Any land use permit or other approval required by this Zoning Code shall be obtained before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed in Section 17.03.030 (Exemptions from Land Use Permit Requirements). The land use permit requirements of this Zoning Code are established by Chapters 17.08 (Residential Zoning Districts), 17.12 (Commercial Districts), or 17.16 (Special Purpose Districts).

2. **Coastal Development Permit.** Approval of a land use permit in compliance with this Zoning Code shall also constitute approval of a Coastal Development Permit in compliance with the certified Pismo Beach Local Coastal Program and the California Coastal Act.

C. **Development standards.** The use and/or structures shall comply with all other applicable requirements of this Zoning Code, including the development standards of Article II (Zoning Districts, Allowable Land Uses, and Zone Specific Standards), and the provisions of Article III (Site Planning and General Development Standards).

D. **Conditions of approval.** The use and/or structures shall comply with any applicable conditions imposed by any previously granted land use permit.

E. **Legal parcel.** The use of land and/or structure shall only be established on a parcel of land which has been legally created in compliance with the Subdivision Map Act and Title 16 (Subdivisions) of the Municipal Code, as applicable at the time the parcel was created.

F. **Development Agreements.** The use and/or structures shall comply with all applicable Development Agreement approved by the City in compliance with Chapter 17.48 (Development Agreements).

17.03.030 - Exemptions from Land Use Permit Requirements

The land use permit requirements of this Zoning Code do not apply to the activities, and/or structures identified by this Section, which are allowed in all zoning districts subject to compliance with this Section.

A. **Exempt activities and uses.** The following activities, uses of land and/or structures are exempt from the land use permit requirements of this Zoning Code when in compliance with Subsection B. below, provided that a Zoning Clearance (Section 17.42.020) is required whenever a Building Permit is required for any of these activities or uses.

1. **City government activities.** Activities, uses of land and/or structures established and/or constructed by the City of Pismo Beach, except where a coastal development permit is required.

2. **Decks, paths and driveways.** Decks, platforms, on-site paths, and driveways that are:

   a. Not required to have a Building Permit by Title 15 (Buildings and Construction) of the Municipal Code, or a Grading Permit by Title 18 (Grading and Erosion Control Ordinance) of the Municipal Code;

   b. Not over 30 inches above natural grade and not over any basement or story below; and

   c. Unenclosed except for a safety railing with a maximum height of 42 inches.

3. **Fences - Residential zoning districts.** Fences in the residential zoning districts are exempt from land use permit requirements as provided by Section 17.24.060 (Fences, Walls, and Hedges).

4. **Interior remodeling.** Interior alterations that do not increase the gross floor area within the structure, or change the permitted use of the structure.

5. **Portable spas, hot tubs, and fish ponds.** Portable spas, hot tubs, and fish ponds, and similar structures, that do not: exceed 120 square feet in total area including related equipment; contain more than 2,000 gallons of water; or exceed three feet

in depth, and are outside required setbacks, including blufftop setbacks specified in the Local Coastal Program. These facilities shall require Zoning Clearance (Section 17.42.020), and shall comply with the side and rear setback requirements established by Article II (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) for the applicable zoning district, or Section 17.38.150 (Residential Accessory Uses and Structures), where applicable.

6. **Repairs and maintenance.** Ordinary repairs and maintenance, if:

   a. The work does not change the approved land use of the site or structure, or add to, enlarge or expand the area occupied by the land use, or the floor area of the structure;

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

   c. The structure is not a public or private stairway providing beach access. These structures are instead subject to the requirements of Chapter 17.32 (Ocean Fronting Development).

7. **Small residential accessory structures (portable).** A single portable structure per lot or unit, including premanufactured storage sheds and other small structures in residential zoning districts that:

   a. Are exempt from Building Permit Requirements in compliance with Title 18 of the Municipal Code and the Uniform Building Code;

   b. Are less than 80 square feet in gross floor area, with no wall exceeding 10 feet in length, or eight feet in height; and

   c. Are outside required setbacks, including blufftop setbacks specified in Chapter 17.32 (Ocean Fronting Development).

   These facilities shall require Zoning Clearance (Section 17.42.020).

8. **Solar collectors.** The addition of one solar collection panel to the roof of an existing structure, provided that the collector is mounted flat on the roof surface and does not exceed 24 square feet in area.

9. **Utilities.** The erection, construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments (i.e., water, gas, electric, telecommunication, supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and similar facilities and equipment), but not including new transmission lines and structures. Satellite and cellular telephone antennas are subject to Section 17.38.040 (Antennas, Wireless Communications Facilities).

10. **Walls, retaining walls.** Concrete and masonry walls less than 30 inches in height located in compliance with Subsection B.2 above, and retaining walls (retaining earth only) that result in grade changes of 30 inches or less and are not required by Title 18 (Grading and Erosion Control Ordinance) to have a grading permit.

B. **General requirements for exemption.** The activities, uses of land and/or structures identified by Subsection A., above are exempt from the land use permit requirements of this Zoning Code only when:

1. The activity or use is established and operated in compliance with all applicable development standards of Articles II (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) and III (Site Planning and General Development Standards);

2. Any permit or approval required by regulations other than this Zoning Code is obtained in compliance with Section 17.03.050 (Additional Permits and Approvals May Be Required); and

3. The activity or use is exempt from Coastal Development Permit requirements in compliance with Coastal Act Section 30610, and California Code of Regulations Sections 13250 et seq.

17.03.040 - Temporary Uses

Requirements for establishing a temporary use and/or activity (e.g., construction yards, seasonal sales lots, special events, temporary office trailers, and similar uses and activities) are in Section 17.42.040 (Temporary Use Permits).

17.03.050 - Additional Permits or Approvals May be Required

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

A. Any other Municipal Code provisions, including: building or other construction permits if they are required by Title 15; a business license if required by Title 5; subdivision approval if required by Title 16 (Subdivisions); or a grading permit if required by Title 18 (Grading and Erosion Control Ordinance); or

B. Any applicable County, or any regional, State or Federal agency regulations.

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

ARTICLE II

Zoning Districts, Allowable Land Uses, and Zone-Specific Standards

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CHAPTER 17.06 - ESTABLISHMENT OF ZONING DISTRICTS, ADOPTION OF ZONING MAP

Sections:

17.06.010 - Purpose of Chapter
17.06.020 - Zoning Districts Established
17.06.030 - Zoning Maps Adopted
17.06.040 - Zoning District Regulations

17.06.010 - Purpose of Chapter

This Chapter establishes the zoning districts applied to property within the City, determines how the zoning districts are applied on the Zoning Map, and provides general permit requirements for development and new land uses.

17.06.020 - Zoning Districts Established

Pismo Beach shall be divided into zoning districts which implement the General Plan/Local Coastal Plan. The following zoning districts are established, and shall be shown on the official Zoning Map (Section 17.06.030).

TABLE 2-1
ZONING DISTRICTS

Zoning District Symbol	Zoning District Name	General Plan Designation Implemented by Zoning District	Applicable Zoning Code Chapter
Residential Districts			
RSL	Single-Family Residential	Low Density Residential	17.08
RSM	Medium Density Residential	Medium Density Residential	
RR	Resort Residential	High Density Residential	
Commercial Districts			
CRS	Resort Commercial	Resort Commercial	17.12
CD	Downtown Commercial	Commercial	
CG	General Commercial	Commercial	
CS	Service Commercial	Industrial	
Special Purpose Districts			
PF	Public Facilities	Public/Semi-Public	17.16
OS	Open Space	Open Space	
Overlay Districts			
CA	Coastal Appeal	All	17.18
HL	Height Limitation	All	
N	Noise	All	
V	View Protection	All	

17.06.030 - Zoning Maps Adopted

The Council hereby adopts the City of Pismo Beach Zoning Map (hereafter referred to as the "Zoning Map"), which is on file with the Department.

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

B. **Zoning district boundaries.** The boundaries of the zoning districts established by Section 17.06.020 (Zoning Districts Established) shall be shown upon the Zoning Map.

C. **Relationship to General Plan/Local Coastal Plan.** The Zoning Map shall implement the General Plan/Local Coastal Plan, specifically including the Land Use Diagram.

D. **Map amendments.** Amendments to the Zoning Map shall follow the process established in Chapter 17.56 (General Plan/Local Coastal Plan, Zoning Map, and Zoning Code Amendments).

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

17.06.040 - Zoning District Regulations

A. **Purpose.** Chapters 17.08 through 17.18 determine which land uses are allowed in each zoning district established by Section 17.06.020 (Zoning Districts Established), what land use permit is required to establish each use, and the basic development standards that apply to allowed land uses in each zoning district.

B. **Determination of allowable land uses and permit requirements.** The uses of land allowed by this Zoning Code in each zoning district are identified in Chapters 17.08, 17.12, and 17.16, together with the type of land use permit required for each use.

1. **Permit requirements.** Tables 2-2, 2-4, and 2-6 provide for land uses that are:

   a. Permitted subject to compliance with all applicable provisions of this Zoning Code, subject to first obtaining a Zoning Clearance (Section 17.42.020), and any Building Permit or other permit required by the Municipal Code. These are shown as "P" uses in the tables;

   b. Allowed subject to the approval of a Minor Use Permit (Chapter 17.42.050), and shown as "MUP" uses in the tables; and

   c. Allowed subject to the approval of a Conditional Use Permit (Chapter 17.42.050), and shown as "CUP" uses in the tables.

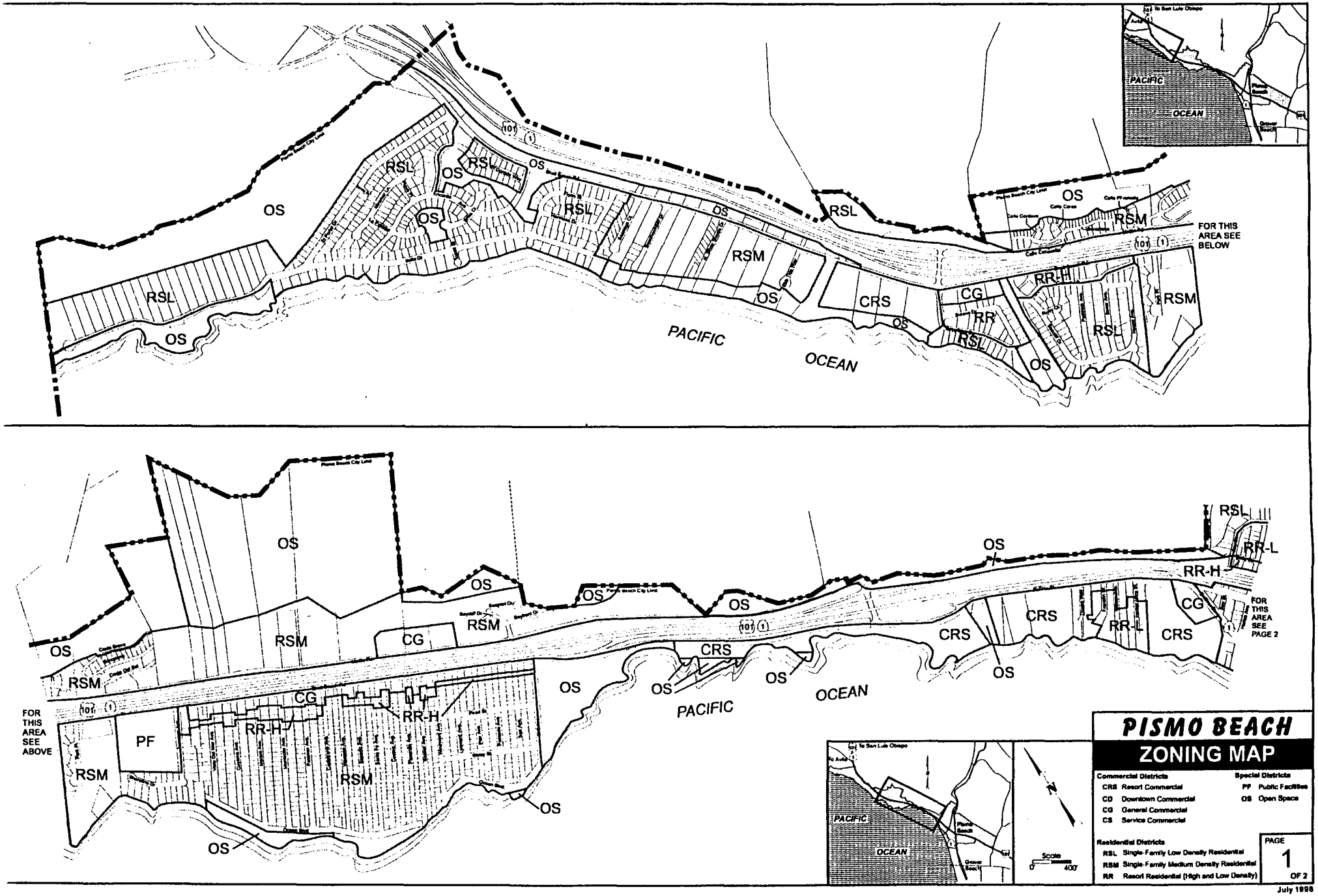
   Where a proposed project includes multiple land uses, and Tables 2-2, 2-4, and 2-6 require different land use permits for some of the uses, the project shall be authorized through the approval of the permit requiring the highest level review. (For example, a structure proposed in the CG district with a bar on the first floor (CUP required) and offices on the second floor (permitted uses) shall be authorized through Conditional Use Permit approval.)

2. **Uses not listed.** Land uses that are not listed in the tables or are not shown in a particular zoning district are not allowed, except as otherwise provided by Section 17.02.020.D (Rules of Interpretation - Allowable Uses of Land), or Section 17.03.030 (Exemptions from Land Use Permit Requirements).

C. **Site divided by zoning district boundary.** Where a site is divided by one or more district boundaries, the site shall be developed in compliance with the requirements of each district, as applicable. For example, if a site is zoned both commercial and

residential, the portion of the site zoned commercial shall be developed in compliance with the commercial zoning regulations, and the portion zoned residential shall be developed in compliance with the requirements of the applicable residential district.

D. **Conflicts between provisions.** Rules for resolving conflicts between different Zoning Code provisions may be found in 17.02.020.E (Rules of Interpretation - Conflicting Requirements).



PISMO BEACH
ZONING MAP

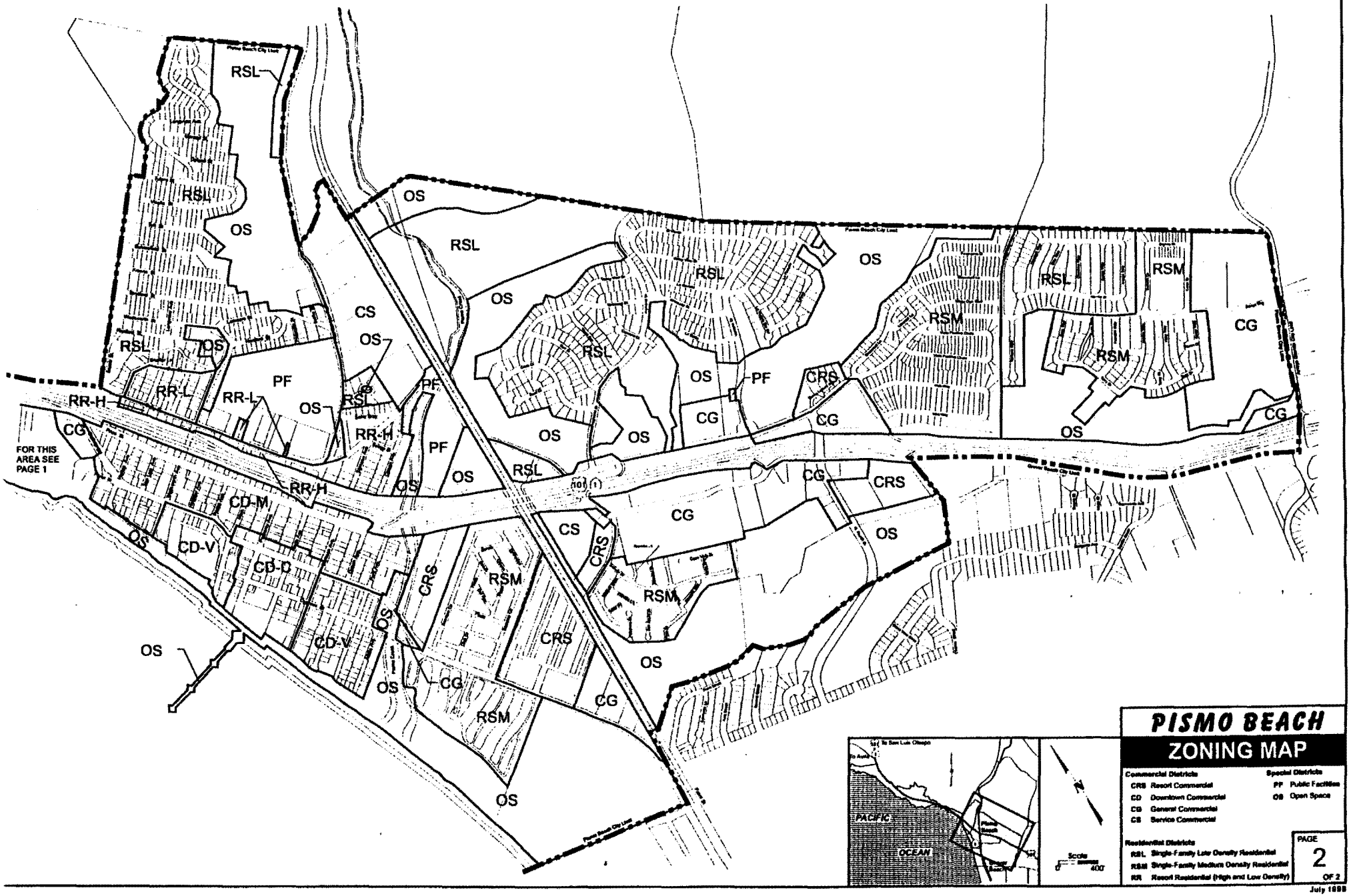
Commercial Districts
- CRS Resort Commercial
- CD Downtown Commercial
- CG General Commercial
- CS Service Commercial

Special Districts
- PF Public Facilities
- OS Open Space

Residential Districts
- RSL Single-Family Low Density Residential
- RSM Single-Family Medium Density Residential
- RR Resort Residential (High and Low Density)

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PISMO BEACH
ZONING MAP

Commercial Districts

- CRS Resort Commercial
- CD Downtown Commercial
- CG General Commercial
- CS Service Commercial

Special Districts

- PF Public Facilities
- OS Open Space

Residential Districts

- RSL Single-Family Low Density Residential
- RSM Single-Family Medium Density Residential
- RR Resort Residential (High and Low Density)

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CHAPTER 17.08 - RESIDENTIAL ZONING DISTRICTS

Sections:

17.08.010 - Purpose of Chapter
17.08.020 - Purposes of Residential Zoning Districts
17.08.030 - Residential Zoning District Land Uses and Permit Requirements
17.08.040 - Residential Zoning District General Development Standards
17.08.050 - RR District Standards - Visitor Serving Conversions

17.08.010 - Purpose of Chapter

This Chapter provides regulations applicable to development and new land uses in the residential zoning districts established by Section 17.06.020 (Zoning Districts Established).

17.08.020 - Purposes of Residential Zoning Districts

The purposes of the individual residential zoning districts and the manner in which they are applied are as follows:

A. **RSL (Single-Family Low Density Residential) District.** The RSL zoning district is intended for areas appropriate for neighborhoods of detached, single family homes. Allowable densities range from 1.0 to 4.0 dwelling units per acre. This district is intended for areas where site characteristics, access, and available public services and utilities are suitable for single family development. The RSL zoning district is consistent with the Low Density Residential land use classification of the General Plan/Local Coastal Plan.

B. **RSM (Single-Family Medium Density Residential) District.** The RSM zoning district is intended for areas appropriate for single-family and multi-family residential uses. Allowable densities range from 5.0 to 10.0 dwelling units per acre. The RSM zoning district is consistent with the Medium Density land use classification of the General Plan/Local Coastal Plan.

C. **RR (Resort Residential) Districts.** The RR zoning district is intended for areas appropriate for hotels and medium and high density multi-family dwellings. The RR zoning district shall be applied on the zoning map as either RR-L (Resort Residential - Low Density) or RR-H (Resort Residential - High Density). Allowable densities range from 5.0 to 10.0 units per acre in the RR-L district; and from 11.0 to 30.0 units per acre in the RR-H district. The RR zoning districts are consistent with the Medium Density and High Density land use classifications of the General Plan/Local Coastal Plan.

17.08.030 - Residential District Land Uses and Permit Requirements

Table 2-2 identifies the uses of land allowed by this Zoning Code in each residential zoning district, and the land use permit required to establish each use, in compliance with Section 17.06.040.B (Zoning District Regulations).

Note: where the last column in the tables ("See Standards in Section") includes a Section number, the regulations in the referenced section apply to the use; however, provisions in other Sections of this Zoning Code may also apply.

TABLE 2-2 - ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT			See standards in Section:
	RSL	RSM	RR	
AGRICULTURE, RESOURCE & OPEN SPACE USES				
Crop production, tree farming - Non-commercial	P	P	P	
Greenhouses, private	P	P	P	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES				
Community centers	CUP	CUP	CUP	
Equestrian facilities	CUP		CUP	
Golf courses/country clubs	CUP	CUP	CUP	
Parks and playgrounds	CUP	CUP	CUP	
Private residential recreational facilities	CUP	CUP	CUP	
Religious places of worship	CUP	CUP	CUP	
Schools	CUP	CUP	CUP	
RESIDENTIAL USES				
Condominiums		P	CUP	
Duplexes			P	
Emergency shelters		CUP		
Employee housing			CUP(5)	
Home occupations	P	P	P	17.38.070
Mobile home parks	CUP	CUP	CUP	17.38.100
Mobile homes	P	P	P	17.38.110
Multi-family dwellings			P	17.38.120
Residential accessory uses and structures		P	P	17.38.150
Rooming and boarding houses			CUP	
Secondary residential units (granny flats)	(4)	(4)	(4)	Ord. 334
Senior residential projects		P	P	
Single-family dwellings	P	P	P	
SERVICE / COMMERCIAL USES				
Adult day care facilities	CUP	CUP	CUP	
Bed and breakfast inns		CUP	CUP	
Child day care centers		CUP		17.38.050
Child day care - Large family day care homes	MUP	MUP	MUP	17.38.050
Child day care - Small family day care homes	P	P	P	17.38.050
Medical services	CUP	CUP		
Hotels and motels			CUP(7)	17.38.080
Public utility or safety facilities	CUP	CUP		
Residential care homes - 6 or fewer clients	P	P	P	
Residential care homes - 7 or more clients	CUP	CUP	CUP	
Storage yard for recreational vehicles/equipment		CUP(6)	CUP(6)	17.38.170
Telecommunications facilities	CUP	CUP	CUP	17.38.040

See next page for key and notes.

TABLE 2-2 - ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS (Continued)

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
P	Permitted use - Zoning Clearance required (2) (3)	17.42.020
MUP	Minor Use Permit required (2) (3)	17.42.050
CUP	Conditonal Use Permit required (2)	17.42.050
	Use not allowed. See 17.02.020.D regarding uses not listed.	

Notes:

(1) See Article VI for definitions of each listed land use.
(2) Site Plan and Architectural Review may also be required; see Section 17.42.030.
(3) Conditional Use Permit approval may be required for hillside development; see Chapter 17.28.
(4) Use prohibited, in compliance with Ordinance No. 334.
(5) Only allowed accessory to a hotel, and where the housing is for hotel employees only.
(6) Allowed only within a mobile home park.
(7) Hotels and motels are allowed only in the RR-H zoning district.

17.08.040 - Residential District General Development Standards

A. **General standards - Use of table.** Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-3, in addition to the applicable standards in Article III (Site Planning and General Development Standards).

B. **Standards within Specific Plan areas.** Subdivisions, new land uses and structures, and alterations to existing land uses and structures within an area subject to a Specific Plan shall comply with the requirements in Table 2-4, in addition to the requirements of Subsection A. above. In the event of any conflict between the requirements of Tables 2-3 and 2-4, the requirements of Table 2-4 shall control within the applicable Specific Plan area.

TABLE 2-3
RESIDENTIAL DISTRICT GENERAL DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District	
	RSL	**RSM**
Minimum lot size	*Minimum area and width for parcels proposed in new subdivisions.*	
Lot area	5000 sq.ft.	
Lot width	50 ft.	
Maximum density (1)	1 to 4 units per acre	5 to 10 units per acre
Maximum number of dwelling units per parcel	1 unit per parcel	
Setbacks required	*Minimum setbacks required. See Chapter 17.22 for setback measurement, allowed projections into setbacks, and exceptions to required setbacks.*	
Front	Parcels of 4,000 sq.ft. or larger: 20 ft. for all structures. Parcels of less than 4,000 sq.ft.: 20% of the depth of the lot, with a minimum requirement of 10 ft. See Section 17.10.040.A for second floor setback requirements. See Section 17.34.070.A.4 for garage setback requirements.	
Front, blufftop lot	15 ft.	
Sides (each)	5 ft.	
Street side	10 ft.	
Rear	10 ft. on parcels with a depth of 70 ft. or more; 5 ft. on parcels with a depth less than 70 ft.	
Blufftop	25 ft. from the top of the bluff for parcels subdivided before 1-23-81; as determined by geologic study elsewhere. See Chapter 17.32 (Ocean Fronting Development).	
Site coverage (2)	55%	
Floor area ratio (FAR)	0.86 maximum for parcels of 2,700 sq.ft. or less; 0.72 maximum for parcels larger than 2,700 sq.ft.	
Height limit (3)	25 ft.	25 ft. in the Pismo Heights and the Motel District planning areas; 35 ft. elsewhere.
Landscaping required	20% of site area. See Chapter 17.30 (Landscaping).	
Parking	As required by Chapter 17.34 (Parking and Loading).	

Table and notes to table continue on next page.

TABLE 2-3
RESIDENTIAL DISTRICT GENERAL DEVELOPMENT STANDARDS (Continued)

Development Feature	Requirement by Zoning District	
	RR-L	RR-H
Minimum lot size	*Minimum area and width for parcels proposed in new subdivisions.*	
Lot area	5,000 sq.ft.	
Lot width	50 ft.	
Maximum density (1)	5 to 10 units per acre	11 to 30 units per acre
Maximum number of dwelling units per parcel	1 unit per each 2,000 sq.ft. of parcel area	1 unit per each 1,450 sq.ft. of parcel area
Setbacks required	*Minimum setbacks required. See Chapter 17.34 for setback measurement, allowed projections into setbacks, and exceptions to required setbacks.*	
Front	Parcels of 4,000 sq.ft. or larger: 20 ft. for all structures. Parcels of less than 4,000 sq.ft.: 15 ft. for all structures. See Section 17.10.040 for second floor setback requirements.	
Front, blufftop lot	15 ft.	
Sides (each)	5 ft.	
Street side	10 ft.	
Rear	10 ft. on parcels with a depth of 70 ft. or more; 5 ft. on parcels with a depth less than 70 ft.	
Blufftop	25 ft. from the top of the bluff for parcels subdivided before 1-23-81; as determined by geologic study elsewhere. See Chapter 17.32 (Ocean Fronting Development).	
Floor area ratio (FAR)	1.25	
Site coverage (2)	55%	
Height limit (3)	35 ft.	
Landscaping required	20% of site area. See Chapter 17.30 (Landscaping).	
Parking	As required by Chapter 17.34 (Parking and Loading).	

Notes:

(1) Maximum number of dwelling units allowed per net buildable acre in a single-family subdivision or a multi-family project. The actual number of units allowed is determined through the subdivision or land use permit process, as applicable. See Section 17.38.080 for maximum density requirements applicable to hotels and motels.

(2) Maximum percentage of site area that may be covered with structures. See the definition of site coverage in Article VI (Definitions).

(3) Maximum allowed height of structures, except where a Height Limitation (HL), or View Considerations (V) overlay district applies (Sections 17.18.040, and 17.18.060, respectively). The HL overlay applies in the following planning areas established by the General Plan: the Commercial Core, Dinosaur Caves, Freeway Foothills, North Spyglass, Shell Beach, Spyglass, South Palisades, and Sunset Palisades. See also Chapter 17.20 (Height Measurement and Exceptions).

TABLE 2-4
SPECIFIC PLAN AREA RESIDENTIAL DEVELOPMENT STANDARDS

Development Feature	Requirement by Specific Plan Area			
	Bay Cliff Village	**Mattie Road**	**Pacific Estates**	**Pismo Oaks**
Coastal access	Not applicable			
Maximum density (1)	8 units per acre		3 to 10 units per acre	4.5 units per acre
Setbacks required	*Minimum setbacks required. See Chapter 17.22 for setback measurement, allowed projections into setbacks, and exceptions to required setbacks.*			
Front	The lesser of: 20 ft.; or 20% of average lot depth with 10 ft. minimum. 15 ft. for garage.	15 ft. from back of sidewalk	The lesser of: 20 ft.; or 20% of average lot depth with 10 ft. minimum. 15 ft. for garage.	15 ft.
Sides (each)	10% of lot width, with a 4 ft. minimum and a maximum requirement of 5 ft. (4)			
Street side	20% of lot width, with a 7 ft. minimum and a maximum requirement of 10 ft. (4)			
Rear	10% of average lot depth, with a 5 ft. minimum and a maximum requirement of 10 ft. (4)			
Blufftop	N.A.			
Highway 101	N.A.	50 ft.	5 ft., with solid wall	N.A.
Site coverage (2)	55%			
Floor area ratio (FAR)	0.80			
Height limit (3)	25 ft. and 3 stories. Floors above the first shall be stepped back up the hillside.		25 ft.	
Landscaping	20% of site area. See Chapter 17.30 (Landscaping)			
Greenbreaks	Required		N.A.	
Parking	As required by Chapter 17.34 (Parking and Loading)			

Notes:

(1) Maximum number of dwelling units allowed per net buildable acre in a single-family subdivision or a multi-family project. The actual number of units allowed is determined through the subdivision or land use permit process, as applicable.

(2) Maximum percentage of site area that may be covered with structures. See the definition of site coverage in Article VI (Definitions).

(3) Maximum allowed height of structures, except where a Height Limitation (HL), or View Considerations (V) overlay district applies (Sections 17.18.040, and 17.18.060, respectively). The HL overlay applies in the following planning areas established by the General Plan: the Commercial Core, Dinosaur Caves, Freeway Foothills, North Spyglass, Shell Beach, Spyglass, South Palisades, and Sunset Palisades. See also Chapter 17.20 (Height Measurement and Exceptions).

(4) The "maximum" side and rear setbacks are the maximum that the City will impose; the applicant may choose to provide a larger setback.

TABLE 2-4
SPECIFIC PLAN AREA RESIDENTIAL DEVELOPMENT STANDARDS (Continued)

Development Feature	Requirement by Specific Plan Area			
	Spyglass Ridge	**South Palisades**	**Sunset Palisades/ Ontario Ridge**	**Toucan Terrace**
Coastal access		See Section 17.32.050		N.A.
Maximum density (1)	8 units per acre	7 units per acre	1 unit per acre	8 units per acre
Setbacks required	*Minimum setbacks required. See Chapter 17.22 for setback measurement, allowed projections into setbacks, and exceptions to required setbacks.*			
Front	The lesser of: 20 ft.; or 20% of average lot depth with 10 ft. minimum. 15 ft. for garage.	20 ft.		Mfg. home area: 12.5 ft.; and 20 ft. for garage.
Sides (each)	10% of lot width, with a 4 ft. minimum and a maximum requirement of 5 ft.	1/2 of structure height to top plate	10 ft.	3 to 5 ft.
Street side	20% of lot width, with a 7 ft. minimum and a maximum requirement of 10 ft.	20 ft.	20% of lot width, with a 7 ft. minimum and a maximum requirement of 10 ft.	
Rear	10% of average lot depth, with a 5 ft. minimum and a maximum requirement of 10 ft.			
Blufftop	N.A.	25 ft. from the top of the bluff for parcels subdivided before 1-23-81; as determined by geologic study elsewhere. See Chapter 17.32 (Ocean Fronting Development).		N.A.
Highway 101	50 ft.	N.A.		
Site coverage (2)	55%	40%		55%
Floor area ratio (FAR)	0.80	0.60	0.80	0.80
Height limit (3)	25 ft. and 3 stories. Floors above the first shall be stepped back up the hillside.	15 ft. for first row of structures nearest bluff top park; Below nearest freeway lane elevation for structures between Shell Beach Road and freeway; 25 ft. elsewhere.	25 ft.	
Landscaping (4)	20% of site area	40% of site area	20% of site area	
Greenbreaks	Required	N.A.		
Parking	As required by Chapter 17.34 (Parking and Loading).			

Notes:

(1) Maximum number of dwelling units allowed per net buildable acre in a single-family subdivision or a multi-family project. The actual number of units allowed is determined through the subdivision or land use permit process, as applicable.

(2) Maximum percentage of site area that may be covered with structures. See the definition of site coverage in Article VI (Definitions).

(3) Maximum allowed height of structures, except where a Height Limitation (HL), or View Considerations (V) overlay district applies (Sections 17.18.040, and 17.18.060, respectively). The HL overlay applies in the following planning areas established by the General Plan: the Commercial Core, Dinosaur Caves, Freeway Foothills, North Spyglass, Shell Beach, Spyglass, South Palisades, and Sunset Palisades. See also Chapter 17.20 (Height Measurement and Exceptions).

(4) See also Chapter 17.30 (Landscaping).

17.08.050 - RR District Standards - Visitor Serving Conversions

The conversion of visitor serving lodging in the RR zoning district to non-visitor serving uses shall require Conditional Use Permit approval.

CHAPTER 17.10 - RESIDENTIAL DESIGN STANDARDS

Sections:

17.10.010 - Purpose of Chapter
17.10.020 - Applicability
17.10.030 - Objectives
17.10.040 - Single-Family Dwelling Design Standards
17.10.050 - Multi-Family Project Design Standards

17.10.010 - Purpose of Chapter

This Chapter provides residential design standards intended to assist project designers and property owners in understanding and implementing the General Plan's goals for attaining high quality residential development.

17.10.020 - Applicability

A. The provisions of this Chapter apply to all multi-family residential projects, including condominiums, requiring Site Plan and Architectural Review, in compliance with Section 17.42.030.

B. The review authority may exercise discretion in applying these standards to proposed projects, where the review authority determines that a design feature proposed by the applicant as an alternative to these standards achieves substantially the same results as these standards.

17.10.030 - Objectives

Because of their higher densities, multi-family residential projects differ from single-family residential projects by tending to generate large parking areas, a decrease in private open space, and large box-like structures. If not properly designed, parking facilities can dominate the site and open spaces may be relegated to left over areas not related to the dwelling units or the people who live there. Residential developments with unarticulated walls and roofs surrounded by parking lots and rows of carports along public streets are examples of practices that should be avoided.

The objectives of these standards are to provide potential solutions to the problems that are often inherent in higher density residential developments through proper site planning, parking, circulation, building design, and landscaping.

17.10.040 - Single-Family Dwelling Design Standards

The design and development standards of this Section shall apply to the construction, alteration, or enlargement of single-family dwellings in the RSL, RSM, and RR zoning districts, and on all parcels with slopes greater than 15 percent, except in the Pismo Heights Planning Area as defined in the General Plan/Local Coastal Plan.

A. **Second floor massing.** To avoid "boxy" structures that have unrelieved exterior wall planes extending in height for two or more stories, and to promote vertical articulation of wall planes, the gross floor area of any second floor shall not exceed 80 percent of the gross floor area of the ground floor. The second floor living area shall be set back from the ground floor building footprint on the street sides of the house as much as determined by the review authority to be feasible. Within the Shell Beach Planning Area, the second floor setback shall be located at the front of the house.

B. **Neighborhood character.** In order to attain compatibility with the existing scale and character of the surrounding neighborhood, the development of new single-family dwellings and the alteration of existing dwellings shall include design features or elements that are similar or complementary to nearby homes, including building form and mass, exterior materials, roof form and style, and window shape and style.

C. **Design features.** The following design features are encouraged and shall be considered by the review authority in reaching decisions in the Site Plan and Architectural Review process.

1. **Garages.** Required parking for single-family dwellings shall be enclosed within a garage; carports shall be prohibited. Roll-up or similar types of garage doors shall be required to maximize parking area on the driveway apron and to avoid the obstruction of sidewalks by parked vehicles.

2. **Facade articulation.** Long expanses of uninterrupted exterior wall planes should be avoided. Exterior wall planes should be relieved by: the provision of off-sets in wall planes; placement of windows; incorporation of porches, balconies, trellises, or decks; incorporation of trim, ornamentation or architectural detailing appropriate to the building style; use of varied textures and colors; and the use of other design accents to soften the architecture.

3. **Roof articulation.** Long expanses of uninterrupted roof planes should be avoided. Roof heights, planes, and lines should be varied. Traditional roof forms, especially gable and hip designs, should be used unless infeasible. Roof features including dormers and clerestories are encouraged. If flat or low-slope roof forms are proposed, special care should be taken to ensure compatibility with, and minimize shading of, adjacent structures.

17.10.050 - Multi-Family Project Design Standards

A. Site planning considerations.

1. **Orientation.** Placement of buildings shall consider the existing context of the surrounding area. New development shall respect the privacy, solar access and, where feasible, views to the ocean of adjacent uses through appropriate siting of structures.

2. **Cluster units.** Clustering of units shall be a consistent site planning element. Projects containing more than 10 dwelling units should be broken up into groups of units with each structure containing not more than four to six units each.

3. **Retain amenities.** Natural amenities (e.g., views, mature trees, natural topography) on the site shall be preserved and incorporated into the development whenever possible.

4. **Drainage.** Street drainage shall be collected in curb gutters. The use of centerswale drainage devices is discouraged. Parking lots may drain to a single concrete swale at the edge of the aisle.

5. **Grading.** Development of sloped properties shall minimize grading by following the natural contours of the land. Terraced parking lots, stepped building pads, and larger setbacks shall be used to preserve the natural land form and to minimize grade differentials with adjacent streets and adjoining properties.

6. **Building relationship to the street.** Generally the street frontage should consist of residential units with window, doors, balconies and porches facing and in reasonably close proximity to the street, both in terms of height (i.e., units at street level, rather than raised) and in distance from the street (minimum set back). The street level frontage should consist of residential units, rather than parking lots or parking structures, whenever possible.

B. Building placement.

1. **Maintain privacy.** Buildings shall be oriented to avoid instances where living spaces of one dwelling unit face the living spaces of another and thereby significantly reduce privacy of residents.

2. **Private outdoor space.** Private outdoor space (e.g., patios, courtyards) shall be designated with maximum consideration for privacy. The minimum dimension of individual private open space shall be six feet.

3. **View and solar orientation.** Dwelling units shall be oriented to maximize ocean views and southern exposure for private outdoor spaces and window areas to encourage passive solar heating in the winter months.

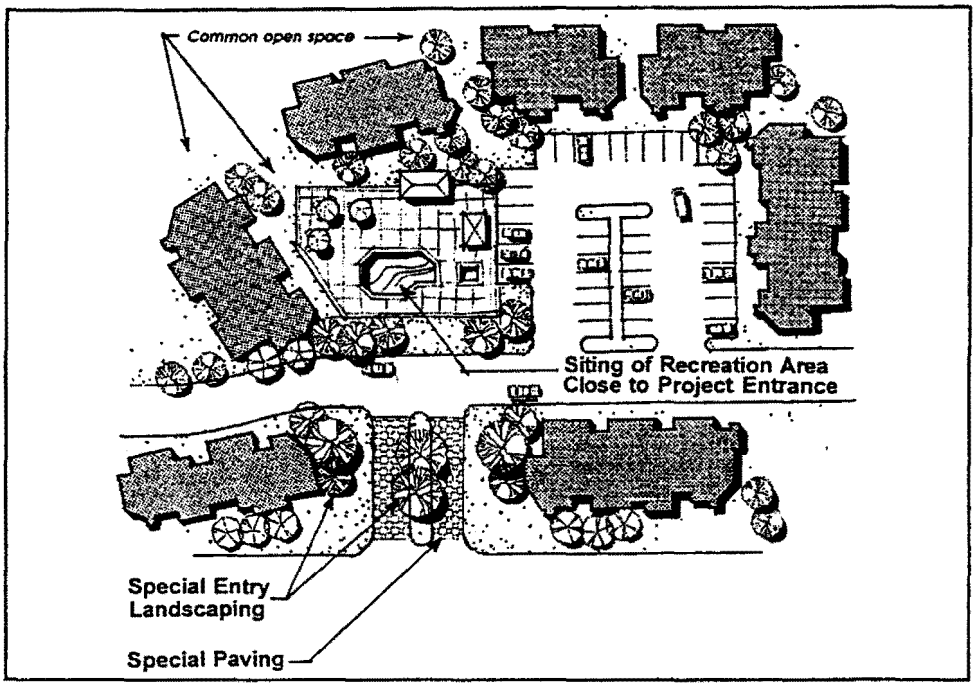


FIGURE 2-1
COMMON OPEN SPACE

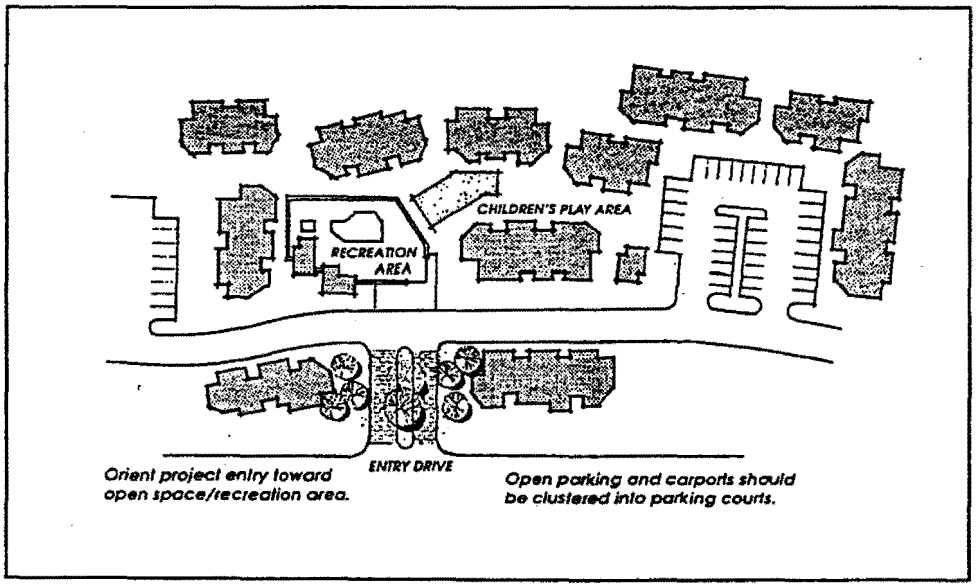


FIGURE 2-2
PROJECT ENTRY TREATMENT, AND LOCATION
OF COMMON OPEN SPACE AND PLAY AREAS

4. **Common open space.** Buildings shall be oriented to create courtyards and common open space areas that are usable by residents and not relegated to leftover pieces of the site that are difficult to access. See Figure 2-1.

C. **Parking and circulation.**

1. **Project entries.**

a. Project entry areas shall provide the resident and visitor with an overview to the project. They shall provide an open window to the project with extensive landscaping and views to adjacent recreational facilities. Special attention shall be given to hardscape and landscape treatments to enhance the overall image of the project. See Figure 2-2.

b. The principal vehicular access shall be through an entry drive rather than a parking drive. Colored, textured paving at entry drives is strongly encouraged.

2. **On-site parking and drives.**

a. There are generally three means of accommodating parking: parking drives, parking courts, and garages within residential buildings. Projects with either long, monotonous parking drives or large, undivided parking lots are not desired. If parking within residential structures is not provided, dispersed parking courts are the desired alternative.

b. Parking areas shall be visible from the residential units that use them to the greatest degree possible.

3. **Parking courts and drives.**

a. A parking court shall not consist of more than two double-loaded parking aisles (bays) adjacent to each other.

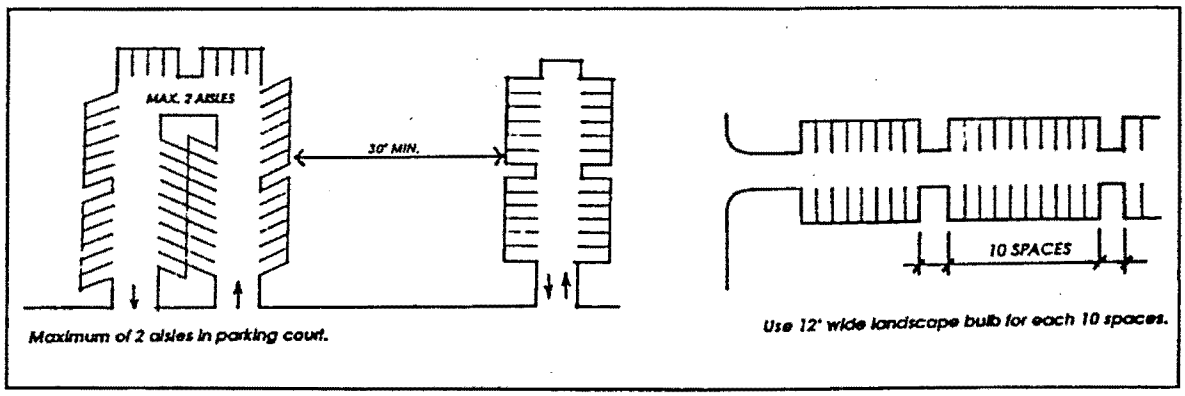


FIGURE 2-3
PARKING AREA LAYOUT

b. The length of a parking court shall not exceed 10 stalls. See Figure 2-3.

c. Parking courts shall be separated from each other by dwelling units or by a landscaped buffer not less than 30 feet wide. See Figure 2-3.

d. Each five spaces of parking, whether in garages, carports, or open parking areas, shall be separated from additional spaces by a landscaped bulb not less than six feet wide containing one tree. Architectural elements, (e.g., trellises, porches, or stairways) may extend into these landscaped bulbs.

4. Garages and carports.

a. Parking areas tucked under residential structures shall be enclosed behind garage doors.

b. Garages with parking aprons less that 20 feet in length shall be equipped with automatic garage door openers and roll-up doors. See Figure 2-4.

c. The use of carports shall require Conditional Use Permit approval. Where carports are utilized, they shall follow the same spacing criteria as parking courts (Subsection C.3 above). Carports may be incorporated with patio walls or used to define public and private open space, but incorporating carports into exterior project walls adjacent to streets is strongly discouraged. See Figure 2-5.

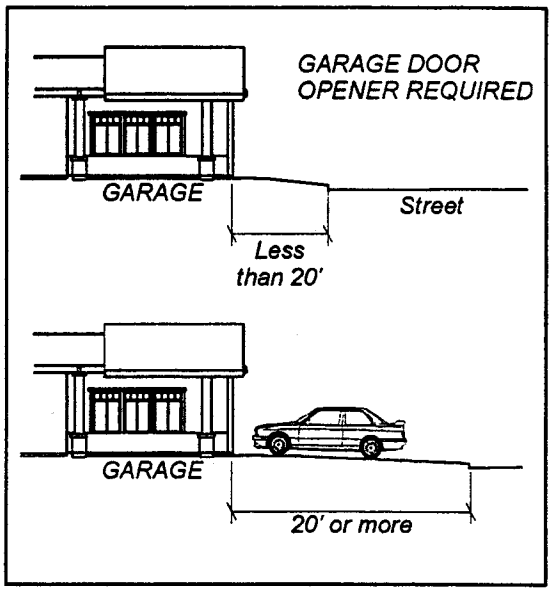


FIGURE 2-4
GARAGE SETBACKS

D. Open Space and landscape areas.

1. The orientation of private and common open space areas shall take advantage of available sunlight and shall be sheltered from the noise and traffic of adjacent streets or other
incompatible uses.

2. Common open spaces and play areas shall be conveniently located for the majority of units. Children's play areas shall be visible from as many units as possible. In complexes with more than 40 two-bedroom units, several play areas shall be provided throughout the complex. See Figure 2-2

3. Areas not covered by structures, drives, parking, or walkways shall be appropriately landscaped with a variety of materials in compliance with Chapter 17.30 (Landscaping).

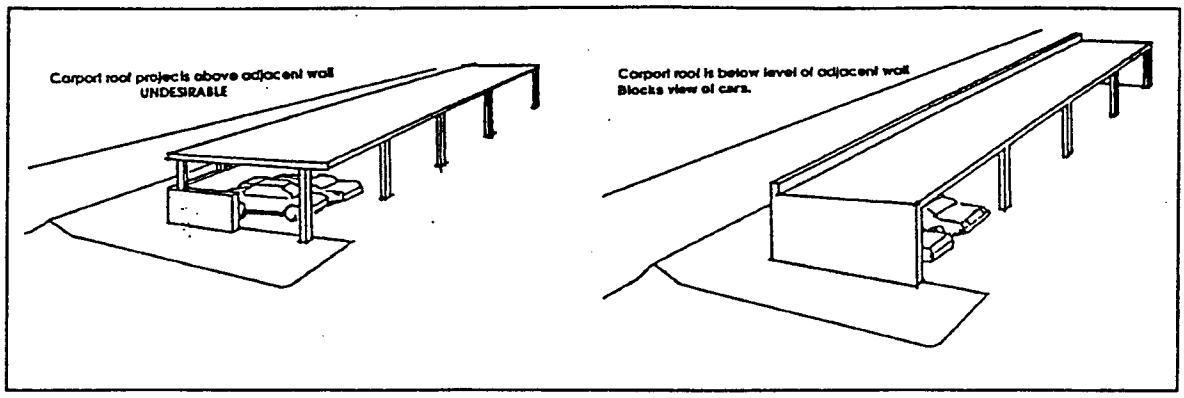


FIGURE 2-5
CARPORT SCREENING

4. Landscaping is used to: frame, soften, and embellish the quality of the site; buffer units from noise or undesirable views; break up large expanses of parking; and separate project frontage roads from public streets. Landscape elements need vertical dimension to accomplish these objectives. Trees and tall shrubs are needed in addition to groundcover.

E. **Support facilities.**

1. The design of laundry facilities, recreation buildings, sales/lease offices and other support structures shall be consistent with the site's primary structures.

2. The most visible sides of trash enclosures shall be screened from public view on all sides by a six-foot solid wall or fence, other than chain link with slats. Trash enclosures should be softened with complementary landscaping. Trash enclosures should be placed inside parking courts or at the end of a parking bay, and should not be located in a front yard. Locations shall be conveniently accessible for trash collection and maintenance. See Figure 2-6.

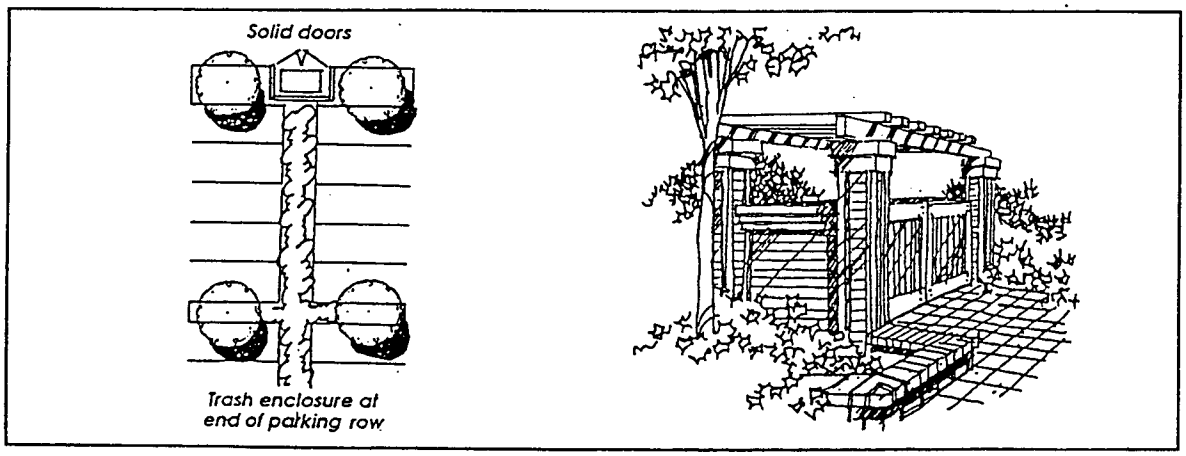
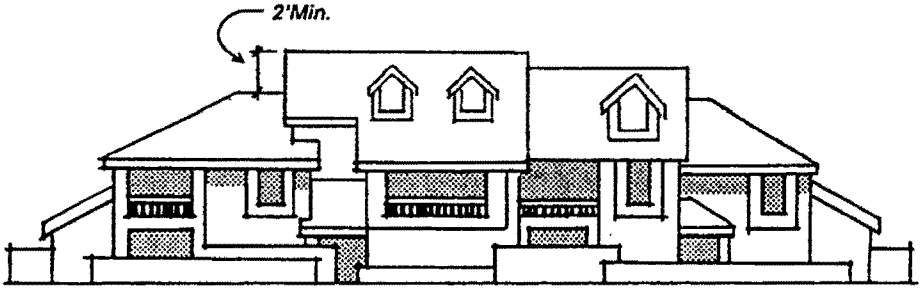


FIGURE 2-6
LOCATION AND DESIGN OF TRASH DISPOSAL ENCLOSURES

F. Building design.

There is no specific architecture "style" proposed for multi-family residential structures. The criteria presented here strives for quality development through descriptions and examples of appropriate architectural expressions, building materials, and compatibility with surrounding neighborhood.

1. **Facade and roof articulation.** Changes in plane and height of walls and roofs, and the inclusion of elements including balconies, porches, arcades, dormers, and cross gables help to mitigate the barracks-like quality of long flat walls and roofs. Hipped or gabled roofs covering the entire building are preferable to mansard roofs or pitched roof segments applied at the structure's edge. See Figure 2-7.



Good example of change in roof planes and wall articulation

FIGURE 2-7
FACADE AND ROOF ARTICULATION

Structures containing three or more attached dwellings in a row shall incorporate at least one of the following (see Figure 2-8):

a. For each dwelling unit, at least one architectural projection not less than two feet from the wall plane and not less than four feet wide. Projections shall extend the full height of single story structures, at least one half the height of a two-story structure; or

b. Offsets should be meaningful in relation to the size of the building: a change in wall plane of at least three feet for at least 12 feet, for each two units.

2. **Scale.** Because multi-family projects are usually taller than one story, their bulk can impose on surrounding uses. The scale of these projects shall be considered within the context of their surroundings. Structures with two stories and more may require additional setbacks so as not to dominate the character of the neighborhood. However, street facades limited to two stories shall be required where such a limit reinforces the existing neighborhood character.

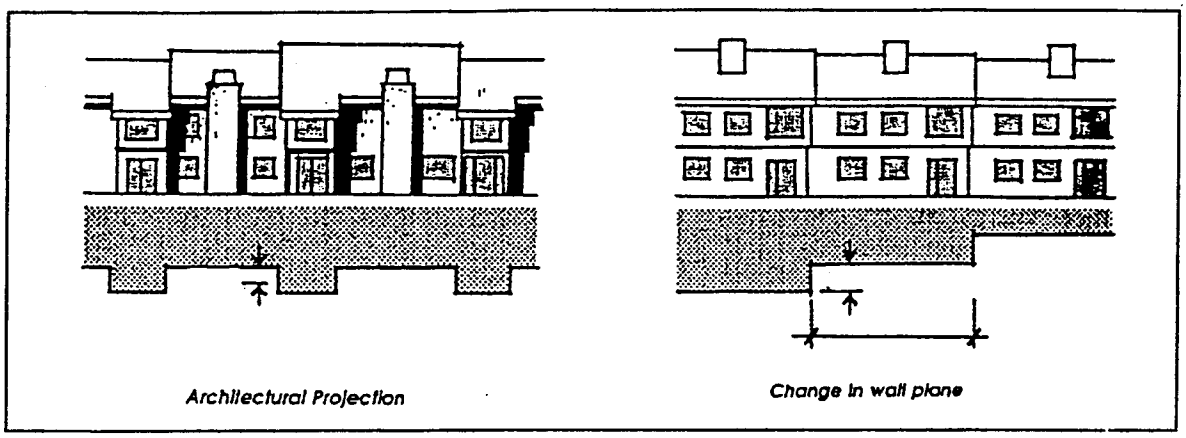


FIGURE 2-8
ARCHITECTURAL PROJECTIONS/CHANGES IN WALL PLANE

3. **Materials.** Exterior materials shall be durable and require low maintenance. Piecemeal embellishment and frequent changes in materials shall be avoided. Natural materials including wood, stone, and brick that blend with the natural surroundings shall be used. Exterior wall and roof colors shall harmonize with the site and the surrounding neighborhood.

4. **Balconies, porches, and patios.** The incorporation of balconies, porches, and patios is encouraged to both practically and aesthetically signal human habitation. These elements shall be provided as essential ingredients in creating street-level interest and to add human scale to structures. These elements are encouraged to break up large wall masses and offset floor setbacks. See Figure 2-9.

5. **Dwelling access.** Avoid long, monotonous access balconies and corridors that access five or more units, and instead cluster access points in groups of four or less. Use distinctive architectural elements and materials to denote prominent entrances.

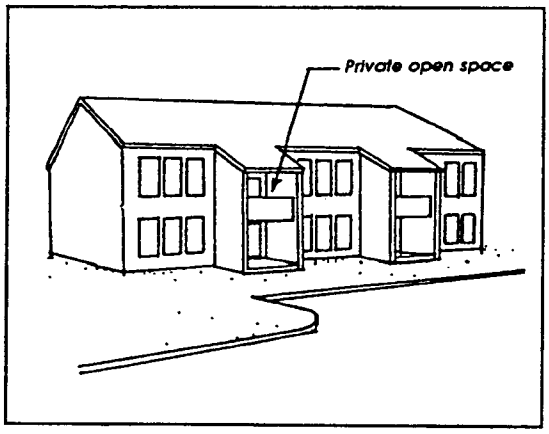


FIGURE 2-9
BALCONIES, PORCHES

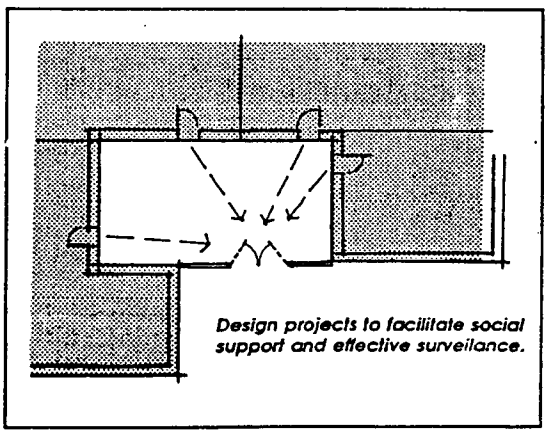


FIGURE 2-10
DWELLING ACCESS

6. **Exterior stairs.** Simple, clean, bold projections of stairways are encouraged to complement the architectural massing and form of the structure. Thin-looking, open metal, prefabricated stairs are discouraged.

7. **Carports, garages and accessory structures.** Carports, detached garages, and accessory structures shall be designed as an integral part of the overall project. They shall be similar in materials, color, and detail to the principal structures. Prefabricated metal carports are strongly discouraged.

8. **Mechanical and utility equipment.** All mechanical equipment, whether mounted on the roof or ground, shall be screened from view in compliance with Section 17.24.120 (Screening). Utility meters and equipment shall be placed in locations that are not exposed to view from the street. Screening devices shall be compatible with the architecture and color of the adjacent structures. See Figure 2-11.

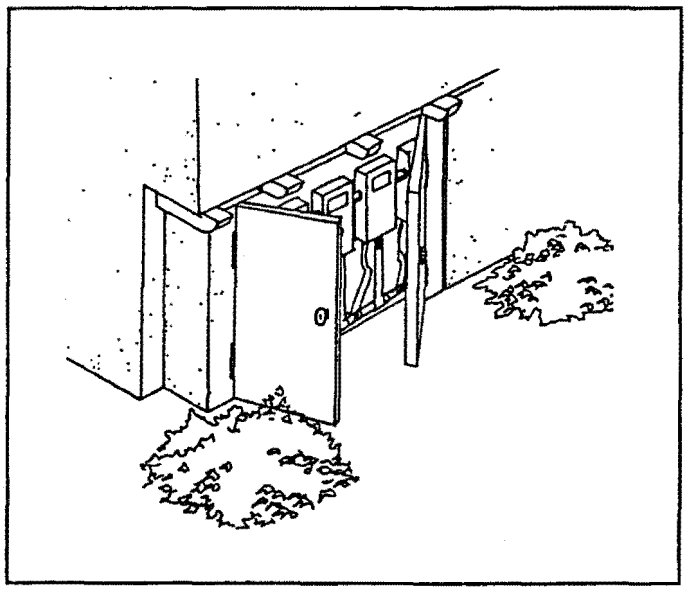


FIGURE 2-11
SCREENING OF OUTDOOR EQUIPMENT

9. **Roof materials.** Roof surfacing materials shall be selected to help new buildings blend with their surroundings. Brightly-colored roofing materials that make the buildings stand out shall be avoided.

10. **Compatible roof shapes.** Rooflines of buildings shall be designed to be compatible with surrounding building forms. The objective in determining roof shape is to establish a visual order to building clusters. A gable roof is preferred over flat or shed roofs. See Figure 2-12.

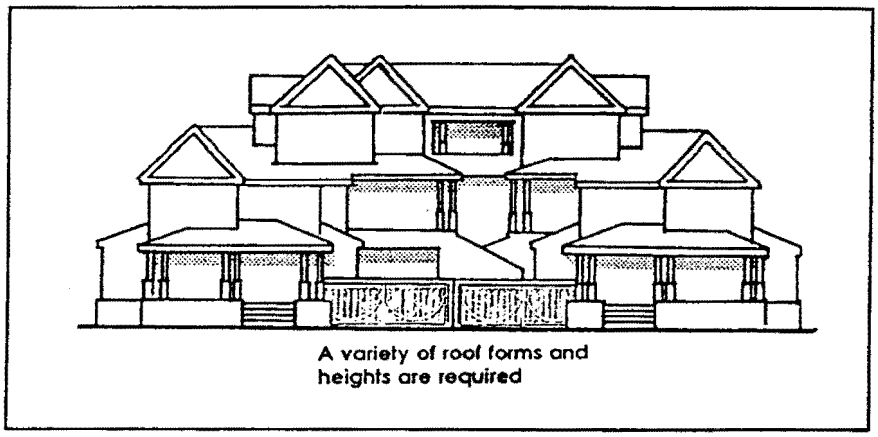


FIGURE 2-12
VARIETY IN ROOF FORMS

CHAPTER 17.12 - COMMERCIAL ZONING DISTRICTS

Sections:

17.12.010 - Purpose of Chapter
17.12.020 - Purposes of Commercial Zoning Districts
17.12.030 - Commercial District Land Uses and Permit Requirements
17.12.040 - Commercial District General Development Standards
17.12.050 - CD District Site Planning and Land Use Standards
17.12.060 - CD District Building Design Standards

17.12.010 - Purpose of Chapter

This Chapter provides regulations applicable to development and new land uses in the commercial zoning districts established by Section 17.06.020 (Zoning Districts Established).

17.12.020 - Purposes of Commercial Zoning Districts

The purposes of the individual commercial zoning districts and the manner in which they are applied are as follows.

A. **CRS (Resort Commercial) District.** The CRS zoning district is intended for areas suitable for recreational vehicle parks and visitor-serving uses. The CRS zoning district is consistent with the Resort Commercial land use classification of the General Plan/Local Coastal Plan.

B. **CD (Downtown Commercial) District.** The CD zoning district is intended for the downtown area of the City, which includes three sub-areas. The CD district is intended to provide: pedestrian scale uses; visitor serving uses; mixed commercial uses, including retail, office, recreational, and cultural uses; conservation of existing residential neighborhoods and community commercial needs. The CD district is also intended to enhance the natural features of the downtown area, including the Pacific coastline and the Pismo Creek area.

   The sub-areas include:

   1. **CD-C (Central Core) District.** The purpose of the CD-C district is to provide intensive retail commercial, recreational, and cultural uses, oriented towards pedestrian visitors.

   2. **CD-M (Mixed-Use and Resident-Serving Commercial) District.** The CD-M district is intended for locations in the downtown that are more community serving for local residents, including food markets, drug stores, health services, and professional offices, and for mixed use projects including commercial, residential, hotels and motels, and other multiple-use projects.

3. **CD-V (Visitor Services) District.** The CD-V district is intended to provide areas appropriate for a mix of visitor lodging.

C. **CG (General Commercial) District.** The CG zoning district is applied to areas appropriate for pedestrian scale retail shopping, office, and personal service uses. The maximum allowable floor area ratio (FAR) for commercial development is 2.0. The CG zoning district is consistent with the Commercial land use classification of the General Plan/Local Coastal Plan.

D. **CS (Service Commercial) District.** The CS zoning district is applied to areas appropriate for more intensive commercial and non-polluting, light manufacturing and industrial uses. The maximum allowable floor area ratio (FAR) for commercial development in the CS zoning district is 1.5. The CS zoning district is consistent with the Industrial land use classification of the General Plan/Local Coastal Plan.

17.12.030 - Commercial District Land Uses and Permit Requirements

Table 2-5 identifies the uses of land allowed by this Zoning Code in the commercial zoning districts, and the land use permit required to establish each use, in compliance with Section 17.06.040(B), (Zoning District Regulations).

Note: where the last column in the tables ("See Standards in Section") includes a Section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Zoning Code may also apply.

TABLE 2-5 - ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL ZONING DISTRICTS

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See standards in Section:
	CRS	CG	CS	CD-C	CD-M	CD-V	
MANUFACTURING & PROCESSING USES							
Electronics, equipment, and appliance manufacturing			P				
Fabric product manufacturing			P				
Food and beverage product manufacturing, small-scale			P		CUP		
Furniture and fixtures manufacturing, cabinet shops			P				
Handcraft industries, small-scale manufacturing			P		CUP		
Laundries and dry cleaning plants			P				
Metal products fabrication, machine/welding shops			P				
Plastics, other synthetics, and rubber products			P				
Printing and publishing		P					
Recycling facilities - Large collection facilities			CUP				
Recycling facilities - Reverse vending machines	P	P	P	P	P	P	
Recycling facilities - Small collection facilities		P	P				
Research and development (R&D)			P				
Warehousing, wholesaling and distribution			P				
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES							
Adult businesses		P					17.38.030
Auditoriums and meeting halls		CUP		CUP	CUP	CUP	
Bars and night clubs		CUP		CUP	CUP	CUP	
Clubs, lodges, and private meeting halls		CUP				CUP	
Health/fitness facilities		CUP					
Indoor amusement/recreational facilities		CUP		CUP			
Libraries and museums				MUP	MUP	P	
Outdoor commercial recreation facilities	CUP	CUP			CUP	CUP	
Parks and playgrounds		CUP		P	P	P	
Private residential recreational facilities					CUP	CUP	
Recreational vehicle (RV) parks	P						
Religious places of worship		CUP				CUP	
Schools		CUP					
Studios - Art, photography, etc.		P			P		
Theaters, motion picture		CUP		CUP	CUP	CUP	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
P	Permitted use - Zoning Clearance required. (2)	17.42.020
MUP	Conditional use - Minor Use Permit required. (2)	17.42.050
CUP	Conditional use - Conditional Use Permit required. (2)	17.42.050
	Use not allowed. (See 17.02.020.D regarding uses not listed.)	

Notes:

(1) See Article VI for definitions of each of the land uses listed.

(2) Site Plan and Architectural Review may also be required; see Section 17.42.030.

TABLE 2-5 - ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL ZONING DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See standards in Section:
	CRS	CG	CS	CD-C	CD-M	CD-V	
RESIDENTIAL USES							
Duplexes					P	CUP	
Emergency shelters	P	P	P	P	P	P	
Employee housing	CUP				CUP		
Home occupations				P	P	P	17.38.070
Mixed-use residential				CUP	CUP	CUP	17.38.090
Multi-family dwellings					CUP	CUP	17.38.120
Residential accessory uses and structures					P	P	17.38.150
Residential care homes					P	P	
Single family dwellings					CUP		
RETAIL TRADE USES							
Accessory retail uses	P	P	P	P	P	P	17.38.020
Art, antique, collectable, and gift sales		P		P	P	CUP	
Auto and vehicle sales/rental			CUP				
Auto parts sales		P	P				
Bakeries, retail		P		P	P		
Building material and hardware stores			P				
Convenience/liquor stores		P		P	P		
Drive-in and drive-through sales	(3)	(3)	(3)	(3)	(3)	(3)	
Equipment sales and rentals		CUP					
Furniture, furnishings, appliances		P	P		P		
General retail stores		P		P	P		
Grocery stores		P		CUP	CUP	CUP	
Mobile home, recreational vehicle, and boat sales		CUP					
Outdoor retail sales and activities	MUP			CUP	P		17.38.130
Plant nurseries, garden supply stores			P	P			
Restaurants		P		P	P	P	
Shopping centers or complexes		CUP		CUP	CUP	CUP	
Warehouse retail stores		CUP					17.38.200

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
P	Permitted use - Zoning Clearance required. (2)	17.42.020
MUP	Conditional use - Minor Use Permit required. (2)	17.42.050
CUP	Conditional use - Conditional Use Permit required. (2)	17.42.050
	Use not allowed. (See 17.02.020.D regarding uses not listed.)	

Notes:

(1) See Article VI for definitions of each of the land uses listed.

(2) Site Plan and Architectural Review may also be required; see Section 17.42.030.

(3) Use prohibited as required by General Plan policy LU-5c.

TABLE 2-5 - ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL ZONING DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See standards in Section:
	CRS	CG	CS	CD-C	CD-M	CD-V	
SERVICE / COMMERCIAL USES							
Ambulance services			P				
Automated teller machines (ATMs)		P	P	P	P	P	
Banks and financial services		P		P	P		
Building materials storage yard			P				17.38.170
Business support services		P	P	P	P		
Car wash		CUP	P		CUP		
Child day care centers			CUP		CUP	P	17.38.050
Contractor storage yard			P				17.38.170
Drive-in and drive-through services	(3)	(3)	(3)	(3)	(3)	(3)	
Equipment rental			CUP				
Kennels, animal boarding			P				
Lodging - Hotels, motels, bed and breakfast inns		CUP		P	CUP	P	17.38.080
Lodging - Vacation clubs of 3 or fewer units					P	P	17.38.180
Lodging - Vacation clubs of 4 or more units						CUP	17.38.180
Medical clinics and labs		P			P		
Mini-storage, public self-service			P				
Offices - Ground floor		P		CUP		CUP	
Offices - Second or upper floor		P		P	P	P	
Parking facilities/vehicle storage, privately owned/operated				CUP	CUP	CUP	
Personal services		P	P	CUP	P	P	
Public safety facilities	P	P	P	P	P	P	
Public utility facilities		CUP	CUP		CUP	CUP	
Repair services - Non-vehicular		P			P	CUP	
Service stations		CUP			CUP		17.38.160
Storage, accessory		P	P	P	P	P	
Storage, outdoor			P				
Tattoo parlors			CUP	CUP			
Telecommunications facilities	CUP	CUP	CUP	CUP	CUP	CUP	17.38.040
Vehicle services - Maintenance/minor repair		P	P		CUP		
Vehicle services - Major repair/body work			P				
Veterinary clinics, animal hospitals			P		P		17.38.190

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
P	Permitted use - Zoning Clearance required. (2)	17.42.020
MUP	Conditional use - Minor Use Permit required. (2)	17.42.050
CUP	Conditional use - Conditional Use Permit required. (2)	17.42.050
	Use not allowed. (See 17.02.020.D regarding uses not listed.)	

Notes:

(1) See Article VI for definitions of each of the land uses listed.

(2) Site Plan and Architectural Review may also be required; see Section 17.42.030.

(3) Use prohibited as required by General Plan policy LU-5c.

17.12.040 - Commercial District General Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-6, in addition to the applicable development standards in Chapter 17.14 (Commercial District Design Standards), and Article III (Site Planning and General Development Standards).

TABLE 2-6
COMMERCIAL DISTRICT GENERAL DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District		
	CRS	**CG**	**CS**
Minimum lot size	*Minimum area and width for parcels proposed in new subdivisions.*		
Lot area	2 acres for RV park site	Determined by land use permit or subdivision process	10,000 sq.ft.
Lot width	100 ft.	Determined by land use permit or subdivision process	75 ft.
Setbacks required	*Minimum setbacks required. See Chapter 17.22 for setback measurement, allowed projections into setbacks, and exceptions to required setbacks.*		
Front	15 ft.	10 ft.	
Side and rear	None		
Blufftop	25 ft. from the top of the bluff for parcels subdivided before 1-23-81; as determined by geologic study elsewhere. See Chapter 17.32 (Ocean Fronting Development).		
Floor Area Ratio (FAR)	N.A	2.0	0.5
Height limit (1)	25 ft.	35 ft.	25 ft.
Landscaping (2)	30% of site area	10% of site area	
Parking and loading	As required by Chapter 17.34 (Parking and Loading).		
Signs	As required by Chapter 17.36 (Signs).		

Notes:

(1) Maximum allowed height of structures, except where a Height Limitation (HL), or View Considerations (V) overlay district applies (Sections 17.18.040, and 17.18.060, respectively). The -HL overlay applies in the following planning areas established by the General Plan: the Commercial Core, Dinosaur Caves, Freeway Foothills, North Spyglass, Shell Beach, Spyglass, South Palisades, and Sunset Palisades. See also Chapter 17.20 (Height Measurement and Exceptions).

(2) Minimum area of landscaping required, in compliance with Chapter 17.30 (Landscaping).

TABLE 2-6
COMMERCIAL DISTRICT GENERAL DEVELOPMENT STANDARDS (Continued)

Development Feature	Downtown Commercial Requirements by Zoning District Subareas		
	CD-C	**CD-M**	**CD-V**
Minimum lot area (1)	5,000 sq.ft.; or as required by Conditional Use Permit	5,000 sq.ft.	
Maximum density	*Maximum number of dwelling units/hotel units allowed per specified land area.*		
Residential units	As required by Conditional Use Permit	1 unit per 1,450 sq.ft. of site area. (For example, a 5,000 sq.ft. lot may be allowed 3 units (5,000 / 1,450 = 3.45, rounded down to 3).)	
Hotel & motel units	1 single-room unit per 500 sq.ft. of site area; 1 multi-room suite per 800 sq.ft. of site area.		
Setbacks required	*Minimum setbacks required. See Chapter 17.22 for setback measurement, allowed projections into setbacks, and exceptions to required setbacks. (6)*		
Front	10 ft. where side lot line abuts residential, none otherwise. (2)	15 ft.	
Sides (each)	None	Residential uses: 5 ft. minimum. Commercial uses: None required.	5 ft. minimum.
Rear	None	Residential uses: 10 ft. minimum Commercial uses: None required.	5 ft. minimum.
Blufftop	25 ft. from the top of the bluff for parcels subdivided before 1-23-81; as determined by geologic study elsewhere. See Chapter 17.32 (Ocean Fronting Development).		
Floor Area Ratio (FAR)	2.0 maximum	Residential uses: [1].25 maximum Commercial uses: 2.0 maximum	1.25 maximum
Site coverage (3)	80% (8)	70%; 55% for residential uses.	
Height limit (4)	35 ft. (7)	35 ft.; 25 ft. for single-family dwellings. (7)	
Landscaping (5)	10% of site area	10% of site area, minimum.	
Parking and loading	As required by Chapter 17.34 (Parking and Loading)		
Signs	As required by Chapter 17.36 (Signs)		

See footnotes on next page.

Notes:
(1) Minimum area for parcels proposed in new subdivisions.
(2) A minimum of 50 percent of the width of the first floor shall be located along the front property line.
(3) Maximum percentage of site area that may be covered with structures. See the definition of site coverage in Article VI (Definitions).
(4) Maximum allowed height of structures, except where a Height Limitation (HL), or View Considerations (V) overlay district applies (Sections 17.18.040, and 17.18.060, respectively). The -HL overlay applies in the following planning areas established by the General Plan: the Commercial Core, Dinosaur Caves, Freeway Foothills, North Spyglass, Shell Beach, Spyglass, South Palisades, and Sunset Palisades. See also Chapter 17.20 (Height Measurement and Exceptions).
(5) Minimum area of landscaping required, in compliance with Chapter 17.30 (Landscaping).
(6) See also Section 17.12.050.F for setback requirements for accessory structures within the CD districts.
(7) See Section 17.12.050.B for height limits on sites adjacent to the boardwalk area.
(8) Greater site coverage may be authorized through Conditional Use Permit approval.

17.12.050 - CD District Site Planning and Land Use Standards

The following requirements apply to development and new land uses within the CD-C, CD-M, and CD-V zoning districts, in addition to the standards of Section 17.12.040 (Commercial District General Development Standards), and Chapter 17.14 (Commercial District Design Standards).

A. **Levi-Benson property (APN 5-201-17).** The site bounded by the Pismo Pier parking lot, Cypress and Pomeroy Streets, and Hinds Avenue may meet the landscaping requirements of this Zoning Code through the use of paseo and plaza areas that are provided with planter areas and container plants.

B. **Sites adjacent to Boardwalk.** Proposed development on sites adjacent to the Boardwalk area identified in the General Plan/Local Coastal Plan shall comply with the following requirements.

1. **Access dedication.** Proposed development adjacent to the Boardwalk or areas intended for the extension of the Boardwalk shall comply with the lateral access dedication and construction requirements of Section 17.32.060 (Public Access).

2. **Height limits and upper floor setback requirements.** Structures adjacent to the boardwalk within the CD zoning districts be limited to a maximum height of 35 ft. from site grade. Facades immediately adjacent to the boardwalk are limited to one story no higher than 12 ft., including roofs; additional stories may be added up to the maximum height allowed, provided that the second and upper floors are set back the following minimum distances from the edge of the first floor adjacent to the boardwalk:

2nd floor: 7 - 10 ft.
3rd floor: 14 - 20 ft.
4th floor: 21 - 30 ft.

C. **Creekside parcels.** Development proposed on parcels located adjacent to Pismo Creek shall comply with the following requirements.

1. **Dedication and improvement of lateral access.** The approval of proposed development on any site located along Pismo Creek from the Ocean to Highway 101, may require the dedication of a public access easement for a creekside trail. The width of the required easement may be allowed to vary from 10 feet to 20 feet, at the sole discretion of the City. The width required for particular segments shall be based on feasibility, the requirement that no parcel be rendered undevelopable, and the need to obtain a harmonious and continuous alignment for the path as a whole. All required pathway improvements shall be installed by the developer as part of the project at the time of its construction. Pathway improvements may consist of a variety of materials and/or structures.

2. **Setback of structures from the Pismo Creek Channel.** Except for public access improvements, all structures located on parcels adjacent to Pismo Creek shall be set back from the top of the creek bank a minimum distance of 50 feet for parcels between Highway 101 and Dolliver Street and 25 feet for parcels between Dolliver and the Pacific Ocean. A lesser setback may be permitted if:

   a. The minimum setback would render a parcel inaccessible or unusable for the purpose designated by the applicable zoning district; or

   b. A resource assessment study demonstrates that a lesser buffer will not have adverse effects on streamside vegetation or the biotic quality of the stream.

   In all cases, the location of the top of the creek bank shall be determined by the City Engineer.

D. **Mixed-use projects.** Mixed use projects shall comply with the requirements of Section 17.38.090 (Mixed Use Projects).

E. **Requirements for pedestrian plazas.** A pedestrian plaza is an open space unobstructed from ground to sky that is available for use by the public for walking or seating.

1. **Applicability.** The following proposed projects shall be required to incorporate a pedestrian plaza:

   a. Any visitor-serving commercial development fronting Cypress Street or the ocean, except that projects on ocean-fronting parcels which construct a boardwalk are exempt from this requirement.

   b. Any commercial development on a lot over 5000 square feet in area located within the CD-C, and CD-M districts.

2. **Minimum area.** A required pedestrian plaza shall be designed and constructed with a minimum area of 100 square feet for every 5,000 square feet of site area or portion thereof.

3. **Ineligible space for a pedestrian plaza.** The following shall not qualify as part of any required pedestrian plaza:

   a. Portions of a site which that are not related to areas of primary pedestrian circulation;

   b. Pathways and entrances to buildings necessary for normal pedestrian circulation; and

   c. Areas identified for exclusive use by employees or by business customers, such as outdoor dining areas or lobbies.

4. **Design standards.** The following standards shall apply to the design and construction of required pedestrian plazas:

   a. The design shall be an integral part of the overall project and shall have a harmonious relationship between pedestrian circulation patterns within the project and adjacent public sidewalks;

   b. The design shall incorporate seating, enhanced paving materials, shade trees, and/or trellises, lighting, and landscaping. Container plants are appropriate for small areas;

   c. The plaza area shall be open to the sky except for shade trellises and roof overhangs;

   d. The plaza shall be located either at ground level or at a maximum of five feet above ground level as measured at the nearest street curb. The plaza shall be accessible to the general public during normal business hours;

   e. Decorative planters of ceramic, terra-cotta, or wood shall be incorporated into the design of the plaza;

   f. A visual focal point feature shall be provided in each public plaza. This may be a sculpture, a fountain, special landscape feature, or other distinguishing focal point;

   g. Lighting for a plaza area shall be between 1.0 to 1.5 footcandles; areas that must be secured shall have 2.0 footcandle of lighting; and

   h. Additional requirements may be imposed by the Commission as conditions of approval.

5. **Incentive bonuses.** As an encouragement for development of public pedestrian plazas and paseos, the following bonuses shall be provided if requested by the developer and approved by the Commission:

   a. For every 200 square feet of public plaza or courtyard provided, the number of on-site parking spaces required by Chapter 17.34 (Parking and Loading) may

be reduced by one parking space, provided that a finding is made that adequate parking will be available to serve the project;

b. For every one percent of the site area provided in public plazas or courtyards, the maximum allowable building floor area may be increased by two percent of the site area, provided that all Uniform Building Code requirements are met.

The Commission may approve adjustments to the above incentives to take into consideration site irregularities or constraints, the location of the site within the overall downtown area, relationship of the project to adjacent structures and uses, and any other unique attributes of the project.

F. **Accessory structures.** The following shall apply to all accessory buildings and structures.

1. **Limitation on number of structures.** No more than one accessory building shall be permitted per parcel.

2. **Location and setback requirements.** Accessory structures shall not be located adjacent to streets, sidewalks or the boardwalk, and shall comply with the following setback requirements:

a. **Side setbacks:** 5 feet in the CD-M district; none required in the CD-C district;

b. **Rear setbacks:** 10 feet in the CD-M district; none required in the CD-C district; and

c. **Setbacks from other structures:** a minimum of six feet from other structures on the site.

3. **Height limit:** 15 feet.

4. **Maximum floor area:** 120 square feet.

5. **Portable structures.** Portable structures shall be limited to a maximum floor area of 80 square feet and a maximum height of eight feet.

G. **Conversion of visitor-serving lodging.** The conversion of visitor serving lodging in the CD zoning districts to non-visitor serving uses shall be prohibited, unless the cost of rehabilitation is greater than 50 percent of the market value of the structure, or the review authority determines that the existing use can no longer be made economically viable.

H. **Maintenance of vacant parcels.** Vacant parcels shall be maintained free of trash and debris.

17.12.060 - CD District Building Design Standards

This Section provides design standards for the zoning districts that comprise the downtown area (CD-C, CD-M and CD-V zoning districts). Project proponents shall consult these standards in addition to the General Commercial Design Standards (Section 17.14.030) when proposing a project in the downtown area.

A. **Objectives.** The design standards in this Section are provided in recognition that Downtown Pismo Beach is a unique place and requires special attention to design. The objectives of these standards are as follows:

1. Ensure that new development, including additions and renovations of existing structures, does not have adverse aesthetic, health, safety, or visual impacts on adjoining properties, or the downtown area in general;

2. Improve the quality of physical changes throughout the downtown area;

3. Encourage creativity in design;

4. Promote a strong pedestrian orientation; and

5. Promote the preservation and rehabilitation of downtown's historic and contextual building elements details, and materials;

B. **General design standards.**

1. **Scale, bulk and form.** Scale is the relationship between a proposed building's size or volume and the size of surrounding buildings. The scale of new buildings shall be consistent with existing buildings in the immediate area. Designs shall incorporate details and elements (e.g., door and window openings) that are close enough to the dimensions of the human body to be comfortable to pedestrians.

   Development shall comply with the following standards to avoid large, box-like buildings:

   a. Exterior wall planes shall be articulated by varying depth and/or direction.

   b. Upper floors shall be stepped back from the footprint of the ground floor.

   c. The height of various parts or elements of a building shall be varied.

   d. Roof planes, shapes, and pitches shall be varied.

   e. Entryways and entry structures shall be limited to one story in height.

   f. Appropriately sealed materials, (e.g., bricks and small tiles) shall be used to reinforce the human scale at building entrances.

g. Plain walls at the ground floor level shall be avoided. Windows, wall insets, change in materials, awnings, and plazas shall be used to create variety.

2. **Compatibility with context.** New development, including additions to existing structures, shall be designed to be compatible with surrounding buildings in terms of mass, form or shape, scale, height, colors, and materials. The configuration and heights of new buildings shall be designed to correlate with adjacent open spaces to allow maximum sunlight, ventilation, protection from prevailing winds, enhanced public views, and minimum obstruction of ocean views from adjoining structures. The height of new structures shall allow for a transition from the height of adjacent development to the maximum height of the proposed structure. To reduce the apparent height of buildings, a variety of roof shapes and forms shall be incorporated. See Figure 2-13.

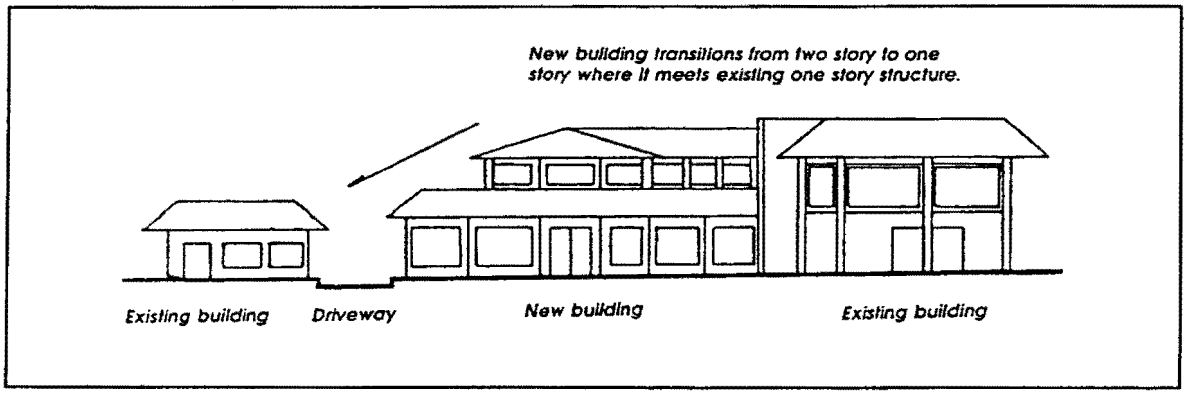


FIGURE 2-13
COMPATIBILITY WITH CONTEXT

3. **Articulation of walls and roofs.** New development, including additions and renovations to existing buildings, shall be designed to provide articulation in wall and roof planes. Articulation describes the degree or manner in which a building wall or roofline is made up of distinct parts or elements. A highly articulated wall will appear to be composed of a number of different planes, usually made distinct by their change in direction (projections and recesses) and/or changes in materials, colors, or textures. Horizontal as well as vertical wall articulation shall be expressed through the use of varied roof planes and heights, wall offsets, recessed windows and entries, awnings, roof overhangs, upper-floor setbacks, use of color, and changes in materials and textures. See Figure 2-14.

4. **View protection.** New commercial and residential development, including additions and renovations of existing structures, shall be designed to provide view corridor that preserve ocean views. This may be accomplished by providing stepbacks of upper stories; orienting structures to frame or accent prominent views; and using balconies, decks and bay windows to make views accessible. When rooftops of new development can be viewed from adjacent buildings, they shall be designed to minimize detraction from views.

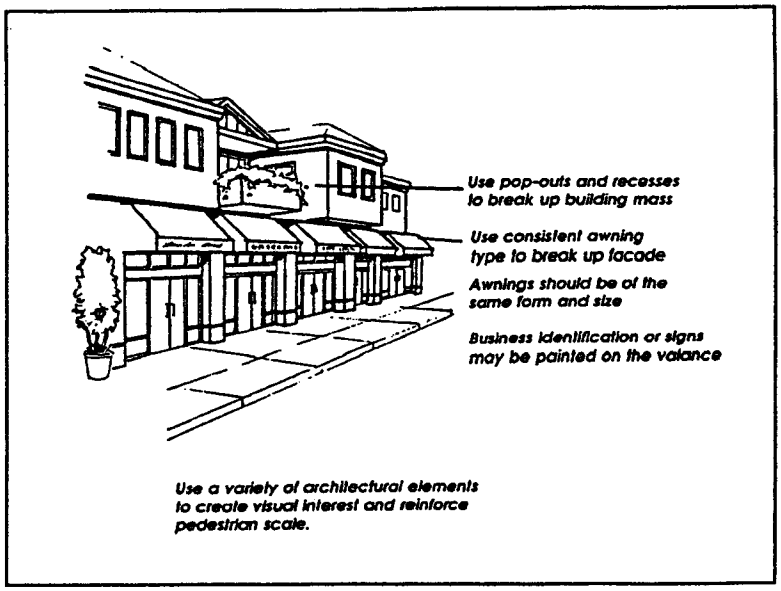


FIGURE 2-14
ARTICULATION OF WALLS AND ROOFS

C. **Prohibited project elements.** The following features or elements are prohibited:

1. Large blank, flat wall surfaces;
2. Square "boxlike" buildings with flat roofs;
3. Metal or plastic siding and highly reflective surfaces (mirrored windows, etc.);
4. Mix of unrelated materials (i.e., rustic wood shingles and polished chrome and materials applied on only a portion of a building;
5. Visible outdoor storage, loading areas, and equipment; and
6. Disjointed parking areas and awkward circulation patterns.

D. Special standards for rear facades. Where parking areas and alleys exist or are planned behind buildings, rear facades can be an important visual and functional of the City's downtown. The design of rear facades for new development, including additions and renovations of existing structures, shall comply with the following:

1. Rear facades shall be designed to be consistent with the architectural style of the building and the design of the primary facade, but shall not be over improved. Rehabilitations of the rear facade may introduce accessory elements typical of the main facade (e.g., awnings or light fixtures), but shall not attempt to replicate storefronts or to add decorative embellishments typically found only on the main facade.

2. Direct entrances to shops through the rear facade shall be provided where feasible to encourage pedestrian activity and to separate walk areas from vehicular traffic.

3. Awnings on the rear facade shall be consistent with awnings on the front facade.

4. Identifying signs at rear entrances shall be provided to encourage the use of the rear entrance.

5. Landscape improvements shall include special planting treatments at rear facades. For existing buildings, the use of potted plants and raised planters shall be considered where paving and lack of irrigation may prevent normal landscape methods.

6. Lighting shall be added to rear facades to create a pleasant and safe nighttime environment. See Figure 2-15.



Rear entry treatment should reflect the front facade treatment. Add pedestrian scale amenities such as display windows, awnings, wood and glass doors and surface paving.

FIGURE 2-15
REAR ENTRY TREATMENT

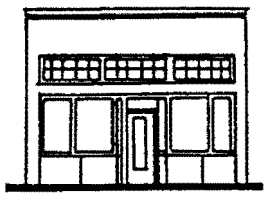
E. Standards for building additions and renovations.

1. Additions to existing buildings shall be designed to be integrated with the existing building. The new addition shall match the original in terms of scale, architectural details, window and door styles and openings, roofline, materials, color, and other aspects of design.

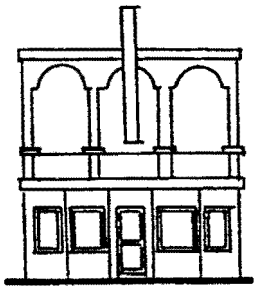
2. Where a large addition is developed, the entire building shall be renovated to achieve a single, coordinated appearance. See Figure 2-16.

3. The introduction of new materials shall be limited so that the total number of materials does not clutter the facade. New materials shall blend with or complement the originals in texture, composition and color. No more than four separate materials are permitted for walls, door and window frames, accent trim (wood, brick, tile) and canvas awnings.

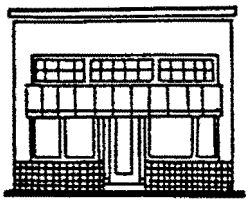
F. Storefront renovation. When storefronts are to be remodeled, they shall be considered within the context of the whole building and adjacent storefronts. New design elements that alter the architectural character of the building or its relationship to the street are prohibited. New materials that are different or incompatible with materials on the rest of the building are strongly discouraged. See Figure 2-16.



EXISTING ORIGINAL FACADE



Existing "Modernized" Facade



Restoration of original storefront is strongly encouraged

FIGURE 2-16
STOREFRONT RENOVATION

G. Building materials. Building materials add texture and color to development and shall be coordinated with the overall architectural style of the building so that they compliment one another and produce a coherent visual character. The following standards apply to new development, including additions and renovations of existing buildings:

1. Allowed materials for exterior walls:

   a. painted wood siding (horizontal and vertical);

   b. brick (natural earth colors only);

   c. stucco;

   d. wood trim;

   e. single color tile when used on bulkheads (below windows) not above three feet in height; and

   f. anodized aluminum in dark colors for door and window frames.

2. Undesirable/discouraged materials for exterior walls:

   a. plastic molded imitations of any building material;

   b. corrugated metal or aluminum sheets;

c. mirrored or metallized reflective glass;

d. stucco treated as "hacienda" texture or other heavy texture;

e. silver aluminum extrusions for windows and doors;

f. coarsely finished "rustic" materials (wood shakes, barnwood, or stained fir plywood);

g. variegated brick, oversized brick, and white brick mortar: and

h. indoor-outdoor carpeting.

H. Roof design and materials. Roof shapes and materials contribute to the overall character and scale of a building. Roofs shall be designed to compliment the architectural style of a building and other buildings in the surrounding area. The following standards apply to new development, including additions and renovations to existing buildings:

1. Variety shall be provided in roof heights and forms. Full roofs are required for new buildings that utilize hip or gable forms with slopes less than 6:12. In the CD-C zoning district, flat roofs with parapets are allowed if compatible with adjacent buildings.

2. Nearly vertical roofs (A-frames) and piecemeal mansard roofs (used on a portion of the building perimeter only) are prohibited.

3. All rooftop equipment shall be screened from public view. Mechanical equipment shall be located below the highest vertical element of the building to avoid the use of penthouse structures or other special screening devices that may be difficult to integrate into the overall building design.

4. When mechanical equipment is added to an existing roof, it shall be screened to match the architectural style and roof materials of the existing building without giving the appearance of being added on.

5. Roof drains shall be designed as an integral part of the structure and not be exposed on the exterior.

6. When skylights are used on sloping roofs, a flat design is required. "Bubble" design skylights are prohibited.

7. Allowed materials for visible roof surfaces in new development and additions and/or renovations to existing development include: slate, standing metal seam, and tile in natural colors. The use of a metal roof shall require Conditional Use Permit approval.

8. Prohibited roof materials for new development and additions and/or renovations to existing development include: corrugated metal, high contrast and/or brightly-

colored glazed tile, (except where desirable for accent purposes) highly reflective surfaces, illuminated roofing, and wood shakes.

I. **Doors and windows**. The following standards apply to all new development, including additions and renovations of existing structures.

1. The first floor of commercial structures have sufficient areas of glass to give an open, public character to the downtown. Storefronts shall be a minimum of 60 percent window area and a maximum of 85 percent window area.

2. Upper story street-wall construction shall contain a minimum of 35 percent window area

3. Large, continuous expanses of glass without careful detailing shall be avoided. Glass areas shall be subdivided by mullions, or decorative millwork to reduce the size of the glass areas and to create a more human scale.

4. Bay, bow, and box windows may be used along storefronts to add visual interest to a facade by providing variety, shadow, and texture.

5. Lightly-tinted glass may be used to reduce solar gain; however, deeply-tinted glass and reflective glass which stops views into the interior of buildings shall be avoided. The reflective coefficient of any glass used shall be less than 30. Where tinted glass is used, the transmittance coefficient shall be greater than 30.

6. Window and door frames may be constructed of any of the following materials: steel, anodized aluminum, wood, wood and metal, and vinyl-covered wood. The materials and finish of the frame shall be appropriate to the overall building character. Silver- and gold-colored aluminum frames are not allowed.

J. **Exterior Colors**. Color can dramatically affect the visual appearance of buildings and shall be carefully considered in relation to the overall design intent of the building. Color can also affect the apparent scale and proportion of buildings by highlighting architectural elements (e.g., doors, windows, fascia, cornices, lintels, and sills). The following standards apply to new development, including additions and renovations of existing buildings:

1. Neutral or soft colors are preferable for large wall surfaces (light gray, cream, beige, tan, light blue, etc.) while brighter or deeper shades provide effective accents and trim colors (brown, dark green, maroon, white, black, charcoal gray, etc.);

2. Walls of intense white color and bright yellow and oranges are not allowed;

3. The color palette chosen for a building shall be compatible with the colors of adjacent buildings, except where the colors of adjacent buildings are not consistent with the requirements of this Subsection;

4. Buildings shall use no more than three colors;

5. When brick or stone are used on a building, their natural inherent colors shall be maintained; and

6. Contemporary buildings that interpret a historical building style shall follow the traditional color schemes of the particular style.

K. **Lighting standards**. Lighting plays a major role in establishing the nighttime character of the downtown, especially as it relates to the pedestrian ambiance and safety of the area. The following standards apply to new development, including additions and renovations of existing structures:

1. Neon lighting may be used for building outlining and other decorative architectural accents.

2. Incandescent lamps shall be used whenever possible. The use of mercury vapor and other similar high intensity light sources is not allowed except at a rear entrance that is not visible from the street.

3. All lighting shall be shielded to confine light spread within the site boundaries.

4. One footcandle evenly distributed across the surface of a parking lot is the required minimum. Walkways shall have approximately two footcandles of illumination at the surface. Building entrances shall also be well lighted.

L. **Awnings and canopies**. The use of awnings and canopies on buildings add architectural interest and are encouraged throughout the downtown area. They provide a means of breaking up large walls that otherwise may be left blank except for window openings. Awnings also provide protection from the elements and opportunities for small-scale, pedestrian-oriented signs. The following standards apply to all awnings:

1. An encroachment permit is required for any awning that is proposed to extend over a public right-of-way.

2. The design of awnings shall be compatible to the overall facade on which they are to be placed in terms of size, shape, scale, and color. See Figure 2-17.

3. On existing buildings, the size and shape of the awnings shall be compatible with the architectural style of the building.

4. The highest point of a first-floor awning shall not be higher than the midpoint of the space between the second-story window sills and the top of the first-floor storefront windows.

5. The overall size and shape of an awning shall be compatible with the size and shape of the door, window, or other feature that it is accenting. See Figure 2-18.

6. A minimum seven-foot vertical clearance between the sidewalk and the lower-most portion of the awning shall be maintained. An eight-foot clearance shall be

maintained between the sidewalk and the lowest structure member of the awning. See Figure 2-19.

7. Awnings shall use a single color or two-color stripes. Lettering and trim may be of other compatible colors. Signs may be painted on awnings but are restricted to the awning flap (valance) or to the end panels of angled or box awnings. See Figure 2-20.

8. Awning material shall maintain the appearance of canvas or cotton fabric. The use of aluminum, vinyl, or back-lit awnings is not allowed. Awning material shall be fire treated per Section 8.04.050 of the Municipal Code.

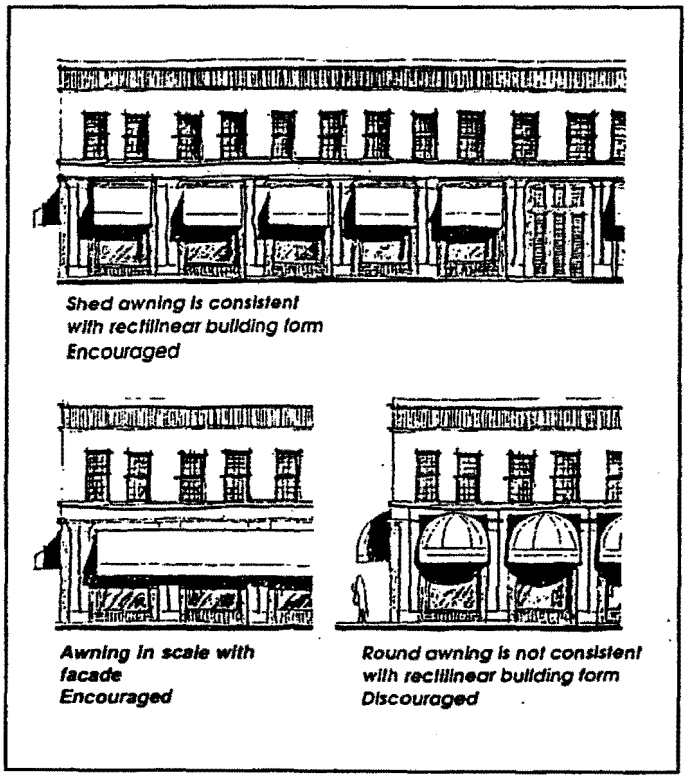


FIGURE 2-17
AWNING DESIGN COMPATIBILITY

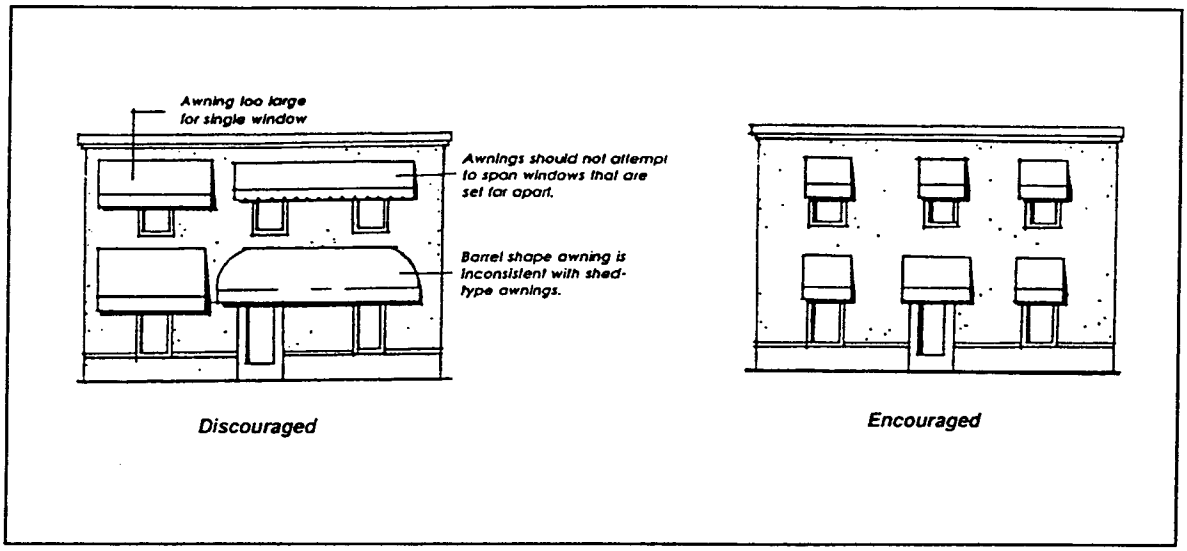


FIGURE 2-18
AWNING SCALE COMPATIBILITY

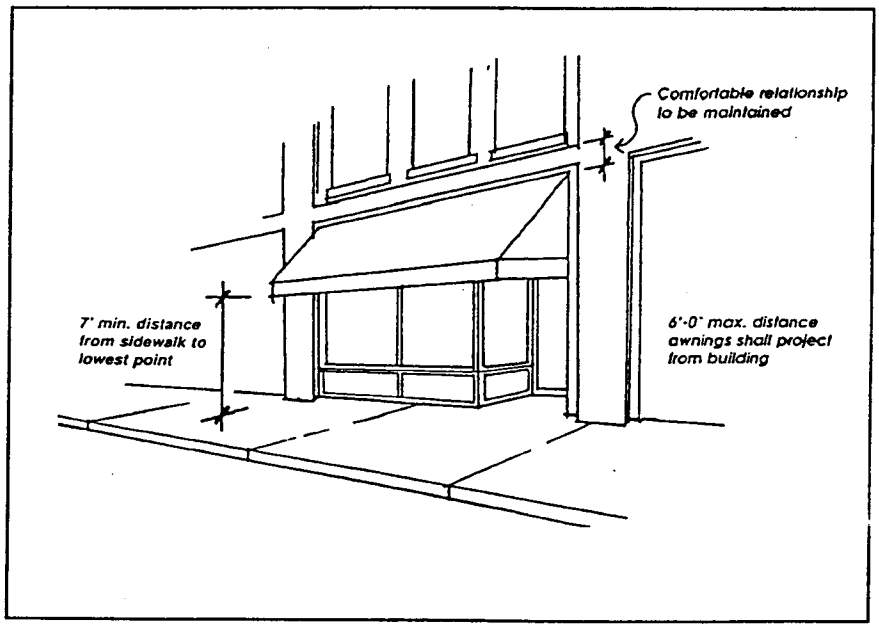


FIGURE 2-19
CLEARANCE FROM SIDEWALK

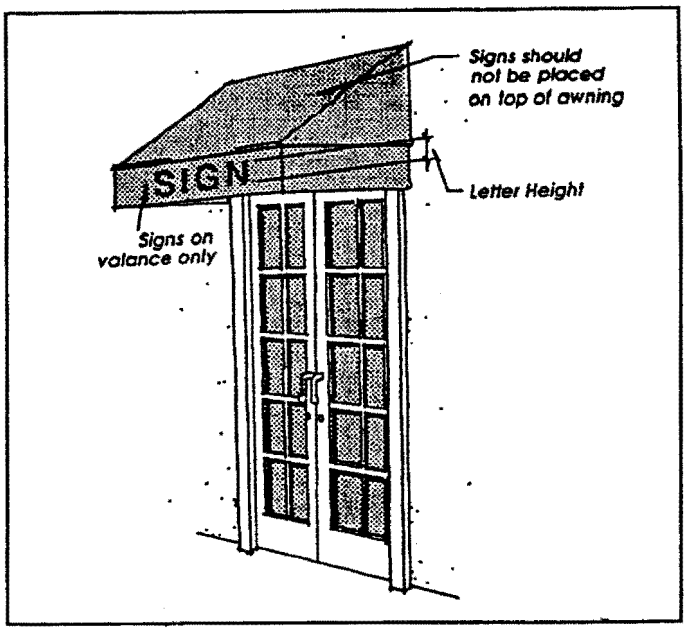


FIGURE 2-20
SIGNS ON AWNINGS

CHAPTER 17.14 - COMMERCIAL DESIGN STANDARDS

Sections:

17.14.010 - Purpose of Chapter
17.14.020 - Applicability
17.14.030 - Overall Design Objectives for Commercial Projects
17.14.040 - Site Planning Standards
17.14.050 - General Architectural Design Standards

17.14.010 - Purpose of Chapter

The Commercial Design Standards are intended to assist property owners and project designers in understanding the City's goals for attaining high quality commercial development that is sensitive to the City's small town scale and coastal environment. The standards will be used during the Site Plan and Architectural Review process as criteria for project review.

17.14.020 - Applicability

A. The provisions of this Chapter apply to all commercial, office, and institutional projects (additions, remodeling, relocation, or new construction) on a citywide basis. Project proponents shall consult both sets of design standards when preparing development plans within these zoning districts.

B. The design elements of each project (including site design, architecture, landscaping, signs, parking design) will be reviewed on a comprehensive basis using these design standards. Other provisions of this Zoning Code pertaining to signs, landscaping, and parking shall also be addressed whenever applicable.

C. The review authority may exercise discretion in applying the standards of this Chapter to proposed projects, where the review authority determines that a design feature proposed by the applicant as an alternative to these standards achieves substantially the same results as these standards.

17.14.030 - Overall Design Objectives for Commercial Projects

The design of each project shall work toward achieving the following objectives:

A. Consider Pismo's small-town scale and coastal environment and demonstrate sensitivity to these influences;

B. Articulate building forms and elevations to create interesting roof lines, building shapes, and patterns of shade and shadow. Avoid box-like structure with large flat wall planes;

C. Utilize landscaping to provide project amenities and to screen parking, equipment, and storage areas;

D. Provide site access, parking, and circulation that is planned in a logical, safe manner;

E. Consider the need for signs and their appropriate locations early in the design process; and

F. Design spaces for outside equipment, trash receptacles, storage, and loading areas in the least conspicuous part of the site.

17.14.040 - Site Planning Standards

Project site planning shall comply with the following standards.

A. Consider adjacent development. Each development proposal shall demonstrate consideration for the existing conditions on and off the site including the following:

1. Land use and site organization of neighboring properties;

2. Architectural character/style of neighboring structures;

3. Links to adjacent development using sidewalks and shared access drives and parking.

4. Existing natural features (i.e., mature trees, landforms, etc);

5. Opportunities to preserve or enhance views of the ocean; and

6. Privacy and solar access of the site and neighboring properties.

B. Building and parking location.

1. Buildings shall generally be oriented parallel to streets and shall be placed as close to the street as required and established setbacks permit. Buildings may be angled to create interesting juxtapositions if there is a legitimate goal to be achieved. However, the definition of the street edge is an important and legitimate role for buildings and this needs to be considered. Exceptions may occur for wider setbacks from the street if a compatible use is proposed (e.g., outdoor dining or pedestrian plaza areas) or to maintain continuity with landscaped areas or adjacent properties.

2. The orientation of buildings shall respond to the pedestrian or vehicular nature of the street. Buildings in areas with high pedestrian use shall face on, and be directly accessible from the public sidewalk.

3. Commercial sites (i.e., shopping centers) shall be designed to locate a minimum of 30 percent of the total building frontage (including pad buildings) close to the front setback line. This siting, together with substantial landscaping treatment, reinforces, and strengthens the overall streetscape, and helps to screen off-street parking areas. See Figure 2-22.

4. Corner buildings shall have a strong tie to the setback lines of each street. The primary mass of the building shall not be placed at an angle to the corner. This does not preclude angled building corners or an open plaza at the corner which are strongly encouraged.

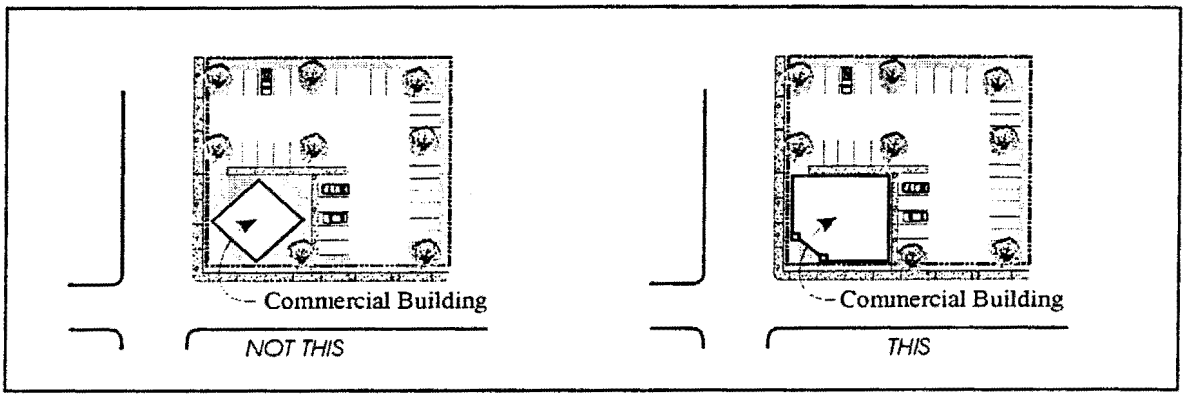


FIGURE 2-21
BUILDING PLACEMENT AT STREET CORNERS

5. Multiple buildings in a single project shall create a positive functional relationship with one another. Whenever possible, multiple buildings shall be clustered to achieve a "village" scale. This creates opportunities for plazas and pedestrian areas while preventing long "barracks-like" rows of buildings. When clustering is impractical, a visual link shall be established between buildings. This link can be accomplished through the use of an arcade system, trellis, colonnade, or through enhanced paving. See Figure 2-22.

6. The visual impact of parking lots shall be minimized by locating these facilities to a portion of the site least visible from the street and by providing adequate screening and parking lot landscaping. Refer to Section 17.34.080 (Parking Design Guidelines).

7. Projects shall connect the on-site pedestrian circulation system to the off-site public sidewalk at intervals of one connection for each 100 lineal feet (or fraction thereof). See Figure 2-23.

8. Parking areas shall be connected to building entrances by means of enhanced paving (patterned or stamped).

9. Loading facilities shall not be located at the front of buildings where they will be difficult to adequately screen from view. These facilities are more appropriate at the rear of the site where special screening may not be required.

10. Building placement shall optimize off-site views to the ocean or nearby hills.

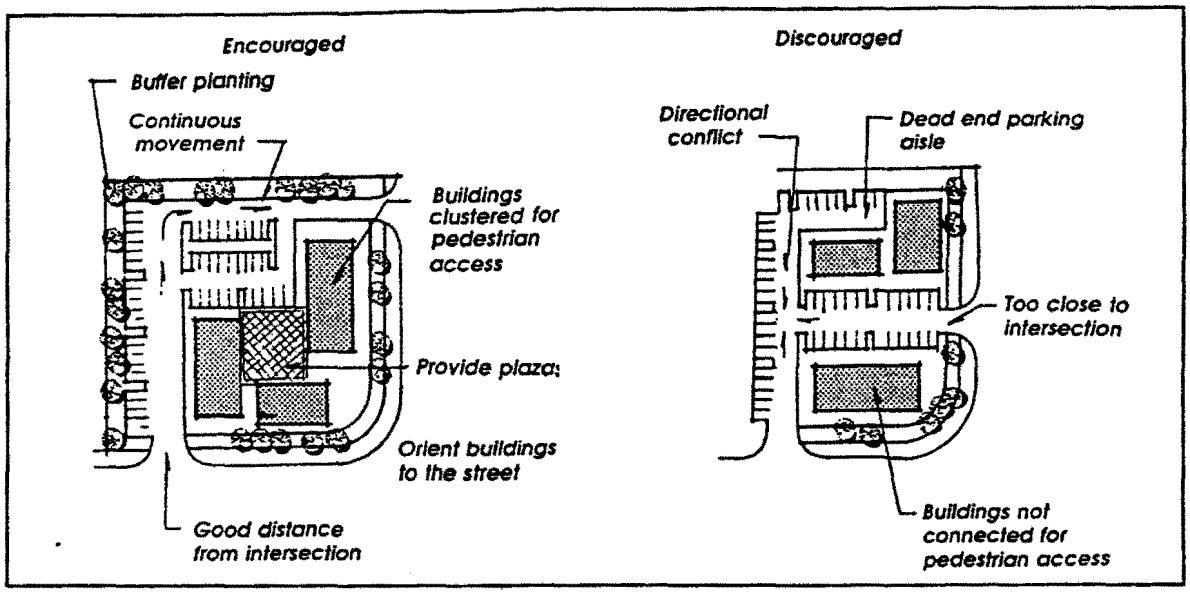


FIGURE 2-22
BUILDING AND PARKING LOCATION

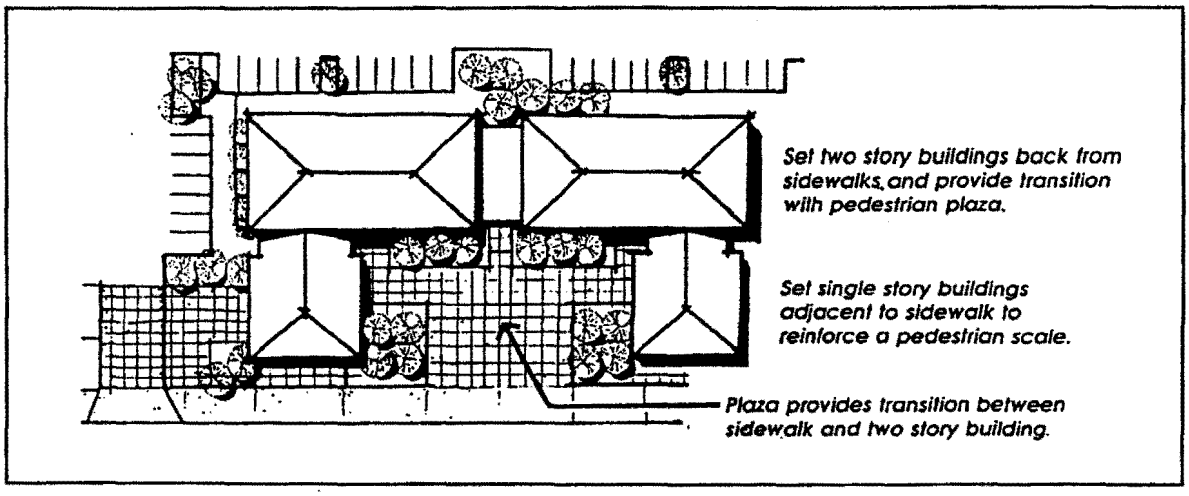


FIGURE 2-23
PEDESTRIAN ORIENTATION OF PARKING

11. Commercial buildings constructed on hillsides shall step to follow the natural terrain. Projects that significantly alter the natural slope can have a great visual impact and are strongly discouraged.

C. Landscaping.

1. Landscaped areas shall be planned as an integral part of the overall project and not simply located in "left over" areas of the site.

2. Landscaping shall be used to help define outdoor spaces, soften a structure's appearance, and to screen parking, loading, storage, and equipment areas.

3. The use of on-site pedestrian amenities (e.g., benches, shelters, drinking fountains, lighting, and trash receptacles) is strongly encouraged. These elements shall be provided in conjunction with on-site open spaces and be integrated into the site plan as primary features.

4. In addition to the above general standards for landscaping, more detailed design standards are provided in Section 17.30.060 (Landscape Design Standards).

D. On-site lighting.

1. Exterior lighting shall be designed to be compatible with the architectural and landscape design of the project.

2. An appropriate hierarchy of lighting fixtures/structures and intensity shall be considered when designing the lighting for the various elements of a project (i.e., building and site entrances, walkways, parking areas, or other areas of the site). To achieve the desired lighting level for parking and pedestrian areas, the use of more short, low intensity fixtures is encouraged over the use of a few tall fixtures that illuminate large areas.

3. The use of exterior lighting to accent a building's architecture is encouraged. All lighting fixtures shall be properly shielded to eliminate light and glare from impacting adjacent properties, and passing vehicles or pedestrians. If neon tubing is used to illuminate portions of a building it shall be concealed from view through the use of parapets, cornices, or ledges. Small portions of exposed neon tubing may be used to add a special effect to a building's architecture but this shall be well thought out and integrated into the overall design of the project. See Figure 2-24.

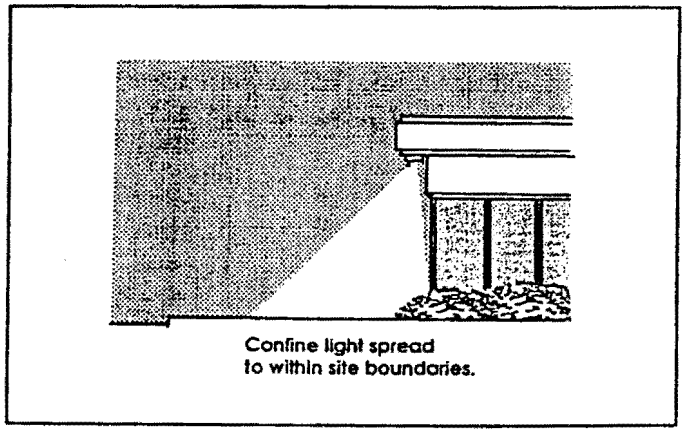


FIGURE 2-24
SHIELDED EXTERIOR LIGHTING

E. Screening.

1. Screening is a technique used to protect and separate uses and site functions from one another for the purpose of decreasing adverse noise, wind, or visual impacts and to provide privacy. The need for screening shall be considered early in the design process so that screening elements (e.g., walls, fences, berms, landscaping) can be effectively integrated into the overall project design and not added later as an afterthought.

2. The method of screening shall be compatible with the adjacent structure in terms of overall design, materials, and color.

3. Where screening is required at the ground level, a combination of elements shall be considered including solid masonry walls, wood fences, berms, and landscaping.

F. Refuse, storage, and equipment areas.

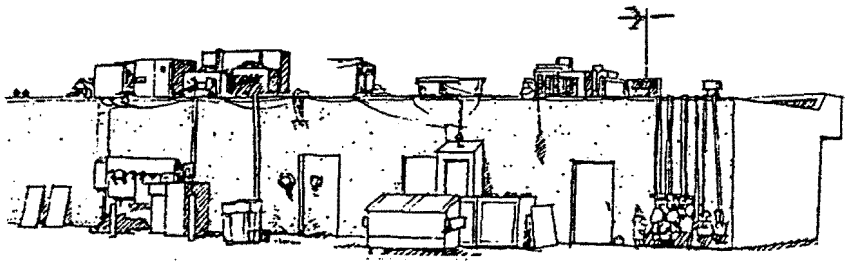
1. Refuse containers, service areas, loading docks, and similar facilities shall be located in areas out of view from the general public and so that their use does not interfere with on-site parking or circulation areas, and adjacent uses, especially residential uses.

2. Trash storage areas that are visible from the upper stories of adjacent structures shall have an opaque or semi-opaque horizontal cover/screen to mitigate unsightly views. The covering structure shall be compatible with the site's architectural style.

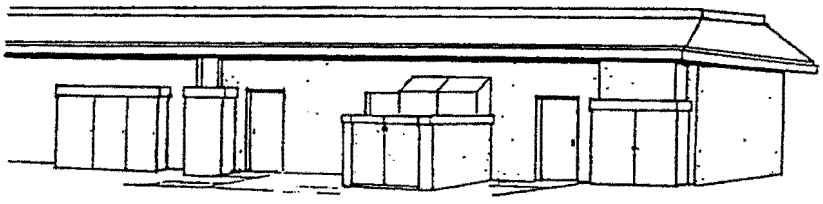
3. Utility, plumbing and electrical equipment (including electric and gas meters, electrical panels, junction boxes, and similar facilities) shall be located in a utility room within the structure or enclosed utility cabinets at the rear of the structure. See Figure 2-25.

4. Mechanical equipment (including compressors, air conditioners, pumps, heating and ventilating equipment, generators, solar collectors, satellite dishes, communications equipment and similar facilities) and other types of mechanical equipment shall be concealed from view of public streets, and neighboring properties. See Figure 2-25. Telecommunications equipment shall also comply with the provisions of Section 17.38.040 (Antennas, Wireless Communications Facilities).

5. Mechanical equipment shall not be located on the roof of a structure unless the equipment can be hidden by building elements that are an integral part of the building's design. See Figure 2-25.



Unscreened rooftop equipment and utilities are strongly discouraged.



Screened equipment and screened utility meters are encouraged.

FIGURE 2-25
SCREENING REQUIREMENTS

17.14.050 - General Architectural Design Standards

A. **Architectural style.** No predetermined architectural style or design theme is required in the City: Pismo Beach cannot be defined by any one architectural style. A variety of architectural characteristics adds to the City's overall image. While variety in design is generally encouraged, compatibility of new projects with their surroundings shall be a priority.

B. **Neighborhood compatibility.** In designing a building, it is important to analyze the areas surrounding the building site to find elements of compatibility that can be used in the new design. Sameness, however, shall not be a design goal. It is important for each site to both maintain its own identity and be complementary to its surroundings. Thus, a new building can be unique and interesting and still show respect for and compatibility with the architectural styles in its vicinity.

Design factors to be considered include:

1. Appropriate design theme;

2. Proportional building scale/size;

3. Appropriate building setback;

4. Harmonious colors, textures, and building materials.

C. **Design consistency.** Designs shall demonstrate a consistent use of colors, materials, and detailing throughout all elevations of the building. Elevations that do not directly face a street shall not be ignored or receive only minimal architectural treatment.

D. **Form and mass.** Structure design shall provide a sense of human scale and proportion. Structures shall be designed to avoid a "box-like" appearance. Horizontal and vertical wall articulation shall be expressed through the use of wall offsets, recessed windows and entries, awnings, full roofs with overhangs, second floor setbacks, or covered arcades. See Figure 2-26.

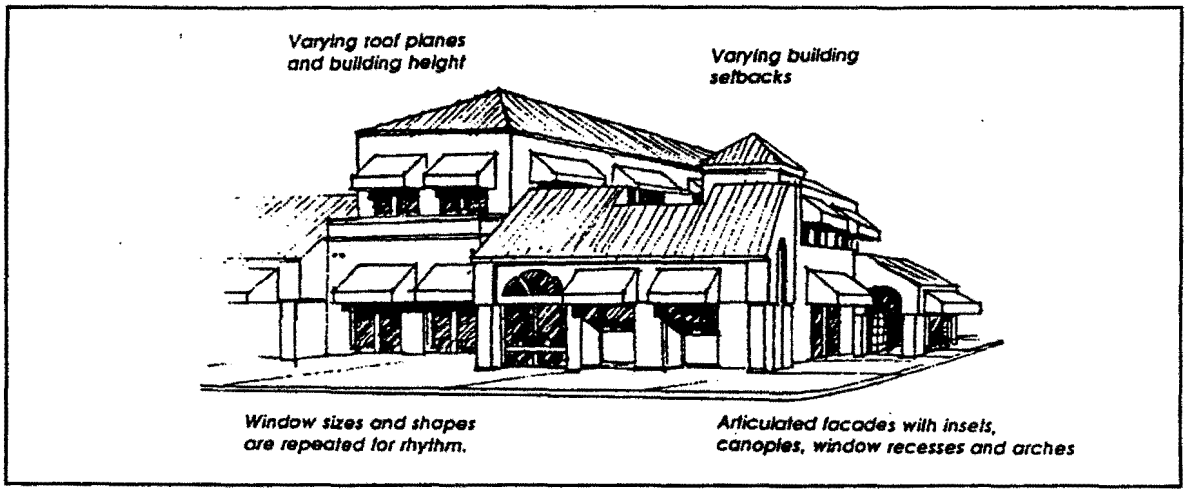


FIGURE 2-26
FORM AND MASS

E. Rooflines.

1. The design of a structure's roof contributes strongly to its image as a quality, permanent structure. Structures with full-pitched roofs project a more small town image. Structures with flat roofs and parapets tend to appear unfinished and less permanent in their structure.

   With the exception of the downtown area, where structures are usually built to the front and side property lines and full roofs may not be appropriate, new freestanding structures shall incorporate full-pitched roofs whenever possible. See Figure 2-27.

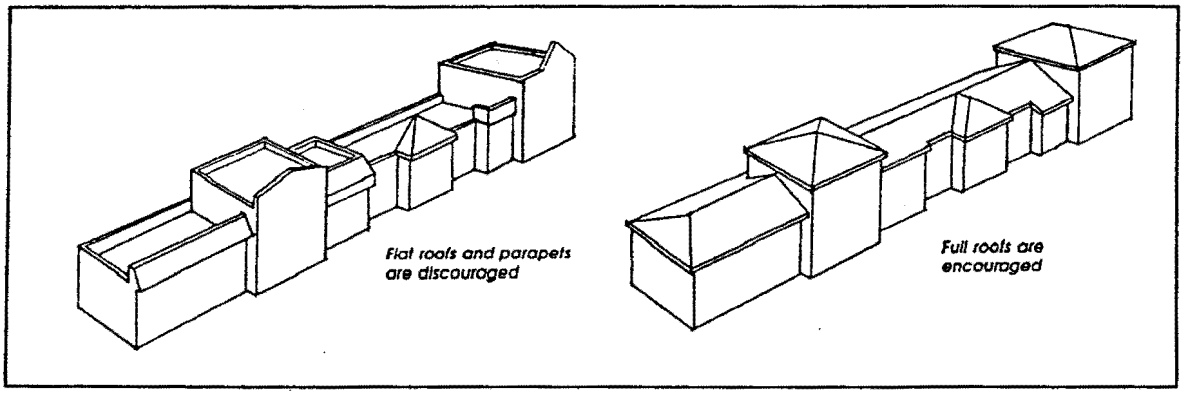


FIGURE 2-27
ROOFLINES

2. Roofs may be gable, hip, or shed-type, but in all cases shall either be full pitched or shall appear so from the street. Any flat portions (i.e., equipment wells) shall be small and not visible from streets or other areas where the public has access. On larger structures, pitched roofs shall be multi-planed to avoid large expanses of monotonous single-planed roofs.

3. Flat roofs may be considered for larger commercial structures when it is determined that a project's overall design is amenable to flat roofs and is otherwise consistent with the objectives of these standards. When flat roofs are used, there shall be a screening parapet topped with a coping, cornice, or, if determined appropriate to the project's style, a modified mansard. Mansards shall maintain the same roof pitch as surrounding structures and shall be both high and deep enough to create the illusion of being a true roof. Small, steeply-pitched mansard roofs that appear "stuck-on" are discouraged.

F. Parapets.

1. Parapet walls shall be treated as an integral part of the structure design. They shall receive architectural detailing consistent with the rest of the facade design and shall not appear as unrelated elements intended only to screen the roof behind.

2. Where a mansard roof is incorporated into the parapet design, views from above the structure shall also be considered relative to any visible structural support elements.

G. Entries. Entries shall be protected from the elements and shall create a focus or sense of entry for the building. Wall recesses, roof overhangs, canopies, arches, signs, and similar architectural elements shall be integral to the building's design and call attention to the importance of the entry.

H. Additions to existing structures.

1. The design of a proposed addition shall follow the general scale, proportion, massing, and detailing of the original structure, unless the size of the addition is equal to or greater than the existing structure, and includes alterations to the existing structure to establish a new overall style. The addition shall be harmonious with the original structure, not a stark contrast. See Figure 2-28.

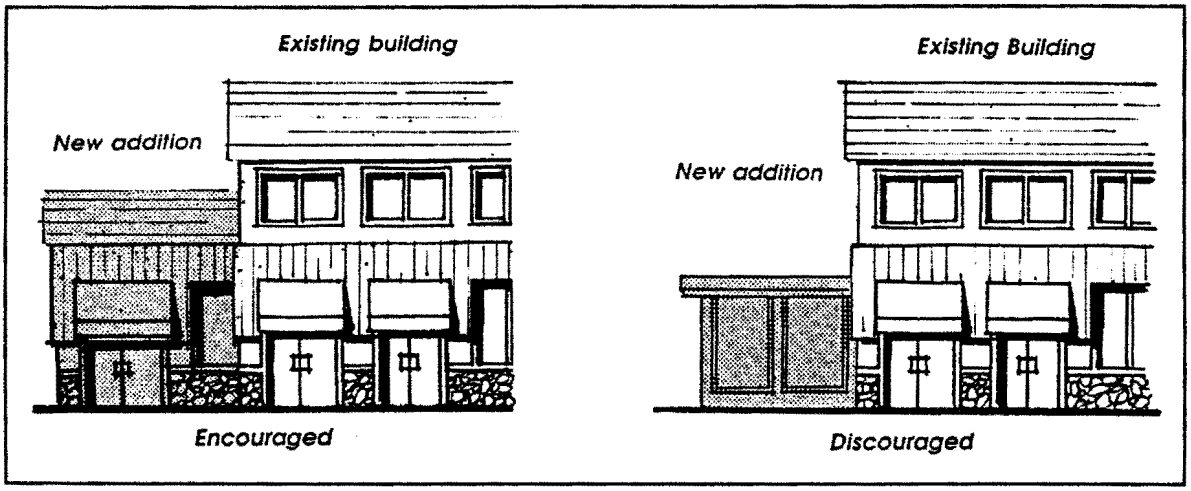


FIGURE 2-28
ADDITIONS TO EXISTING STRUCTURES

2. The new addition shall be an interpretation of the existing building wherein the main characteristics of the existing structure are incorporated into the design of the addition. This may include: the extension of architectural lines from the existing structure to the addition; repetition of bay, window, and entrance spacing; use of harmonizing colors and materials; and the inclusion of similar, yet distinct, architectural details (e.g., window/door trim, lighting fixtures, tile/brick decoration, etc.)

I. Building materials.

1. False or decorative facade treatments, wherein one or more unrelated materials appear "stuck-on" a building, shall be avoided. Materials shall be used honestly.

Fake products which attempt to imitate real materials (e.g., wood, stone, brick, etc) are discouraged.

2. The composition of materials shall avoid giving the impression of thinness and artificiality. Veneers shall turn corners, avoiding exposed edges. See Figure 2-29.

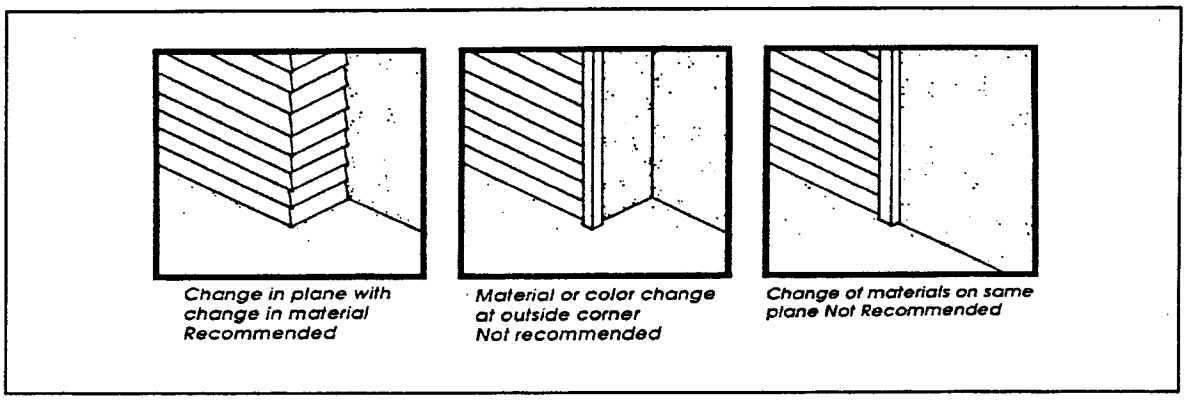


FIGURE 2-29
CHANGES IN MATERIALS OR COLORS

J. Colors.

1. Colors shall be compatible with the existing colors of the surrounding neighborhood but need not duplicate existing colors. The base color(s) of the structure shall be of light muted tones.

2. Accent colors shall be used carefully and be complementary to the base color or a variation of its hue, either weaker or stronger.

3. The transition between base and accent colors shall relate to changes in building materials or the change of building surface planes. Colors shall generally not meet or change without some physical change or definition to the surface plane.

CHAPTER 17.16 - SPECIAL PURPOSE ZONING DISTRICTS

Sections:

17.16.010 - Purpose of Chapter
17.16.020 - Purposes of Special Purpose Zoning Districts
17.16.030 - Special Purpose District Land Uses and Permit Requirements
17.16.040 - Special Purpose District General Development Standards
17.16.050 - Special Development Standards for Conditional Uses in the OS District

17.16.010 - Purpose of Chapter

This Chapter regulates development and new land uses in the special purpose zoning districts established by Section 17.06.020 (Zoning Districts Established).

17.16.020 - Purposes of Special Purpose Zoning Districts

The purposes of the individual special purpose zoning districts and the manner in which they are applied are as follows.

A. **OS (Open Space) District.** The OS zoning district is intended for areas with significant natural resources, environmentally sensitive habitats, and/or scenic views to be protected. These areas include: hillsides, waterways, coastal and hillside view corridors, public beaches, and parks. Open space lands are not intended to be intensively developed with buildings or other structures. The OS zoning district is consistent with the Open Space land use classification of the General Plan/Local Coastal Plan.

B. **PF (Public Facilities) District.** The PF zoning district is applied to areas appropriate for public and semi-public land uses. Allowable land uses may include: parks and other public facilities, schools, public parking lots and garages, and government offices. The PF zoning district is consistent with the Public and Semipublic land use classification of the General Plan/Local Coastal Plan.

17.16.030 - Special Purpose District Land Uses and Permit Requirements

Table 2-7 identifies the uses of land allowed by this Zoning Code in each special purpose zoning district, and the land use permit required to establish each use, in compliance with Section 17.06.040(B), (Zoning District Regulations).

Note: where the last column in the table ("See Standards in Section") includes a Section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Zoning Code may also apply.

TABLE 2-7 - ALLOWED USES AND PERMIT REQUIREMENTS FOR SPECIAL PURPOSE ZONING DISTRICTS

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT		See standards in Section:
	PF	OS	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES			
Community centers	P		
Nature preserve interpretive facilities		CUP	
Parks and playgrounds	P	CUP	
Residential recreational facilities	P		
Schools	P		
RESIDENTIAL USES			
Home occupations		CUP	17.38.070
Residential accessory uses and structures		CUP	17.38.150
Single-family dwellings		CUP	
SERVICE / COMMERCIAL USES			
Ambulance services	CUP		
Day care facilities	P		17.38.050
Parking facilities/vehicle storage, public	P		
Public buildings	P		
Public utility or safety facilities	P		
Telecommunications facilities	CUP		17.38.040

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
P	Permitted use - Zoning Clearance required. (2)	17.42.020
MUP	Conditional use - Minor Use Permit required. (2)	17.42.050
CUP	Conditional use - Conditional Use Permit required. (2)	17.42.050
	Use not allowed. (See 17.02.020.D regarding uses not listed.)	

Notes:

(1) See Article V for definitions of each of the land uses listed.

(2) Site Plan and Architectural Review may also be required; see Section 17.42.030.

17.16.040 - Special Purpose District General Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-8, in addition to any other applicable requirements of this Chapter, and the development standards in Article III (Site Planning and General Development Standards).

TABLE 2-8
SPECIAL PURPOSE DISTRICT GENERAL DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District	
	OS	**PF**
Minimum lot size (1)	Determined through subdivision review process	
Residential density (2)	1 unit per parcel	N.A.
Setbacks required	*Minimum setbacks required. See Chapter 17.22 for setback measurement, allowed projections into setbacks, and exceptions to required setbacks.*	
Front	20 ft.	
Sides (each)	Determined by Conditional Use Permit approval	
Rear		
Blufftop	25 ft. from the top of the bluff for parcels subdivided before 1-23-81; as determined by geologic study elsewhere. See Chapter 17.32 (Ocean Fronting Development).	
Site coverage (3)	Up to 60%; or 5,000 sq.ft. of the parcel, whichever is less	80%
Floor Area Ratio (FAR)	0.60, or up to 2,000 sq.ft., whichever is less	2.0
Open space (minimum)	As required by Conditional Use Permit	
Height limit	*Maximum allowed height of structures, except where a Height Limitation (HL), or View Considerations (V) overlay district applies (Sections 17.18.040, and 17.18.060, respectively). See also Chapter 17.20 (Height Measurement and Exceptions).*	
Residences	15 ft.	N.A.
Other structures	N.A.	25 ft.
Landscaping (4)	Determined by Conditional Use Permit for the approved use.	10% of site area
Parking and loading	As required by Chapter 17.34 (Parking and Loading)	
Signs	As required by Chapter 17.36 (Signs)	

See **Notes** on next page.

Notes:
(1) Minimum area and width for parcels proposed in new subdivisions.
(2) Maximum number of dwelling units allowed for each specified unit of land. No more than 60% or 5,000 sq.ft. of the site, whichever is less, shall be utilized for residential uses including buildings, parking, landscaping, gardening, outdoor living area, or other uses.
(3) Maximum percentage of site area that may be covered with structures. See the definition of site coverage in Article VI (Definitions).
(4) Minimum area of landscaping required, in compliance with Chapter 17.30 (Landscaping).

17.16.050 - OS District Standards for Conditional Uses

A. **Purpose and applicability.** This district is intended to protect natural open space and environmentally sensitive habitats by only allowing minimal development on parcels in these areas. Examples of uses conditionally permitted include: greenbelts for the protection of scenic resources, facilities for wildlife habitat, groundwater retention basins, erosion control measures, and passive recreational uses.

B. **Minimum resource protection standards.** Protection of sensitive resources in this district shall conform to the resource management guidelines established for siting and designing projects in an environmentally sensitive manner, as required by the California Coastal Act, Public Resources Code Sections 30233, 30236, and 30240.

C. **Additional development standards.** The following development standards apply to specific areas and land uses within the OS zoning district in addition to the provisions of Section 17.16.040 (Special Purpose District General Development Standards).

1. **Butterfly habitat.**

   a. **Limitation on use.** Development proposed at the State Park property shall not alter or remove the butterfly habitat in any manner, except where the development is intended to correct a serious threat to human life or property.

   b. **Setbacks.** All proposed development shall be located a minimum of 50 feet from the butterfly habitat area.

2. **Stream or riparian corridors.** Proposed development and new land uses within stream or riparian corridors shall be subject to the criteria provided by General Plan/LCP policies CO-14 and CO-21.

3. **Environmentally sensitive habitat areas.** No development shall be allowed within an environmentally sensitive habitat area identified by the General Plan/LCP.

4. **Pismo Marsh.** Any development or new land uses proposed within the Pismo Marsh area shall be subject to General Plan policies CO-23 through CO-27.

CHAPTER 17.18 - OVERLAY ZONING DISTRICTS

Sections:

17.18.010 - Purpose of Chapter
17.18.020 - Applicability of Overlay District Provisions
17.18.030 - Coastal Appeal (CA) Overlay District
17.18.040 - Height Limitation (HL) Overlay District
17.18.050 - Noise (N) Overlay District
17.18.060 - View Considerations (V) Overlay District

17.18.010 - Purpose of Chapter

This Chapter provides regulations for development and new land uses in the overlay zoning districts established by 17.06.020 (Zoning Districts Established). The overlay zoning districts established by this Chapter provide guidance for development and new land uses in addition to the standards and regulations of the primary zoning districts, where important site, neighborhood, or compatibility issues require particular attention in project planning.

17.18.020 - Applicability of Overlay District Provisions

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

A. **Mapping of overlay districts.** The applicability of any overlay zoning district to specific sites is shown by the Zoning Map for the specific overlay district. The districts are found in Sections 17.18.030 through 17.18.060.

B. **Allowed land uses.** Except as may be otherwise provided for a specific overlay district, any land use normally allowed in the primary zoning district by this Article may be allowed within an overlay district, subject to any additional requirements of the overlay district.

C. **Permit requirements.** Except as may be otherwise provided for a specific overlay district, development and new land uses within an overlay district shall obtain the land use permits required by this Article for the primary zoning district.

D. **Development standards.** Except as may be otherwise provided for a specific overlay district, development and new land uses within an overlay district shall comply with all applicable requirements of the primary zoning district.

17.18.030 - Coastal Appeal (CA) Overlay District

A. **Purpose.** The CA overlay district is intended to identify areas of the City where land use permit decisions may be appealed to the Coastal Commission.

B. **Applicability.** The CA overlay district is applied to areas located between the Pacific Ocean and the first public road parallel to the ocean, or:

1. Within 300 feet of the inland extent of the mean high tide, in compliance with the Coastal Act, Public Resources Code Section 30603(A.1); or

2. Within 100 feet of any stream, wetland, estuary, tidelands, or public trust lands.

The CA overlay district may be combined with any residential, commercial, or special purpose zoning district established by Section 17.06.020 (Zoning Districts Established), as well as with any other overlay district.

C. **Appeals to Coastal Commission.** Coastal permit appeal procedures are described in Chapter 17.54 (Appeals).

17.18.040 - Height Limitation (HL) Overlay District

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

B. **Applicability.** Multiple HL overlay subzones are established by this Section, each indicated by a numerical suffix, (e.g. RSHL1), which identifies the area where the height limit applies.

C. **Height limit.** Proposed development and new land uses, and alterations to existing structures shall not exceed the applicable height limit shown in Table 2-9 in the areas of the City where the HL overlay is applied on the zoning map. See also Chapter 17.20 (Height Measurement and Exceptions).

TABLE 2-9
HEIGHT LIMITATION OVERLAY DISTRICT STANDARDS

Height Limitation District	Height Limit
HL-1 (Sunset Palisades, Pismo Heights, St. Andrews Tract)	25 ft.; or 15 from the highest point of natural grade.
HL-2 (Central Sunset Palisades)	15 ft. from site grade.
HL-3 (South Palisades)	Up to 2 stories, provided ocean views from Highway 101 are not substantially blocked; 15 ft. from the center of the building footprint on ocean fronting sites.
HL-4 ((Dinosaur Caves)	25 ft; or up to height of the southbound lane of Highway 101 adjacent to the buildable frontage along Shell Beach Road; and up to 98.0 ft. above sea level for the North Dinosaur Cave planning area; and 118.0 ft. above sea level for the South Dinosaur Cave planning area.
HL-5 (Freeway Foothills)	25 ft., or 3 stories above site grade, whichever is less; and structures shall not detract from views of coastal landforms.
HL-6 (Shell Beach)	25 ft., and not to appear to be more than 2 stories from the exterior.
HL-7 (Spyglass)	25 ft. from site grade.
HL-8 (North Spyglass)	25 ft., from site grade within 125 ft. of the bluff; as required by the primary zoning district elsewhere. Buildings on blufftop properties adjacent to any public lateral accessway shall reduce building bulk by setting back each floor above the first successively from the edge of the first floor nearest the bluff top; and providing variations in setbacks.
HL-9 (Motel District)	25 ft. from site grade within 100 ft. of the bluff; as required by the primary zoning district elsewhere. Buildings on blufftop properties adjacent to any public lateral accessway shall reduce building bulk by setting back each floor above the first successively from the edge of the first floor nearest the bluff top; and providing variations in setbacks.

17.18.050 - Noise (N) Overlay District

A. **Purpose.** The N overlay district is intended to protect certain noise sensitive land uses from excessive noise levels.

B. **Applicability.** The N overlay district is applied to areas adjacent to significant noise sources identified by the General Plan, where special design and/or construction techniques are necessary to reduce interior and exterior noise to acceptable levels.

C. **Application content.** Land use permit applications for noise sensitive land uses (see the Noise Element of the General Plan) shall include an acoustical engineer's report indicating the level of noise impacts for the site, and appropriate mitigation measures.

D. **Noise standards.** Proposed development and new land uses shall be located, designed, and constructed so that exterior and interior noise levels shall not exceed the maximum levels shown for the applicable land use type, in the Noise Element of the General Plan.

17.18.060 - View Considerations (V) Overlay District

A. **Purpose.** The View Considerations (V) overlay zoning district is intended to ensure that site planning, building design, grading and landscaping techniques will preserve and protect the character and quality of the City's visual resources including: predominant natural landforms; coastal, canyon, and hillside views; distinctive vegetation, and urban form.

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

C. **Definitions.** The following terms and phrases are defined for the purposes of this Section.

1. **Bluff sight line.** The line of sight projected between the freeway sight position and the top of the bluff, as shown in a cross-sectional view (see the example in Figure 2-30).

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

3. **Horizon sight line.** A line of sight projected from the freeway sight position to the horizon, as shown in a cross-sectional view.

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

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

6. **Vertical view plane.** The rectangular area defined by the vertical area between the horizon and bluff sight lines, and the side property lines.

7. **Visual simulation.** A computer-generated or manually produced illustration of the appearance of a proposed development project. These illustrations are created by superimposing an artist's rendering or computer-generated image of the proposed structures upon a photograph of the site in its pre-development condition.

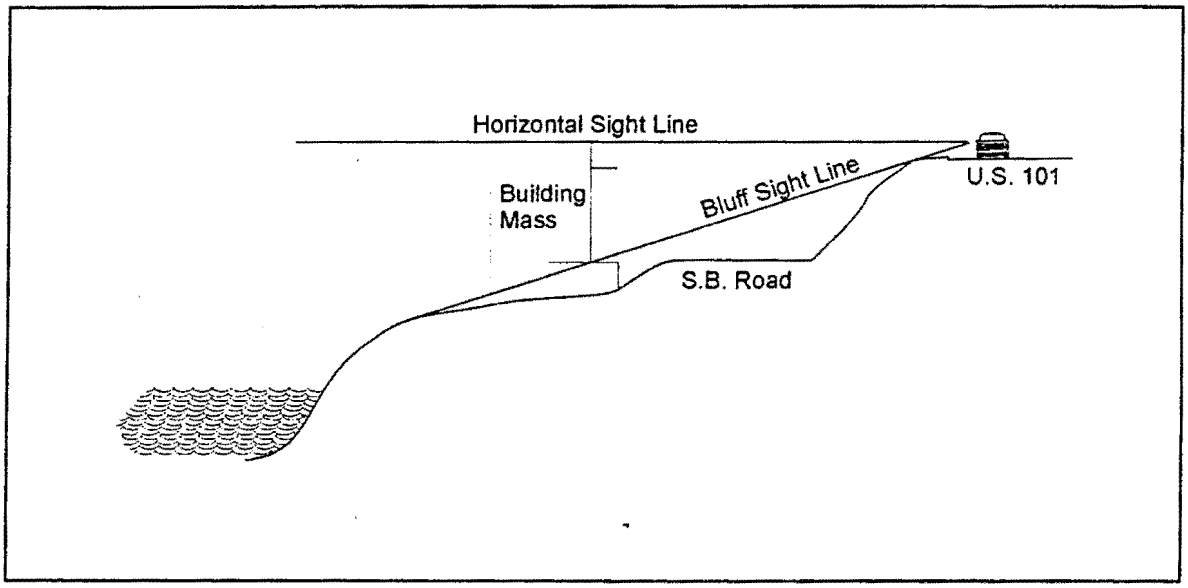


FIGURE 2-30
VISUAL IMPACT ANALYSIS

D. **Application content.** All applications for development and new land uses within areas described in Subsection F.1 below, shall include:

1. **Graphic visual impact analysis.** Cross-sectional and elevational drawings analyzing the impacts of the proposed project on scenic views, as shown in Figure 2-30. Overviews are measured by describing the vertical view plane first, and then superimposing the proposed structures against the vertical view plane. This method will provide a two-dimensional illustration of the extent of view blockage relative to the amount of view corridor and overview required by Subsection F.2, below.

2. **Visual simulations.** Visual simulations of the proposed project illustrating how proposed structures will appear within the existing landscape after construction. The simulations shall be accurately prepared using computerized photo montage techniques, and/or story poles placed on the site at the locations of proposed building corners. Simulations shall be prepared showing the proposed project from

at least the following vantage points, and any additional vantage points required by the Director:

a. From all streets fronting the site; and

b. From any location adjacent to Highway 101 where the proposed structures may be visible.

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

1. **Protection of existing views.** Development and new land uses, or changes to existing structures or land uses shall not result in a change in the elevation of the land, or the construction of any improvement, which would significantly, materially, and irrevocably, block, alter, or impair major views, vistas, viewsheds of major coastal landforms from designated scenic highways, public lands, waters or viewpoints.

2. **Side yard view corridors.** Where side yards provide a view from the street to the ocean or a view to attractive hills and valleys, the side yards should be maintained as open visual access corridors the width of the required side yard setback. These areas shall be open to the sky and free from all visual obstructions including trees and shrubs (except for a transparent gate or fence) from the front property line to the rear property line. Existing structures are exempt from this requirement.

3. **Screening.** All industrial facilities, public utilities, and public works facilities shall be screened from the view of any scenic highway to the maximum extent feasible. See also the screening requirements of Section 17.24.120 (Screening).

4. **Existing topography.** Proposed development, including roads, shall minimize the alteration of the natural topography and scenic values of the area.

   a. **Sunset Palisades area requirements.** All development shall be constructed on or into existing grades.

   b. **Freeway Foothills area requirements.** All development shall be constructed on or into existing grades; and residential units shall be clustered and located off the tops of ridges, knolls and hummocks a sufficient distance to retain the silhouette profile of the topographic feature.

5. **Foothill backdrop.** The size, location, and massing of structures shall not significantly obscure views of the scenic backdrop provided by the foothills from scenic highways.

6. **Landscaping.** Landscaping along scenic highways designated in the General Plan/LCP shall be designed to enhance existing scenic views.

7. **Signs.** All signs visible from scenic highways shall be designed so as to not detract from the visual quality of the area.

8. **Existing trees.** Existing mature trees visible from scenic highways shall be conserved whenever feasible.

F. **Protection of ocean views in specific areas.** Proposed development and new land uses shall be designed so that their height, bulk, and scale shall not significantly block ocean views from City designated scenic highways, and shall be designed to provide and maintain corridor views and/or overviews of the ocean from the scenic highways.

1. **General site planning guidelines.** Proposed development shall utilize clustered design and/or planned development concepts.

2. **Specific area requirements.** Proposed development within the North Spyglass, Motel District, and Dinosaur Caves planning areas shall be designed and sited to comply with the following requirements.

a. **North Spyglass and Motel District Planning Area.** Development proposed on any site with more than 150 feet of frontage on Shell Beach Road shall be designed to maintain at minimum:

(1) 35 percent of the site frontage width in open scenic view corridors of 20 feet or more in width;

(2) 40 percent scenic overviews, measured in compliance with Subsection D. above; and

(3) A combination of open scenic view corridors and overview totalling 40 percent of the vertical view plane, as defined in Subsection C., above.

b. **Dinosaur Caves Planning Area.** For new development within the Dinosaur Caves planning area, no structure or landscaping shall be allowed which would significantly impair views from Highway 101.

3. **Placement and design of view corridors.** Proposed development shall be designed and constructed to provide view corridors in compliance with General Plan Policy D-41, and General Plan Figure D-3. Proposed projects shall be designed to not impair the view corridor from Highway 101.

4. **Required findings.** The approval of a land use permit for any project within the planning areas listed in Subsection F.2 above shall include specific, project- and site-based findings by the review authority based on the application of this Section and the potential for view preservation and enhancement on each site.

CHAPTER 17.20 - HEIGHT MEASUREMENT AND EXCEPTIONS

Sections:

17.20.010 - Purpose of Chapter
17.20.020 - Maximum Height of Structures
17.20.030 - Height Measurement
17.20.040 - Exceptions to Height Limits
17.20.050 - Setback Requirements and Exceptions

17.20.010 - Purpose of Chapter

This Chapter provides the required methods for measuring the height of structures in compliance with the height limits established by this Zoning Code, and exceptions to the height limits established by this Zoning Code.

17.20.020 - Maximum Height of Structures

The height of structures shall not exceed the standard for the applicable zoning district established by this Article, except as otherwise provided by this Chapter.

17.20.030 - Height Measurement

The maximum allowable height shall be measured as the vertical distance from the site grade to an imaginary plane located the allowed number of feet above and parallel to the grade. See Figure 2-31.

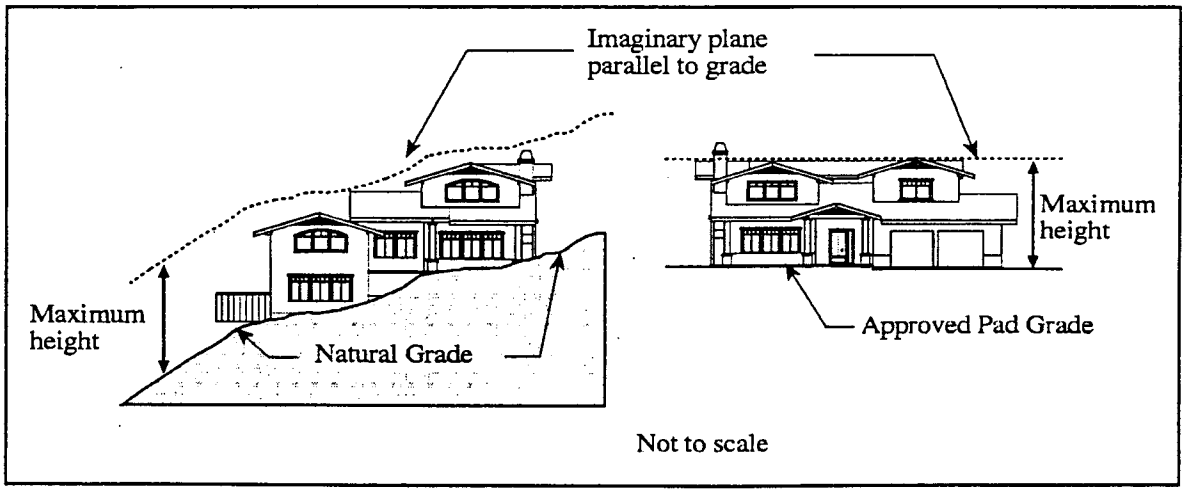


FIGURE 2-31
HEIGHT MEASUREMENT

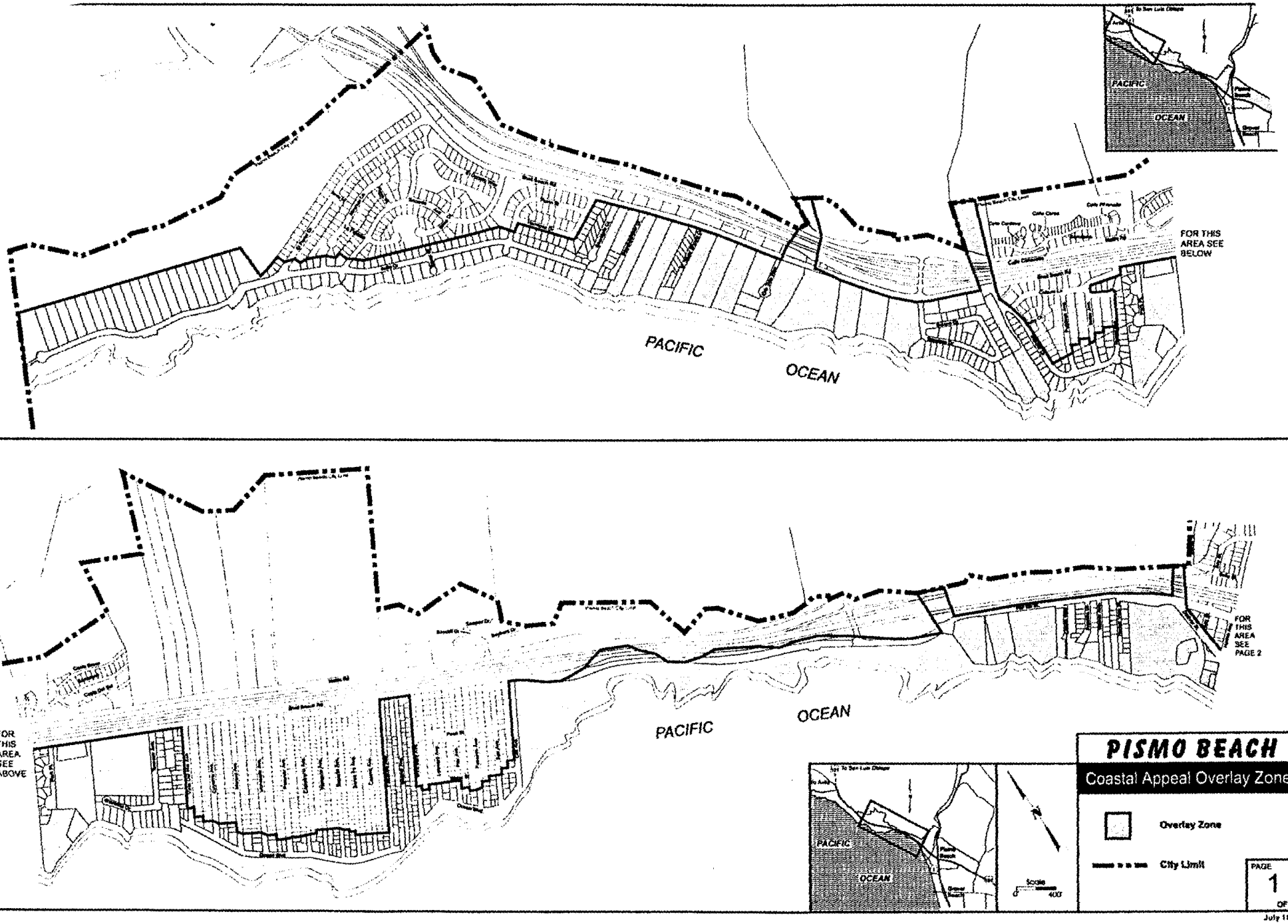
17.20.040 - Exceptions to Height Limits

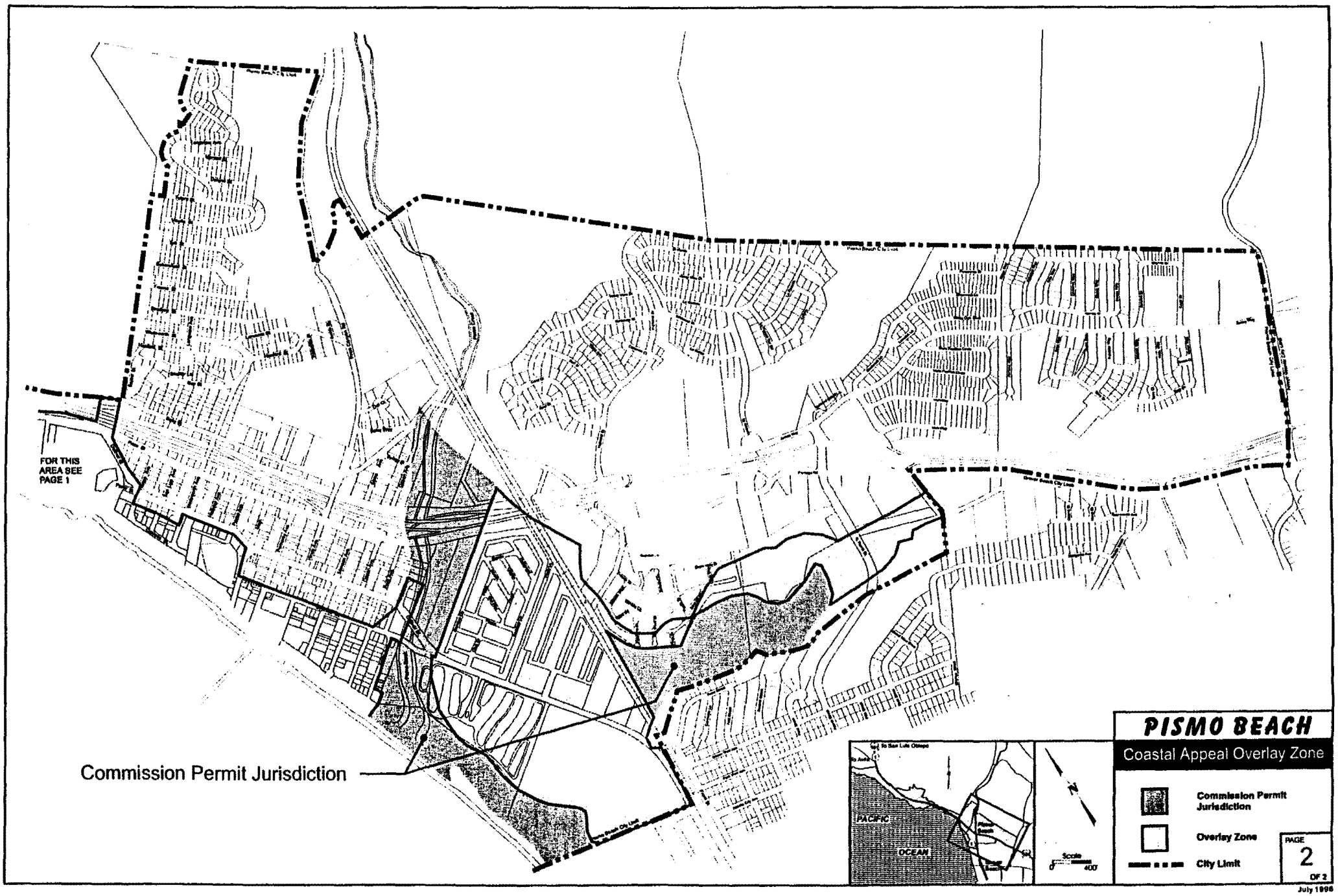
The height limits of this Zoning Code may be exceeded as follows.

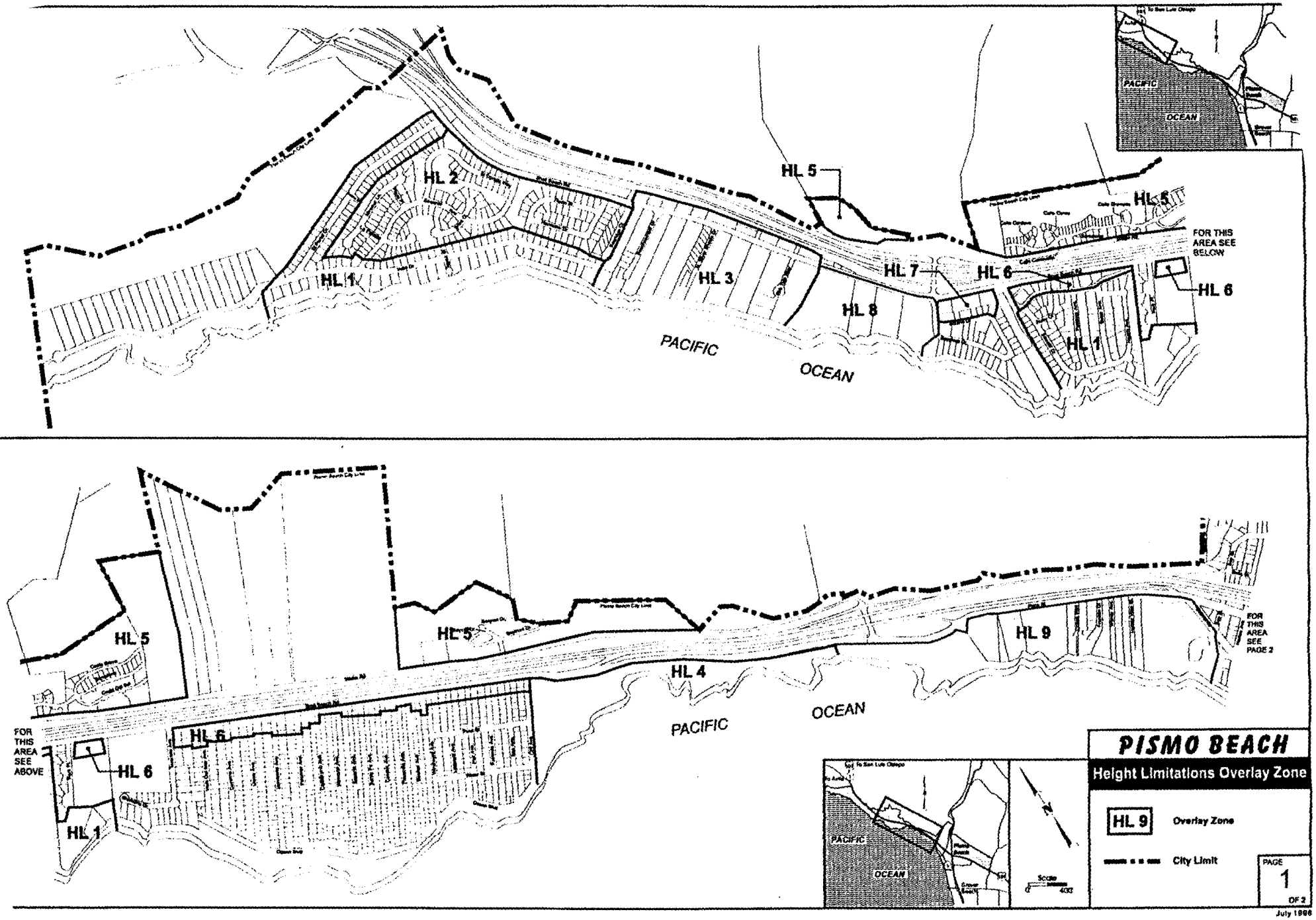
A. Non-residential and RR districts. Uninhabited structures (including chimneys, cupolas, domes, elevator housings, flag poles, spires, steeples, towers, water tanks, and similar structures), may exceed the height limits of the applicable zoning district by a maximum of 15 percent, subject to Site Plan and Architectural Review, or where applicable to the primary structure, Conditional Use Permit approval.

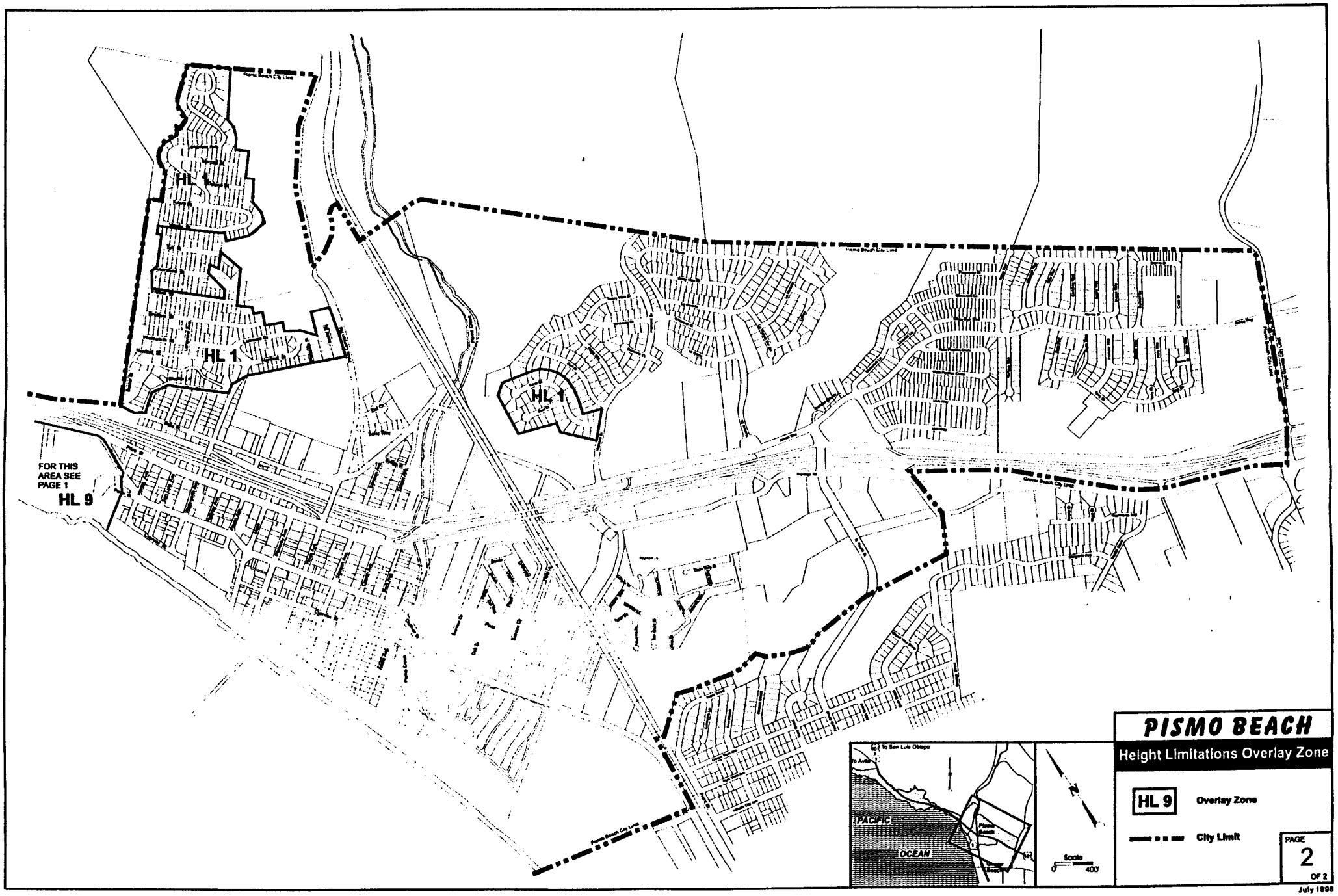
Approval of increased height shall require that the review authority determine that the height, bulk, and scale of the proposed structure is compatible with the adjacent area, and is consistent with view and other General Plan/LCP considerations.

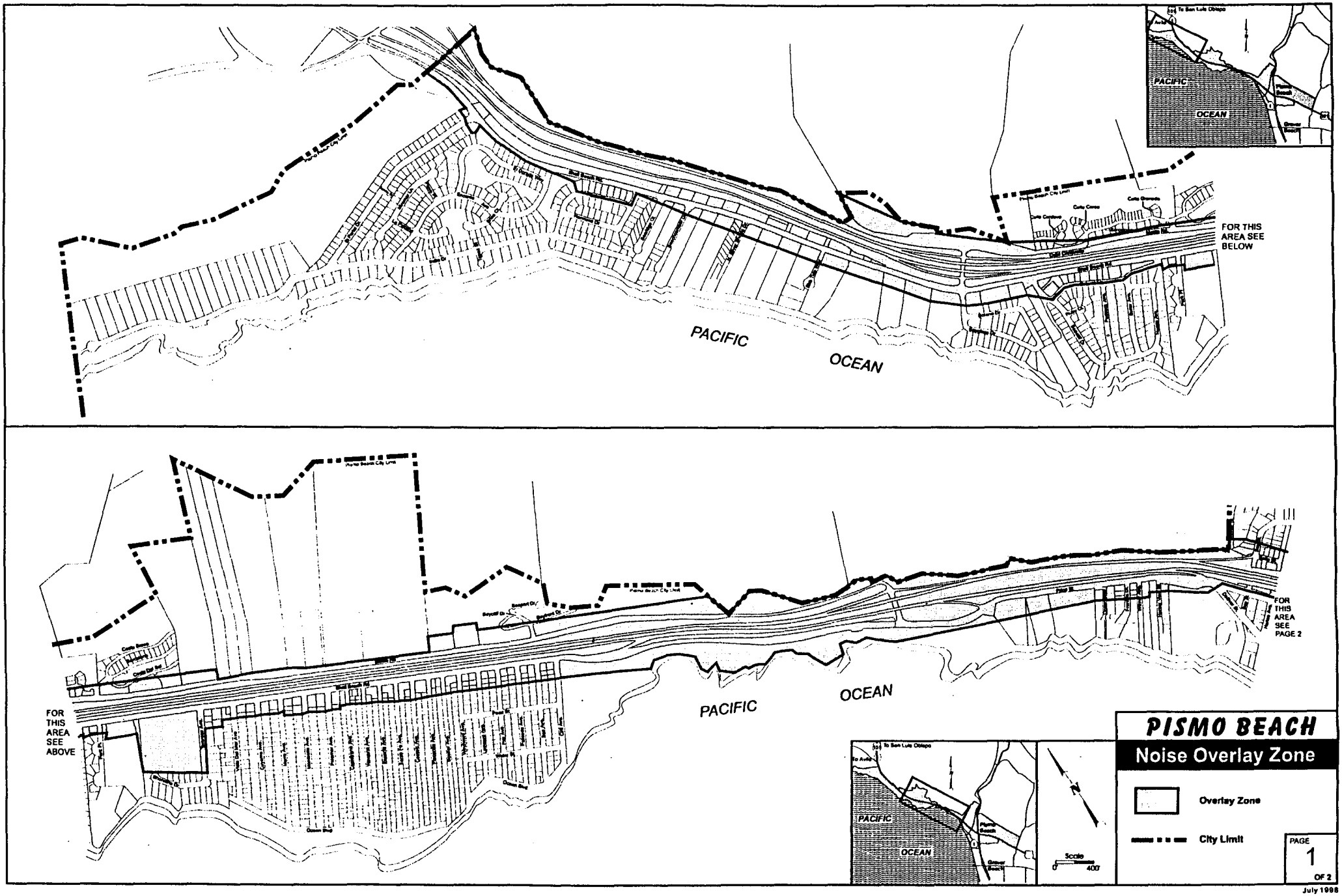
B. Residential districts other than RR. Chimneys, television antennas, and solar collectors not exceeding a dimension of six feet at their base may exceed the height limits of the applicable zoning district by a maximum of five feet.

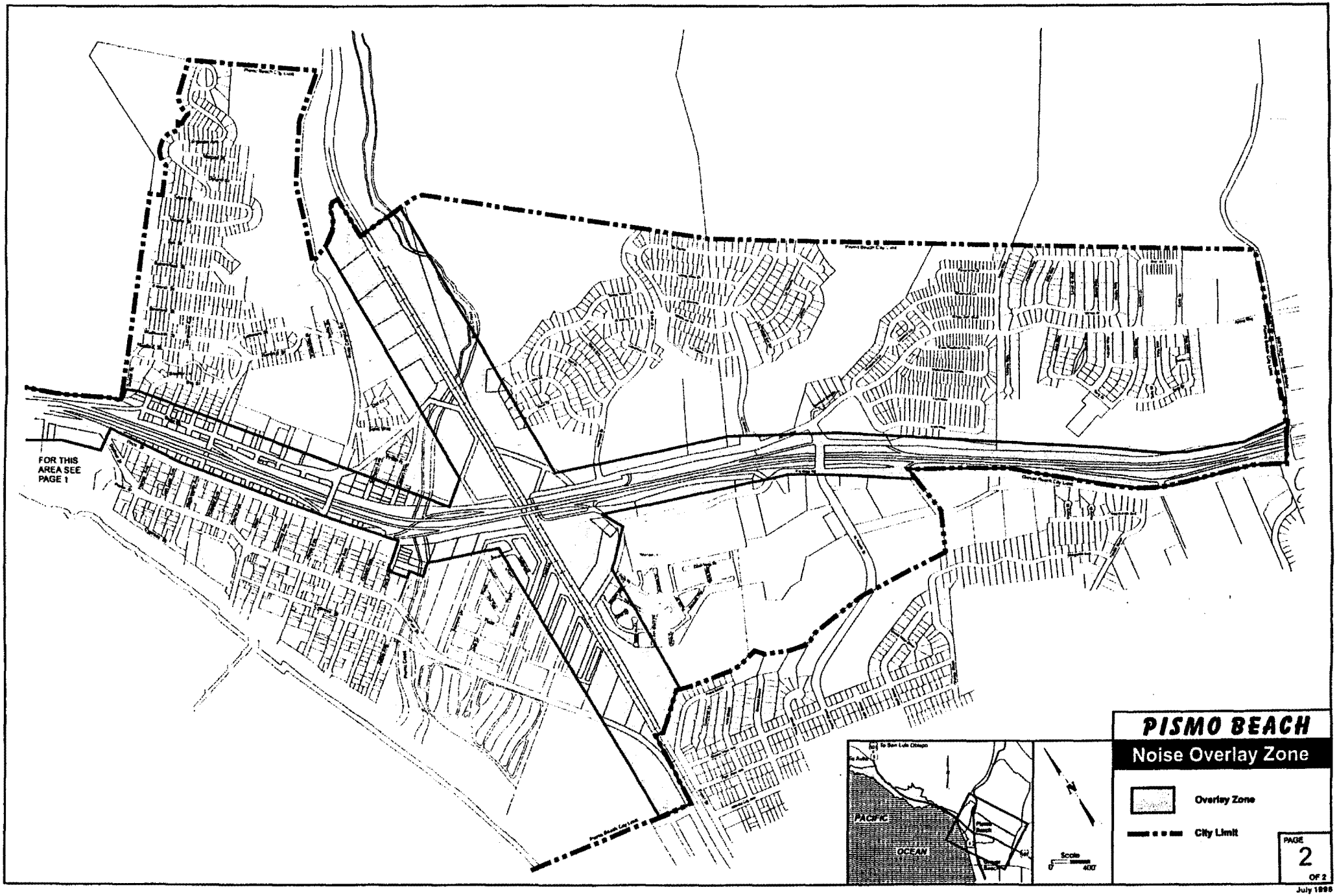

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OF 2
July 1998


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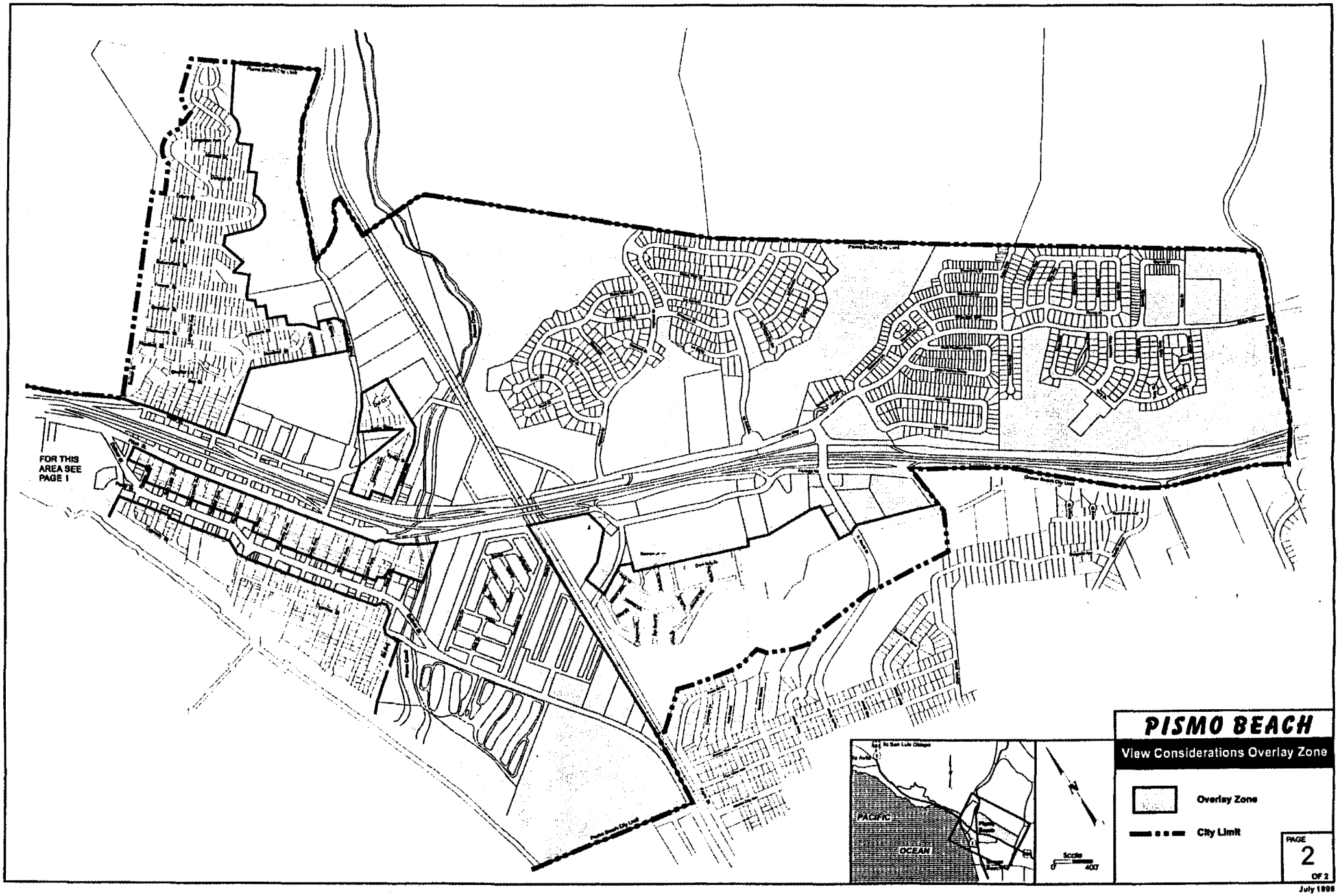

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CHAPTER 17.22 - SETBACK REQUIREMENTS AND EXCEPTIONS

Sections:

17.22.010 - Purpose of Chapter
17.22.020 - Setback Requirements
17.22.030 - Measurement of Setbacks
17.22.040 - Exemptions from Setback Requirements
17.22.050 - Limitations on Uses of Setbacks
17.22.060 - Allowed Projections into Setbacks

17.22.010 - Purpose of Chapter

This Chapter provides standards for the use and minimum size of setbacks. These standards are intended to provide open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; and space for privacy, landscaping and recreation.

17.22.020 - Setback Requirements

All structures shall comply with the setback requirements of each zoning district, and with any special setbacks established for specific uses by Article III (Site Planning and General Development Regulations), except as otherwise provided by this Chapter. No portion of any structure, including eaves or roof overhangs, shall extend beyond a property line; or into an access easement or street right-of-way, without first securing an Encroachment Permit.

A. **Infill development within previously approved projects.** Where setbacks have been established for individual vacant parcels by a Specific Plan, an approved subdivision map, or other entitlement, those setbacks shall apply to continuing development within the approved project instead of the setbacks required for individual zoning districts by Article II (Zoning Districts and Allowable Land Uses).

B. **Special setbacks for planned development projects.** The Council may authorize uniform setbacks for a specific project that are different from those required by Article II (Zoning Districts and Allowable Land Uses), through the approval of a Planned Development Permit (Section 17.42.060), or Specific Plan (Chapter 17.46).

C. **Riparian setbacks.** Structures, paving, and grading (other than grading determined by the Director to be necessary for slope stabilization) shall be set back from watercourses in compliance with Section 17.24.120 (Riparian Habitat Protection).

17.22.030 - Measurement of Setbacks

Setbacks shall be measured as follows. See Figure 2-32.

A. **Front yard setbacks.** The front yard setback shall be measured at right angles from the nearest point on the front property line of the parcel (or edge of access easement on a private street) to the nearest point of the wall of the structure, except as follows.

1. **Flag lots.** For a parcel with a fee ownership strip extending from a street or right-of-way to the building area of the parcel, the measurement shall be taken from the nearest point of the wall of the structure to the point where the access strip ("flag pole") meets the bulk of the parcel along a continuous line, establishing a parallel setback line. See Figure 2-33.

2. **Corner lots.** The measurement shall be taken from the nearest point of the structure to the nearest point of the property line bounding the street which provides the street address of the site access.

B. **Side yard setbacks.** The side yard setback shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest line of the structure; establishing a setback line parallel to the side property line, which extends between the front and rear yards.

C. **Street side yard setbacks.** The side yard on the street side of a corner parcel shall be measured from the nearest point of the side property line bounding the street, or the easement for a private road.

D. **Rear yard setbacks.** The rear yard shall be measured at right angles from the nearest point on the rear property line to the nearest line of the structure, establishing a setback line parallel to the rear property line, which extends between the side yards. The rear yard on the street side of a double-frontage parcel shall be measured from the nearest point on the rear property line bounding the street, or the easement for a private road.

17.22.040 - Exemptions from Setback Requirements

The minimum setback requirements of this Zoning Code apply to all development and new land uses, except the following:

A. Fences or walls six feet or less in height above the grade of the site, when located outside of the front setback; and

B. Decks, earthworks, free-standing solar devices, steps, terraces, and other site design elements that are placed directly upon grade and do not exceed a height of 18 inches above the surrounding grade at any point.

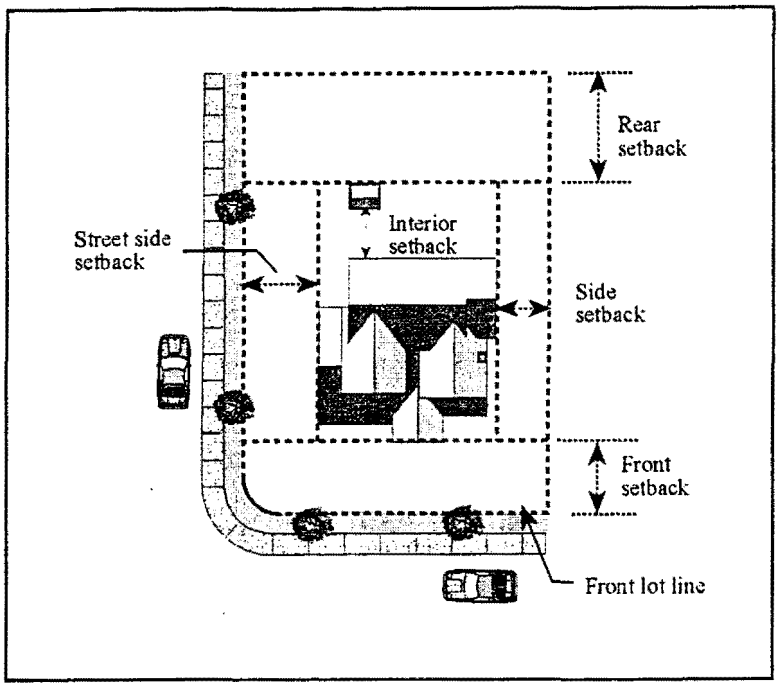


FIGURE 2-32
LOCATION AND MEASUREMENT OF SETBACKS

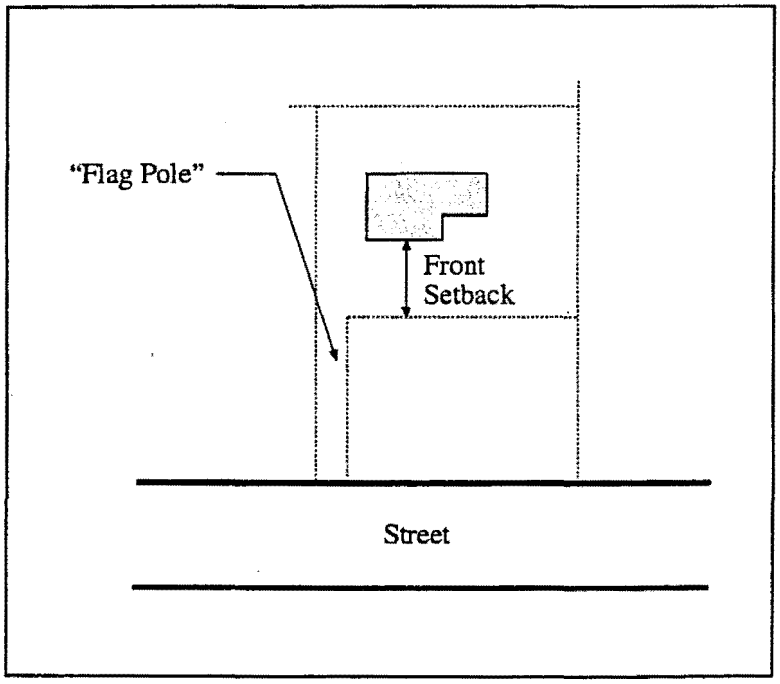


FIGURE 2-33
FLAG LOT SETBACKS

17.22.050 - Limitations on Uses of Setbacks

A. **Structures.** Required setback areas shall not be occupied by structures other than:

1. The fences and walls permitted by Section 17.24.060 (Fences, Walls, and Hedges); and

2. The projections into setbacks allowed by Section 17.22.060 (Allowed Projections into Setbacks).

B. **Storage.** No front or street side setback shall be used for the storage of inoperable vehicles scrap, junk, or similar material.

C. **Parking.** Residential parking is allowable within required setback areas only as provided by Section 17.34.030.

17.22.060 - Allowed Projections into Setbacks

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

A. **Architectural features.** Architectural features attached to the primary structure may extend beyond the wall of the structure and into the front, side and rear yard setbacks, in compliance with Table 2-10. See also Figure 2-34.

B. **Equipment.** Air conditioning, heating, and similar equipment may extend up to 30 inches into side and rear yards, but to no closer than 36 inches to any property line. Swimming pool, hot tub, and spa equipment are instead subject to Section 17.22.060.C, below.

TABLE 2-10
ALLOWED PROJECTIONS INTO SETBACKS

Projecting Feature	Allowed Projection into Specified Setback		
	Front Setback	Side Setback	Rear Setback
Bay windows, and similar projecting windows	20% of setback	20% of interior setback; 40% of street side setback (1)	20% of setback
Chimney/fireplace, 6 ft. or less in breadth	24 in. (1)	24 in. (1)	24 in. (1)
Cornice, eave, awning, roof overhang	30 in.	30 in. (2)	30 in. (2)
Deck, balcony, porch, stairway - Cantilevered, uncovered, and 30 in. or more above grade	20% of setback	20% of interior setback; 40% of street side setback (1)	20% of setback
Deck, balcony, porch, stairway - Uncovered, and less than 30 in. above grade	Unlimited	Unlimited	Unlimited
Deck, balcony, porch, stairway - Covered	Not allowed		
Other architectural features	24 in. (1)	24 in. (1)	24 in. (1)

Notes:

(1) Projecting feature shall maintain a minimum clearance of 36 inches to any side property line, and to any wall or fence constructed on the property line.

(2) Feature may project no closer than 24 inches to any property line.

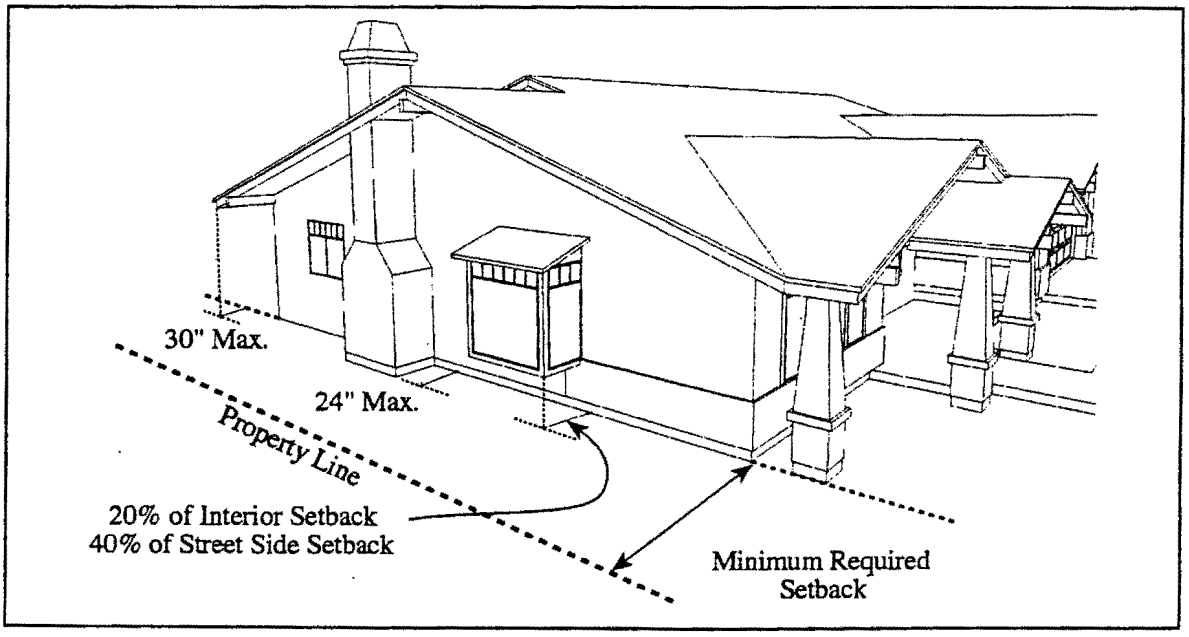


FIGURE 2-34
EXAMPLES OF ALLOWED PROJECTIONS INTO SIDE SETBACKS

C. **Setback requirements for specific structures:**

1. **Fences.** See Section 17.24.060 (Fences, Walls and Hedges).

2. **Decks, earthworks, and other site design elements.** Detached decks, earthworks, freestanding solar devices, steps, terraces, and other site design elements which are placed directly upon the grade, and which exceed a height of 18 inches above the surrounding grade at any point, shall conform to the setback requirements of this Zoning Code for detached accessory structures. (Note: site design elements less than 18 inches above grade are exempt in compliance with Subsection C.2 above.)

3. **Swimming pools, hot tubs, etc.** Swimming pools, hot tubs, spas, and associated equipment shall be set back a minimum of five feet from side and rear property lines, or any larger blufftop setback requirement.

4. **Retaining walls.**

   a. Retaining walls four feet or less in height may be located within a required setback.

   b. Retaining walls greater than four feet but less than six feet in height may be located within a required setback, provided that the exposed side of the wall faces into the property.

   c. Retaining walls greater than four feet in height where the exposed side of the wall faces out from the property, and all walls greater than six feet in height shall be subject to the same requirements as the primary structure in the applicable zoning district. See Figure 2-35.

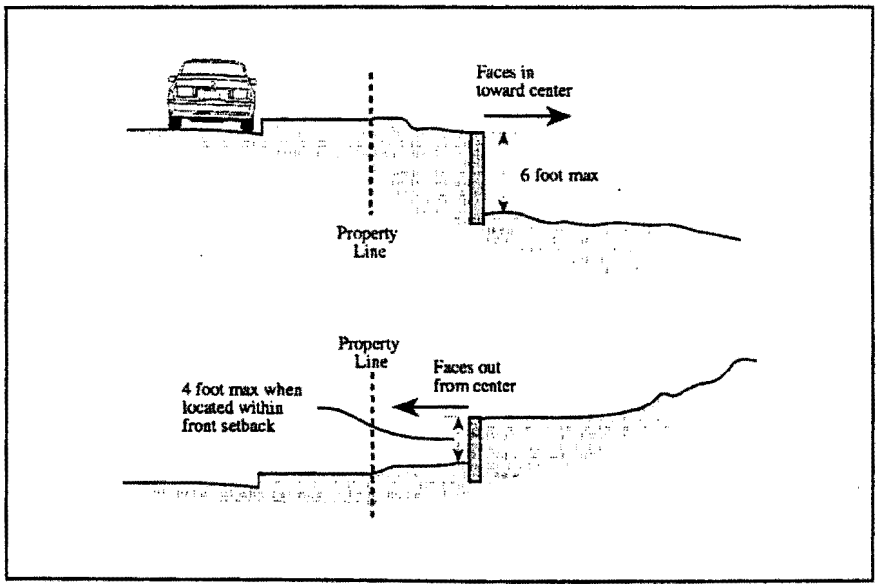


FIGURE 2-35
RETAINING WALLS IN FRONT SETBACK

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17.24.130 - Screening

17.24.010 - Purpose and Applicability

A. **Purpose of Chapter.** The provisions of this Chapter expand the standards of Article II (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) by addressing the details of site planning and project design, to ensure that new or modified land uses and development are of appropriate character, considerate of the community's natural resources, compatible with existing and future development, and consistent with the General Plan.

B. **Applicability.** The provisions of this Chapter apply to all proposed development and new land uses regardless of the applicable zoning district.

1. These standards shall be considered in combination with the standards for each zoning district in Article II (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards). If there is a conflict, the standards specific to the zoning district shall override these general standards, except where these standards provide otherwise.

2. All new or modified structures and uses shall comply with all applicable provisions of this Chapter.

3. The Planning Commission may modify or delete any one or more of the standards of this Chapter as they may apply to a specific project, based upon findings consistent with the provisions of this Chapter, that the benefits of the project outweigh the need for the strict application of the standard(s).

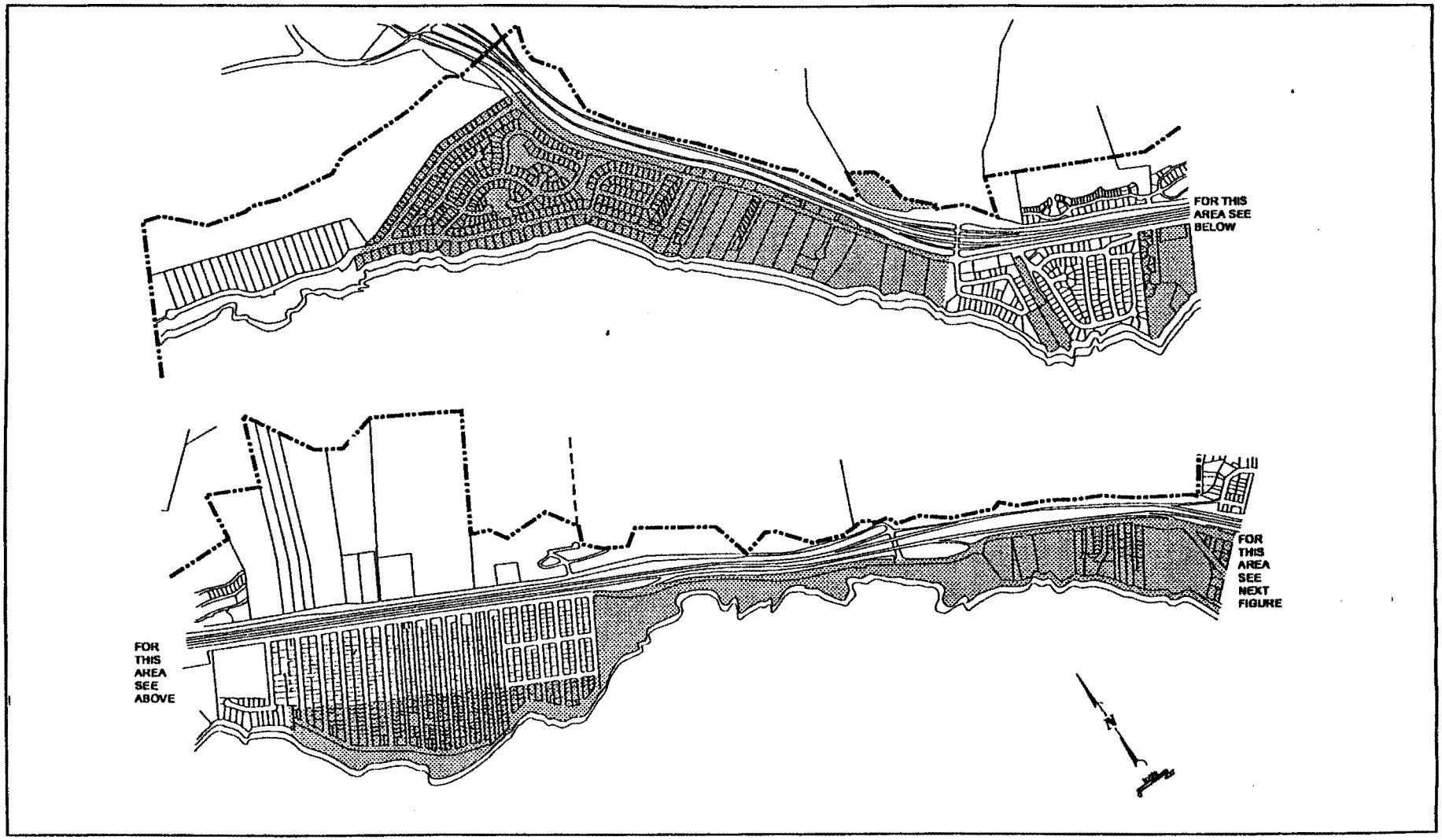


FIGURE 3-1
ARCHAEOLOGICALLY SENSITIVE AREAS

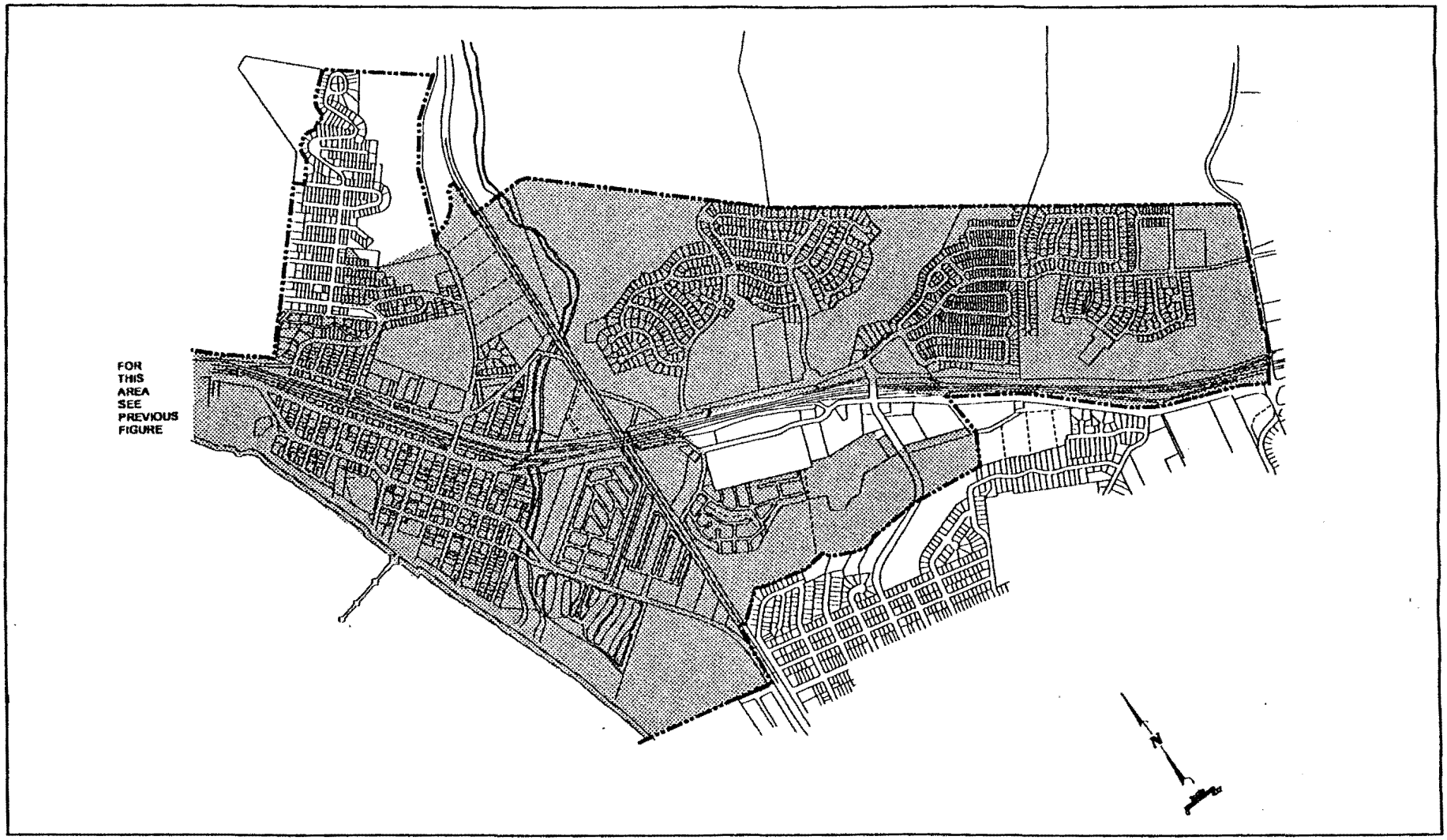


FIGURE 3-2
ARCHAEOLOGICALLY SENSITIVE AREAS

17.24.020 - Archaeological, Historical, and Paleontological Resources

A. **Surface survey required.** Where development is proposed on a site within the areas identified in Figures 3-1 and 3-2 as archaeologically sensitive, a land use permit application shall include an archeological surface survey of the site, prepared by a qualified archaeologist approved by the Director.

1. The submitted survey shall include an evaluation of the likely presence of cultural resources and their significance based on supportable evidence, and shall also include recommendations for all appropriate mitigation measures for the project.

2. Any site which is surveyed in compliance with this Section shall not be required to be further surveyed unless a further survey is recommended by the findings of the original survey.

B. **Construction practices.** In the event that archaeological or paleontological materials/ resources are discovered during any grading, excavation, or other construction, all activities shall cease. The find shall remain untouched, and the Department shall be notified so that a qualified archeologist may evaluate the significance and location of discovered materials, and make recommendations for disposition, mitigation, and/or salvage, in compliance with State and Federal law. The developer shall pay all costs associated with the professional investigation.

C. **Limitations on non-structural development and use.** All non-structural development and uses which may damage or destroy archaeological resources are prohibited unless specifically authorized by land use permit. Any such land use permit shall contain conditions which provide for protection of any archaeological resources. Off-road vehicle activity on the site and the unauthorized collection of artifacts shall be prohibited.

D. **Transfer of City-owned properties.** The deed transferring any City-owned property containing known significant archaeological or historical resources shall include restrictions protecting the archaeological or historical resources.

17.24.040 - Contiguous Parcel Development

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

17.24.050 - Design Considerations

Proposed development and new land uses shall be designed in compliance with the policies of the *Design Element* of the General Plan/Local Coastal Plan.

17.24.060 - Fences, Walls, and Hedges

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

A. **Permit requirement.** Fences and walls require Site Plan and Architectural Review (Section 17.42.030), except where exempted from land use permit requirements by Subsection B., below.

B. **Exemptions from permit requirements.** The following fences and walls do not require land use permit approval when constructed, unless they are blufftop fences subject to the provisions of Subsection E. below, but shall otherwise comply with all applicable provisions of this Zoning Code.

1. **Fences.** Fences (wood, wrought iron, chain link, and similar materials) and walls (concrete, concrete block, brick, other masonry) are exempt from land use permit requirements when the height of the fence or wall measured from existing grade does not exceed:

   a. 42 inches when located within a front setback or street side setback; or

   b. Six feet when located outside of a front or street side setback.

   See Figure 2-31 for illustration of the locations of setbacks on property.

2. **Retaining walls.** Retaining walls (retaining earth only) are exempt from land use permit requirements when less than 24 inches in height with no surcharge, and are not required by Title 18 of the Municipal Code (Grading and Erosion Control Ordinance) to have a Grading Permit.

3. **Required fences.** The provisions of this Section shall not apply to a fence or wall required by any law or regulation of the City, State, or any State agency.

C. **Height limitations.** Fences and walls are subject to the height limitations in Subsection B. above except as follows, and except as provided by Subsection D. below, for coastal blufftop fences. Hedges within a front yard setback shall be limited to a height of 42 inches.

1. **Public signs and facilities, and vegetation.** The height limitations of this Section shall not apply to: trees trimmed (to the trunk) to a line at least six feet above the elevation of the intersection; saplings or plant species of open growth habits and not planted in the form of a hedge, which are planted and trimmed to leave a clear and unobstructed crossview during all seasons; supporting members of appurtenances to permanent structures existing on the date that this Zoning Code becomes effective; and official warning signs or signals.

2. **Parcels with grade differential.** Where there is a difference in the ground level between two adjoining parcels of less than two feet, the height of any fence/wall constructed along the common property line shall be determined by using the finished grade of the highest contiguous parcel. See Figure 3-3. Where there is a difference in the ground level between two adjoining parcels of two feet or more, the height of any fence/wall on the property line shall be determined by the Director.

3. **Retaining walls.** Individual retaining walls shall not exceed a height of six feet unless otherwise approved by the Director. All retained slopes should be terraced and landscaped/screened as shown in Figure 3-4.

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

E. **Coastal blufftop fences.** Fences are not allowed in bluff retreat setbacks except within the RSL district. Fences proposed in the RSL zoning district within bluff retreat setbacks (Section 17.32.050.C.1) shall comply with the following requirements.

1. **Height limit, opacity.** Fences shall not exceed 42 inches in height, and shall be constructed so that 90 percent of the fence surface area is transparent.

2. **Readily removable fences required.** Fences shall be designed and sited to allow their easy removal or relocation in order to continually maintain a 25-foot minimum setback from the top edge of the bluff. A document to this effect, in a form approved by the City Attorney, shall be recorded with the title of the property.

3. **Geologic study required.** The application for Site Plan and Architectural Review of a proposed blufftop fence shall include a site-specific geologic study. The study shall be prepared for the proposed fence by a qualified, registered geologist approved by the Director. The report shall assess the impact of those portions of the proposed structure which are located within the retreat area on the stability and erosion of the bluff, and shall propose alternative locations for the structure if the placement originally proposed would have impacts on bluff stability or erosion.

4. **Criteria for approval.** A fence proposed within a bluff retreat setback shall only be approved when the fence complies with all applicable requirements of this Section and Zoning Code, and when the geologic study report finds that the proposed fence (or alternate location, where appropriate) will not contribute to the erosion or failure of the bluff.

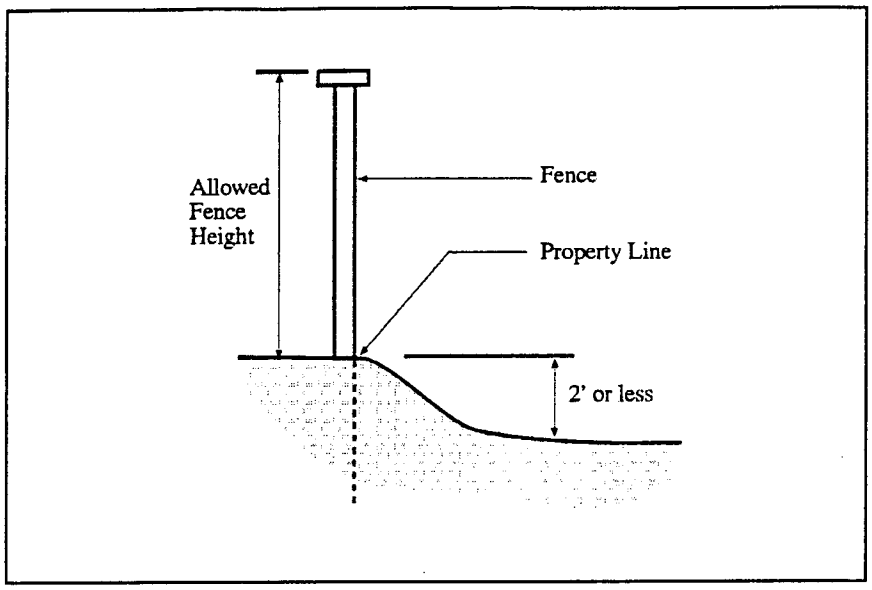


FIGURE 3-3
PROPERTY LINE FENCE HEIGHT

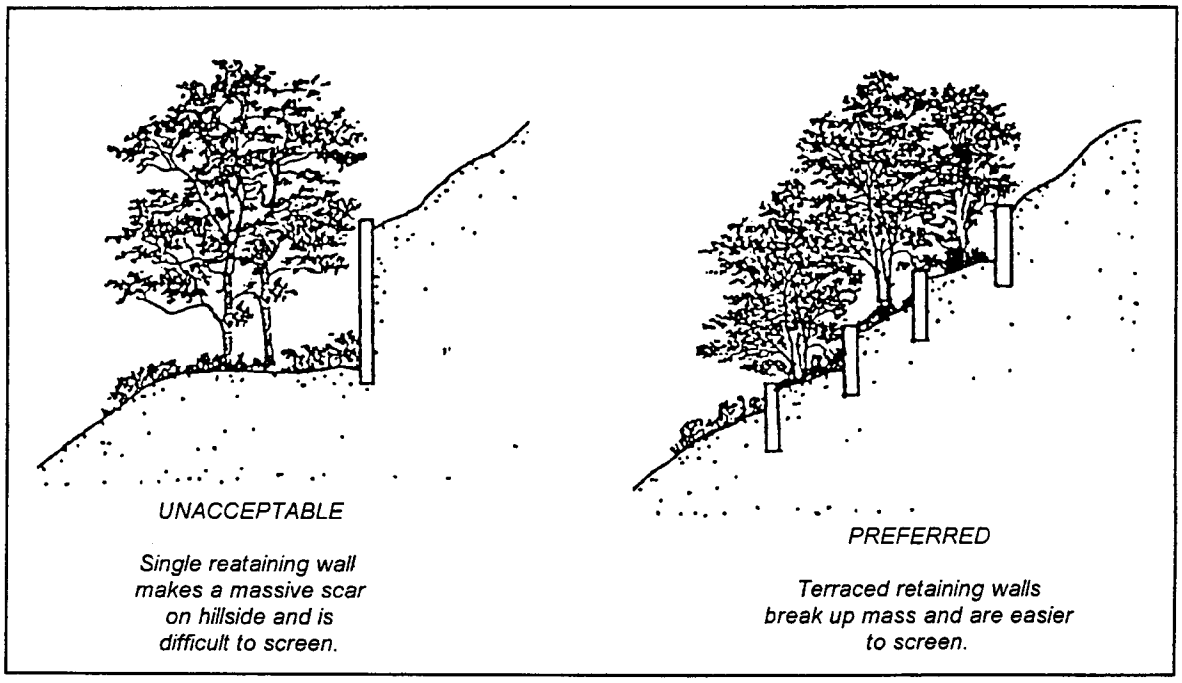


FIGURE 3-4
RETAINING WALL HEIGHT

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

F. **Prohibited materials.** The use of barbed wire, electrified fence, or razor wire fence in conjunction with any fence, wall, or hedge, or by itself within any zoning district, is prohibited unless approved by the Director or required by any law or regulation of the City, State, or any agency thereof.

G. **Fences between different land uses.** Fences or walls may be required between different land uses (e.g., commercial and residential, multi-family residential and single-family residential, etc.) in compliance with Section 17.24.120 (Screening).

17.24.070 - Flood Hazard Areas

Development and new land uses proposed within areas shown on the Flood Insurance Rate Map (FIRM) provided by the Federal Emergency Management Agency (FEMA) as being subject to flood hazards shall comply with all applicable provisions of Chapter 15.44 of the Municipal Code (Flood Hazard Area Use Control).

17.24.080 - Hazardous Materials

The use, handling, storage, and transportation of hazardous substances shall comply with all applicable State laws (Government Code Section 65850.2 and Health and Safety Code Sections 25505, et seq.), all local hazardous waste management plans, and all related provisions of the Municipal Code.

17.24.090 - Noise

A. **Limitation on development in high noise areas.** Proposed development and new land uses shall not be approved where the noise level caused by existing stationary sources exceeds the standards of Table N-3 in the Noise Element of the General Plan or the noise levels from existing or projected transportation noise exceeds the standards of Table N-4, unless it is determined that effective noise mitigation measures have been incorporated into the project to reduce noise exposure to acceptable levels, as defined by Table N-2 of the Noise Element.

B. **Standards for new noise-producing uses.** Development and new land uses that will include stationary noise sources, or transportation noise sources, which are proposed on or adjacent to lands designated for noise-sensitive uses, shall incorporate mitigation measures so that the noise levels do not exceed those set forth in Table N-3 of the Noise Element of the General Plan.

17.24.100 - Outdoor Lighting, Glare

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

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

B. **Lighting standards.** All new exterior lighting shall comply with the following requirements.

1. Lighting shall be energy-efficient, and shielded or recessed so that direct glare and reflections are confined to the maximum extent feasible within the boundaries of the site, and shall be directed downward and away from adjoining properties and public rights-of-way.

2. No permanently installed lighting shall blink, flash, or cast more than 1.0 foot candles of illumination on lighted areas.

3. All lighting fixtures shall be appropriate in scale, intensity, and height to the use they are serving.

4. Security lighting shall be provided at all entrances/exits, except in the residential zoning districts.

5. Exterior lighting within the -V overlay zoning district shall be limited to that necessary for safety and security, as determined by the Director.

17.24.110 - Radioactivity or Electric Disturbance

Any existing or proposed use that generates electrical disturbances or produces radioactive emanations in quantities that may be considered a nuisance or hazard shall apply the best available technology to prevent the issuance, continuance or recurrence of any hazardous or disturbing emanations. The use or transport of radioactive material within or through the City shall comply with Chapter 8.24 of the Municipal Code (Radioactive Materials).

17.24.120 - Riparian Habitat Protection

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

B. **General habitat protection standards.** The minimum standards that may be specified in a biotic resources management plan shall include the following.

1. Provisions for the preservation of groupings of trees in which at least 10 trees with a minimum six-inch diameter (measured four and one half feet above natural grade) will be retained.

2. Provisions for the removal of plants from the habitat areas which are diseased or present public safety hazards. These conditions shall be certified by a professional horticulturist or a licensed landscape architect. Plants removed for these reasons must be replaced with at least four minimum 15 gallon specimens of each species.

C. **Riparian setbacks.** Structures, paving, and grading (other than grading determined by the Director to be necessary for slope stabilization) shall be set back from Pismo Creek, and Pismo Marsh, and any other watercourses shown as blue lines on a U.S.G.S. topographic quadrangle map, by the following minimum distances:

1. **Pismo Creek.** The following required setbacks shall be measured from the outer edge of riparian vegetation, or from the top of the creek bank where there is no vegetation.

   a. **West Bank.**

      (1) 100 feet from Cypress Street northward to City limits.

      (2) 25 feet from Cypress Street to the ocean.

   b. **East Bank.**

      (1) 100 feet from U.S. 101 northward to City limits

      (2) 50 feet from U.S. 101 to Dolliver Street.

      (3) 25 feet from Dolliver to the ocean.

2. **Pismo Marsh and other watercourses.** The required setback shall be measured from the outer edge of riparian vegetation, or from the top of the creek bank where there is no vegetation. The minimum width of the creek setback shall be 100 feet between environmentally sensitive areas and proposed development.

D. **Additional Requirements.** Exceptions to creek setbacks and additional required riparian habitat protection measures are established by Policies CO-14 and CO-21 (Riparian Habitat and Pismo Creek Protection) of the *Conservation and Open Space Element* of the General Plan/Local Coastal Plan.

17.24.130 - Screening

A. **Screening between uses.** Screening between different land uses shall be provided as follows.

1. Non-residential development shall provide a six-foot high, solid decorative masonry wall along any interior property line abutting a residential zoning district or existing residential use, unless modified by the Commission.

2. Multi-family residential development shall provide a six-foot high solid wood fence, or solid decorative masonry wall, along any property line abutting an RSL zoning district or existing single-family dwelling.

3. Required screening walls shall be architecturally treated on both sides, subject to the approval of the Director.

B. **Screening of equipment.** In the RSM, RR, and all non-residential zoning districts, all mechanical equipment (e.g., air conditioners, ducting, plumbing, vents, and similar equipment), whether on the roof, side of structure, or ground, shall be screened from public view. The method of screening shall be architecturally compatible with other site development in terms of materials, colors, shape and size. The screening design and construction shall be subject to the approval of the Director and shall blend with the design of the structure(s) and include appropriately installed and maintained landscaping when on the ground.

C. **Screening of outdoor storage and trash collection areas.** All areas used for storage, or for trash collection, shall be located either within a structure, or on the least visible portions of a site, and screened from view by enclosure within a solid wall or fence not less than six feet in height. See Figure 2-6.

1. Trash and storage areas shall be screened by landscaping, fencing, berms or other devices integral with overall site and building design.

2. If visible from the upper stories of nearby structures, trash areas shall incorporate overhead screening features such as trellises or solid roofs.

3. Outdoor trash storage areas subject to scavenging birds shall be enclosed on all sides, and from above, to prevent access by birds.

CHAPTER 17.26 - AFFORDABLE HOUSING INCENTIVES AND REQUIREMENTS

Sections:

17.26.010 - Purpose of Chapter
17.26.020 - Eligibility for Bonus and Incentives
17.26.030 - Type of Bonus and Incentives Allowed
17.26.040 - Continued Availability
17.26.050 - Location and Compatibility of Bonus Units
17.26.060 - Processing of Bonus Request
17.26.070 - Inclusionary Housing Requirements

17.26.010 - Purpose of Chapter

The provisions of this Chapter assist in implementing the Housing Element of the General Plan. As required by Government Code Section 65915, this Chapter offers incentives to developers for providing housing that is affordable to the types of households and qualifying residents identified in Section 17.26.020 (Eligibility for Bonus and Incentives). The incentives include the ability to construct 25 percent more residential units than normally allowed by the applicable zoning district and General Plan designation, and other incentives provided by this Chapter. In offering these incentives, this Chapter is intended to implement the requirements of State law (Government Code Sections 65302, 65913, and 65915, et seq.), as they may be amended from time to time.

17.26.020 - Eligibility for Bonus and Incentives

In order to be eligible for a density bonus and other incentives as provided by this Chapter, a proposed residential project shall:

A. Consist of five or more rental units;

B. Be designed and constructed so that at least:

1. 20 percent of the total number of proposed units are for lower income households, as defined in Health and Safety Code Section 50079.5; or

2. 10 percent of the total number of proposed units are for very low income households, as defined in Health and Safety Code Section 50105; or

3. 50 percent of the total number of proposed units are for qualifying residents (senior citizens) as defined by Section 51.2 of the Civil Code (senior citizens of any income level); and

C. Satisfy all other applicable provisions of this Zoning Code.

17.26.030 - Type of Bonus and Incentives Allowed

A housing project that satisfies all applicable provisions of this Section shall be entitled to the following density bonus and other incentives. If a density bonus and/or other incentives cannot be accommodated on a site due to strict compliance with the provisions of this Zoning Code, the Commission is hereby authorized to waive or modify development standards as necessary to accommodate all bonus units and other incentives to which the development is entitled.

A. **Density bonus.** The density bonus allowed by this Section shall consist of a 25 percent increase in the number of dwelling units normally allowed by the zoning district applicable to the site as of the date of the project land use permit application. No single project shall be granted more than one density bonus in compliance with this Section.

B. **Other incentives.** A qualifying housing development shall be entitled to at least one of the concessions or incentives identified by Government Code Section 65915(b):

1. A reduction in the site development standards of this Zoning Code, including, but not limited to setback, coverage, and/or parking requirements;

2. Approval of mixed-use zoning in conjunction with the housing project if non-residential land uses will reduce the cost of the housing project, and the non-residential land uses are compatible with the housing project and surrounding development; and

3. Other regulatory incentives or concessions proposed by the developer or the City that will result in identifiable cost reductions.

The Commission shall approve one or more of the above incentives, notwithstanding the other provisions of this Chapter, unless it makes a written finding that the additional concession or incentive is not required in order for rents for the targeted units to be set in compliance with Government Code Section 65915(c).

17.26.040 - Continued Availability

The land use permit application for the residential project shall include the procedures proposed by the developer to maintain the continued affordability of all lower income density bonus units as follows:

A. **Projects with City funding.** Projects receiving a direct financial contribution or other financial incentives from the City, or a density bonus and at least one other concession or incentive as provided by Subsection B.2 of this Section, shall maintain the availability of all lower income density bonus units for a minimum of 30 years, as required by Government Code Sections 65915(c) and 65916; or

B. **Private projects - Density bonus only.** Privately-financed projects that receive a density bonus as the only incentive from the City shall maintain the availability of lower income density bonus units for a minimum of 10 years.

17.26.050 - Location and Compatibility of Bonus Units

As required by State law (Government Code Section 65915(g)), the location of density bonus units within the qualifying housing project may be at the discretion of the developer, and need not be in the same area of the project where the units for the lower income households are located. However, units for lower income households shall be reasonably dispersed throughout the project where feasible, shall contain on average the same number of bedrooms as the other units in the project, and shall be compatible with the design of the other units in terms of appearance, materials, and finished quality.

17.26.060 - Processing of Bonus Request

Proposed bonus requests shall be included as part of a Conditional Use Permit application for the residential project, and shall be reviewed and approved as follows:

A. **Initial review of bonus request.** The Director shall notify the developer within 90 days of the filing of the project land use permit application of whether the project qualifies for the additional density;

B. **Criteria to be considered.** Criteria to be considered in analyzing the requested bonus will include the availability and capacity of infrastructure (water, sewer, roads and similar facilities), and affected schools to accommodate the additional density;

C. **Findings for approval.** In addition to the findings required for the approval of land use permits by Chapter 17.42 (Permit Approval or Disapproval) the approval of the bonus by the Commission shall also require the following special findings:

1. The project will not be a hazard or nuisance to the community at large or establish a use or development inconsistent with the goals and policies of the General Plan;

2. The number of dwellings approved by the land use permit can be accommodated by existing and planned infrastructure capacities;

3. Adequate evidence exists to indicate that the development of the property in compliance with the permit will result in the provision of affordable housing in a manner consistent with the purpose and intent of this Section;

4. In the event that the City does not grant at least one financial concession or incentive as defined in Government Code Section 65915 in addition to the density bonus, that additional concessions or incentives are not necessary to ensure affordable housing costs as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Government Code Section 65915(c); and

5. There are sufficient provisions to guarantee that the units will remain affordable in the future.

D. **Appeal.** Appeals of Commission actions on the granting of density bonuses in compliance with Chapter 17.54 (Appeals) will be heard by the Council.

17.26.070 - Inclusionary Housing Requirements

The City shall require that all new residential development within the 1990 city limits incorporate affordable housing units in compliance with this Section. Properties proposed for annexation are subject to General Plan Policy H-23.

A. **Inclusionary requirement.** Proposed projects of 10 units or more shall provide at least 10 percent of the units for sale or rent at a cost affordable to moderate income households. Projects of two to 10 units shall pay in lieu fees as determined by the City's fee resolution.

B. **Use of in lieu fees.** In lieu fees shall be held by the City in a special housing fund to be used to facilitate housing affordable to low and very low income households.

C. **Resale and/or rental controls.** Resale and/or rental controls shall be noted on the deed and shall apply to all successors and assigns in perpetuity.

D. **Eligibility, pricing.**

1. Eligibility of buyers or renters and appropriate rental and resale prices will be determined by the city and San Luis Obispo City Housing Authority, using Consumer Price Index data or other appropriate regional affordability indices.

2. Priority for purchase or rent shall be offered to applicants who have been employed in, or are residents of Pismo Beach for the previous two years.

C. **Conversion to ownership units.** The conversion of any rental units to ownership units during the period the rental controls are in effect shall require the percentage of controlled units to be offered for sale at a cost affordable to the eligible moderate income household, and resale controlled by the City or Housing Authority. This requirement applies to all properties for which a development application or specific plan has not been previously approved at the time of adoption of the Housing Element.

CHAPTER 17.28 - HILLSIDE DEVELOPMENT

Sections:

17.28.010 - Purpose of Chapter
17.28.020 - Applicability
17.28.030 - Permit Requirements
17.28.040 - Design Objectives
17.28.050 - Hillside Grading Standards

17.28.010 - Purpose of Chapter

This Chapter establishes regulations for development within the hillside areas of the City in order to:

A. Preserve and protect the views to and from hillsides in order to maintain the identity, image and environmental quality of the City;

B. Ensure that hillside development is located in areas with the least environmental and visual impact and is designed to conform with existing land forms; and

C. Preserve significant features of the natural topography, including swales, canyons, knolls, ridgelines, and rock outcrops.

17.28.020 - Applicability

The requirements of this Chapter shall apply to development proposed on sites with a natural slope of 10 percent or more, or sites where proposed access will cross an area with a slope of 10 percent or more; except that these provisions shall not apply to existing single-family dwellings and accessory structures within the Pismo Heights Planning Area, within the RSL zoning district, on parcels recorded prior to January 23, 1981.

17.28.030 - Permit Requirements

A. **Conditional Use Permit required.** Conditional Use Permit approval (Section 17.42.050) shall be required prior to the issuance of Building or Grading Permits, or Tentative Map approval, for all development that is subject to the provisions of this Chapter.

B. **Application content.** Conditional Use Permit applications for hillside projects subject to the provisions of this Chapter shall include all information and materials required by Section 17.40.040 (Application Preparation and Filing), and all additional information and materials listed in the *Instructions for Hillside Development Applications*, available from the Department.

17.28.040 - Design Objectives

Conditional Use Permit approval in compliance with this Chapter shall require that the review authority determine that development proposed on hillsides has been designed to achieve the following objectives.

A. **Preservation of natural terrain appearance.** Proposed hillside development shall preserve natural topographic features and appearances:

1. Through land sculpturing, to blend any constructed or altered slopes into the natural topography;

2. By avoiding excessive terracing and padding of building sites;

3. By designing and locating structures to avoid a continuous hard skyline effect; and

4. By retaining major natural skyline profiles wherever feasible.

B. **Retention of major natural features.** Proposed hillside developments shall be designed to:

1. Retain major natural topographic features including canyons, drainage swales, steep slopes, watershed areas, flood plains, view corridors, and scenic vistas; and

2. Preserve and enhance prominent landmark features including rock outcroppings, prominent trees and other vegetation, and other areas of special natural beauty.

C. **Limitation on grading.** Proposed hillside developments shall limit the extent of site grading through:

1. The design and arrangement of alternative building sites, lot sizes, setbacks and setback variations, and limited residential densities on steeper terrain;

2. The use of clustered building sites and structures, and increased densities on more gently sloping terrain; and

3. The use of street designs and improvements which follow natural contours and preserve the character of the hillside.

D. **Landscaping.** Proposed hillside developments shall provide for the preservation and enhancement of native plant materials to protect slopes from soil erosion and slippage, and to minimize the visibility of grading and construction.

E. **Building colors and materials.** Development on the hillsides shall be visually subordinated to the hills. Colors used on buildings and structures shall be dark, natural colors with a light reflective value of less than 40 percent. Light colors including white, cream, and blue shall not be allowed, nor shall the lighter or more brilliant colors of red fired clay tile, brightly colored glazed tile, or metal be used for roofs. Development shall

also be screened to the extent possible from freeway views through the use of trees and other landscaping materials.

F. **Hillside view corridors.** Where side yards provide a view from the street to the ocean or a view to hills and valleys, the side yards should be maintained as open visual access corridors the width of the required side yard setback. These areas shall be open to the sky and free from all visual obstructions including trees and shrubs (except for a transparent gate or fence) from the front property line to the rear property line. Existing structures are exempt from this requirement.

17.28.050 - Hillside Grading Standards

Development and new land uses proposed in hillside areas shall comply with the following requirements.

A. **Grading on steep slopes prohibited.** No grading shall be allowed on slopes greater than 30 percent.

B. **Grading standards.** The overall shape, height, and grade of any cut or fill shall be designed and constructed to blend with the existing natural contours and character of the site terrain.

1. All cut and fill slopes with a vertical height of more than 10 feet shall be rounded with vertical curves from the crest of the slope and from any surface drains constructed on the face or top of the slope.

2. Where two cut or fill slopes intersect, the ends of each slope shall be horizontally rounded and blended with a minimum radius of 25 feet.

3. Where cut or fill slopes meet natural grade, the ends of each slope shall be vertically and/or horizontally rounded and blended with the natural contours to create the appearance of a natural slope.

4. The horizontal contours of any cut or fill slope in excess of 100 feet in horizontal length shall be curved in a continuous, undulating fashion.

5. The top and toe of each slope with a vertical height of more than 10 feet shall be vertically rounded and designed in proportion to the total height of the slope, except the toe of any slope within 25 feet of a dwelling.

C. **General Plan requirements.** Proposed hillside development shall also comply with General Plan policies CO-9 through CO-12.

CHAPTER 17.30 - LANDSCAPING

Sections:

17.30.010 - Purpose of Chapter
17.30.020 - Applicability
17.30.030 - Landscape Approval Requirements
17.30.040 - Landscape Planning Requirements
17.30.050 - Landscape Standards
17.30.060 - Landscape Design Guidelines
17.30.070 - Oak Tree Preservation

17.30.010 - Purpose of Chapter

This Chapter establishes landscape regulations that are intended to enhance the appearance of developments, reduce heat and glare, control soil erosion, conserve water, screen incompatible land uses, preserve the character of neighborhoods, and improve pedestrian and vehicular traffic and safety. See General Plan policy CO-13.

17.30.020 - Applicability

All proposed development shall provide and maintain landscaping in compliance with the provisions of this Chapter, and Chapter 15.48 of the Municipal Code (Water-Efficient Landscape Standards and Requirements).

17.30.030 - Landscape Approval Requirements

Landscape plans shall be prepared and submitted in compliance with Chapter 15.48 of the Municipal Code (Water-Efficient Landscape Standards and Requirements).

17.30.040 - Landscape Planning Requirements

Landscape shall be provided in the locations described in this Section in compliance with Section 17.30.050 (Landscape Standards), in addition to any areas required by Chapters 17.24 (General Property Development and Use Standards) and 17.38 (Standards for Specific Land Uses).

A. **General locations for landscape.** Landscape shall be provided in the following locations, unless the Director determines that the required landscape is not necessary to fulfill the purposes of this Chapter.

   1. **Setbacks.** All setback areas required by this Zoning Code shall be landscaped in compliance with this Section, except where a required setback is occupied by a sidewalk or driveway, or is enclosed and screened from public view.

2. **Unused areas.** All areas of a site not intended for a specific use or purpose, including pad sites in shopping centers held for future development, shall be landscaped.

3. **Parking areas.** Landscape shall be located within parking areas in compliance with Section 17.34.070.E (Development Standards for Off-Street Parking).

B. **Specific zone landscaping requirements.** Proposed development and new land uses shall be designed, constructed and maintained with landscaped open space areas of the minimum size shown in Table 3-1, based on the zoning district applicable to the site. These required landscaped open space areas are in addition to the landscaping required by Subsections A.2 and A.3, above. Additional landscaping may be required by the review authority to provide visual relief or contrast, or to screen incompatible or obtrusive features.

TABLE 3-1
MINIMUM LANDSCAPED AREA BY ZONING DISTRICT

Zoning District	Minimum % of Site Area Required to be Landscaped
RSM	20%
RR	20%
CRS	20%
CG	10%
CS	10%

Zoning District	Minimum % of Site Area Required to be Landscaped
CD-C	10%
CD-M	10%
CD-V	10%
PF	10%

17.30.050 - Landscape Standards

Landscape areas and materials shall be designed, installed, and maintained as provided by Chapter 15.48 of the Municipal Code (Water-Efficient Landscape Standards and Requirements).

17.30.060 - Landscape Design Guidelines

A. **Purpose.** This Section provides Landscape Design Guidelines that are intended as a guide to assist property owners and project designers in understanding the General Plan's goals for attaining high quality development that is sensitive to the City's unique character and climate.

B. **Applicability.** These guidelines will be used during the Site Plan and Architectural Review process as criteria against which to review projects requiring design approval.

1. The provisions of this Chapter apply to all development projects providing required landscaping, unless otherwise specified. Any addition, relocation, or construction requiring Site Plan and Architectural Review in compliance with Section 17.42.030 shall adhere to these guidelines where applicable.

2. These design guidelines may be interpreted with some flexibility in their application to specific projects as not all design criteria may be workable/appropriate for each project. In some circumstances, a guideline may be relaxed in order to accomplish another, more important guideline. The overall objectives are to ensure that the intent and spirit of the design guidelines are followed, and to attain the best possible design within reason.

C. General guidelines.

1. Proposed landscaping should relate to the scale of the structures on the site and should be compatible with the character and scale of adjacent landscaping that complies with the provisions of this Chapter and Chapter 17.30 (Landscape Standards).

2. Landscaping should not be used to screen or hide an otherwise unattractive structure or other elements of the project (e.g. trash enclosures) that might be more appropriately located in areas of the site where screening may not be necessary.

3. Landscape design should accent the overall design theme through the use of structures, arbors, and trellises that are appropriate to the particular architectural theme of the project.

4. Landscape designs should generally use a three tier concept:

   a. Hardy, low growing ground covers;

   b. Medium height shrubs; and

   c. Trees.

5. The following are common landscape design concepts that can be used to increase the visual and functional quality of the development:

   a. Specimen trees (minimum 48 inch box) used in informal groupings or rows at major focal points (e.g. project entry, pedestrian plaza, etc.);

   b. Use of flowering vines both on walls and arbors;

   c. Use of pots, vases, wall, or raised planters for accents in locations that otherwise would be difficult to provide in-ground landscaping;

   d. Use of planting to soften hardscape and provide shadows/patterns against walls;

   e. Use of distinctive plants and colors as focal points;

   f. Use of berms, plantings, and low walls to screen parking areas while allowing views to larger structures beyond; and

g. Dense landscaping to screen unattractive views and features (e.g storage areas, trash enclosures, freeway structures, transformers and generators) and other project features that do not contribute to the enhancement of the surroundings.

6. Landscaped areas should be separated from paved areas by a poured-in-place concrete curb or curb-and-gutter to prevent water leakage to the pavement area.

7. Existing on-site vegetation should be retained whenever possible and new landscaping should respect and incorporate existing landscape elements.

8. Landscape areas should be provided in plazas, courtyards, and areas of frequent pedestrian use. Plazas should be designed and planted to reflect an informal place suited to the pedestrian scale.

9. Landscape design should reflect a variety of deciduous and evergreen trees, shrubs, perennials, and groundcovers. Plant materials should be selected for their structure, texture, color, ultimate growth characteristics, and sense of unity with their surroundings.

D. **Project entry landscaping.** See Figure 3-5

1. Entries to multi-tenant projects should be designed as special statements reflective of the character and scale of the project in order to establish identity for tenants, visitors, and patrons. Flowering accent plantings and specimen trees should be used to reinforce the entry statement.

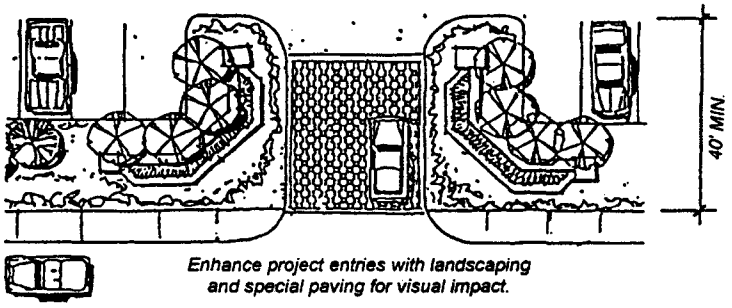


FIGURE 3-5
PROJECT ENTRY LANDSCAPING

2. Textured paving treatments (e.g., interlocking pavers, stamped concrete, etc.) should be used at project entries. Textures should be selected that:

a. Provide a visual of transition between the street, sidewalk, and the entry driveway;

b. Do not become slippery when wet; and

c. Are not so rough or irregular as to make walking difficult, discourage the use of baby strollers or wheelchairs, conflict with adjacent uses, or create noise.

3. Project identification signs are encouraged at entry drives. These are subject to approval in compliance with Chapter 17.36 (Signs).

E. Pedestrian area landscaping.

1. Planting next to walkways, within plazas, and adjacent to other pedestrian spaces should include smaller species of shrubs and trees in keeping with the intent to maintain an intimate human scale in these areas.

2. Pedestrian spaces should be enhanced by planting accents including vines espaliered against wall surfaces, flower beds, window boxes, and hanging pots with flowers and vines.

F. Installation of landscaping.

1. Trees should be planted three to five feet from turf areas. This will prevent over-watering of the tree, surface rooting, crown-rot, and "girdling" of the tree trunk by maintenance equipment.

2. If trees are to be planted in a turf area, the following criteria should be followed:

a. Only deep-rooted tree species should be used;

b. Turf areas around trees should be graded so that water drains away from the tree; and

c. Turf irrigation should be directed away from the tree. The tree should be irrigated by a combined bubbler/deep water pipe fixture.

3. The spacing of trees and shrubs should be appropriate to the species used. Spacing should ensure unobstructed access for vehicles and pedestrians and provide clear vision of intersections.

4. Plant material should conform to the following spacing criteria:

a. A minimum of 25 feet from the property corner at a street intersection to the center of the first tree or large shrub;

b. A minimum of 15 feet between the center of trees and large shrubs to light standards and fire hydrants; and

c. A minimum of 10 feet between the center of trees and large shrubs and the edge of a driveway.

5. Tree grates should be installed around trunks where trees are planted within sidewalks or other paved pedestrian areas.

6. Deciduous trees should predominate along south and west building exposures.

17.30.070 - Oak Tree Preservation

A. Purpose. This Section provides standards for the preservation of native oak species, *Quercus agrifolia, Quercus lobata, Quercus chrysolepis*), in compliance with Policy CO-13 of the Conservation and Open Space Element of the General Plan/Local Coastal Plan.

B. Applicability. The provisions of this Section apply to all native oak species (*Quercus agrifolia, Quercus lobata, Quercus chrysolepis*) measuring at least six inches in circumference at 4.5 feet above natural grade, except scrub oak (*Quercus dumosa*). The review authority shall apply these provisions when reviewing an application for Site Plan and Architectural Review, Minor Use Permit, Conditional Use Permit, Planned Development Permit, Variance, or Specific Plan.

C. Protection required. No person shall cut, remove, encroach into, or remove brush from the protected zone of any oak tree, or remove or transplant any oak tree on any public or private property within the City, unless removal has been authorized in conjunction with the approval of a land use permit in compliance with this Section.

1. **Exemptions.** The requirements of this Section do not apply to:

   a. Dead trees, as verified by the Director;

   b. Domestic oak trees that do not exceed eight inches in diameter and are not located within a public right-of-way, front or street side setback;

   c. Trees damaged by storms, floods, earthquakes, fires, or other disasters, and determined to be hazardous and in need of emergency removal or alteration by a Federal, State, County, or City official in his/her official capacity. The Department shall be notified of the emergency action at the first reasonable opportunity;

   d. Replacement, modification, and repair of exiting utility lines and equipment, emergency actions, or routine maintenance activities necessary to maintain the facilities or property of a public utility; or

   e. Trimming of healthy oaks for fire safety purposes, as verified by the Fire Department, and approved by the Director.

2. **Utility projects.** New construction and the replacement of existing facilities (other than the replacement, modification or repair of existing utility lines and equipment covered under Subsection B.1.a. above) shall comply with all applicable provisions of this Section.

   a. Utilities shall be held responsible for unnecessary damage to nonexempt oak trees.

   b. Utilities shall notify the Department five working days in advance of any maintenance activity that may affect a nonexempt oak. As an alternative to individual prior notification for each maintenance activity, the utility may submit to the City an annual notification. An annual notification shall include:

      (1) A list of the facilities to be maintained;

      (2) A schedule of work;

      (3) The extent of maintenance activities; and

      (4) A list of nonexempt oak trees that may be affected.

   c. Utilities may take emergency action regarding nonexempt oak trees without advance notice to the City when immediate action is required to protect public or utility employees, prevent damage or destruction of facilities and property, or for the prompt reinstatement of utility service after an interruption. The utility shall notify the City of any emergency action taken at the first reasonable opportunity.

D. **Application filing and processing.** Land use permit applications proposing the removal of oak trees shall be prepared, filed, and processed in compliance with Chapter 17.40 (Applications - Filing and Processing), and the following requirements.

1. **Application materials.** The application shall include the following, in addition to all information and materials required by Chapter 17.40.

   a. **Oak tree report.** An oak tree report prepared by a City-qualified arborist, including a topographic plot plan showing the following:

      (1) Natural grade plan indicating genus, location, diameter, orientation, and of all trees on the site, and identifying trees that are proposed to be removed, transplanted, or altered; and

      (2) Finished grade plan indicating genus, location, diameter, orientation, registration number and trees that have been planted or transplanted.

   b. **Management plan.** A management plan in compliance with Policy CO-13 of the General Plan/LCP.

c. **Explosives bond or insurance.** A bond and/or insurance as determined to be necessary by the Director, where work on an oak tree that is subject to this Section is proposed to involve the use of explosives.

2. **Oak tree consultant review.** The Director shall forward a complete land use permit application proposing oak tree removal to a City-qualified oak tree consultant for review and comment prior to completion of a staff report.

E. **Findings and decision.** The review authority may approve oak tree removal only after first finding that:

1. The condition or location of the oak tree or trees requires altering to maintain or aid tree health, balance or structure;

2. The condition of the tree or trees with respect to disease, danger of falling, proximity to existing structures, high pedestrian traffic areas including parking lots, and pedestrian walkways, cannot be controlled or remedied through reasonable preservation and/or prevention procedures and practices; or

3. The removal, transplanting, alteration, or encroachment into the protected zone of an oak tree is necessary to enable the reasonable and conforming use of the site, which is otherwise prevented by the presence of the tree. Reasonable use of the property shall be determined as part of the review of the permit application.

F. **Conditions for altering, transplanting, or removal.** The review authority may impose any conditions on the permit deemed necessary and reasonable, including any of the following.

1. **Fencing.** The fencing of the protected zone of potentially affected trees prior to any construction activity on the site.

2. **Bonds.** Bonds and/or sureties for reforestation, monitoring and maintenance, in compliance with Section 17.44.040 (Performance Guarantees).

3. **Replacement.** Replacement or placement of additional trees, associated hardwood canopy, land or wildlife habitat to offset the impacts associated with: the loss of oak trees, limbs, or roots; or encroachments into the protected zone(s).

4. **Monitoring.** Where required, monitoring may be conducted during all grading and construction activities, at quarterly intervals, or more frequently if the review authority determines that site conditions warrant. Information provided by monitoring will be used by the City in establishing realistic mitigation measures and to ensure the future oak resources of the City.

a. **Type of monitoring.** Monitoring shall consist of quantitative and qualitative observations, useful in identifying stress-related responses of the trees.

b. **Duration.** After construction, monitoring should be required for a minimum of five years on a biannual basis, or more if warranted by site conditions, to ensure the continued health of the trees.

c. **Personnel.** All monitoring will be done by a City-approved person or firm and the cost borne by the applicant.

G. **Nonliability of City.** Nothing within this Section shall impose any liability for damages, or a duty of care and maintenance upon the City, or its officers or employees. Any person in possession and/or control of an oak tree on public or private property shall have a duty to keep the oak trees in a safe, healthy condition.

CHAPTER 17.32 - OCEAN FRONTING DEVELOPMENT

Sections:

17.32.010 - Purpose of Chapter
17.32.020 - Applicability
17.32.030 - Application Content
17.32.040 - Limitations on Development
17.32.050 - Site Planning and Project Design
17.32.060 - Public Access
17.32.070 - Shoreline Protection

17.32.010 - Purpose of Chapter

This Chapter provides standards for proposed development and new land uses on parcels which border the ocean, where careful design and development practices are necessary to preserve significant coastline features, implement applicable provisions of the General Plan/Local Coastal Plan, and comply with the Coastal Act.

17.32.020 - Applicability

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

17.32.030 - Limitations on Development

A. **Prohibition on development needing protection.** Proposed development shall not be approved where the review authority determines that shoreline protective structures will be necessary to protect the new structures at the time of development, or within 100 years of development.

B. **Prohibition on new access stairways - Sunset Palisades.** In compliance with General Plan policy LU-A-11, no new public or private beach stairways shall be allowed within the Sunset Palisades planning area designated by the General Plan. If existing stairways are removed, damaged, or destroyed, they shall not be repaired or replaced.

C. **Public structures.** Stairs, retaining walls, fences, pipelines, and similar public or quasi-public facilities located on coastal bluffs shall require a Conditional Use Permit in compliance with the General Plan/Local Coastal Plan.

17.32.040 - Application Content

Land use permit applications for development on ocean fronting parcels shall include the following information where applicable, in addition to all the information required by Section 17.40.040 (Application Preparation and Filing).

A. **Erosion control plan.** All land use permit applications for ocean fronting parcels shall include a site specific erosion control plan. The plan shall be prepared by a registered engineer qualified in hydrology and soil mechanics, and shall ensure that the development will not contribute to the erosion or failure of any bluff face, and will eliminate or mitigate any adverse impacts on local shoreline sand supply to the maximum extent feasible.

B. **Geology report.** A geology report shall be required when structures are proposed within an area between the face of the bluff, and a line described on the blufftop by the intersection of a plane inclined at a 20 degree angle from horizontal, passing through the toe of the bluff or cliff, or 50 feet inland from the blufftop, whichever is greater. See Figure 3-6.

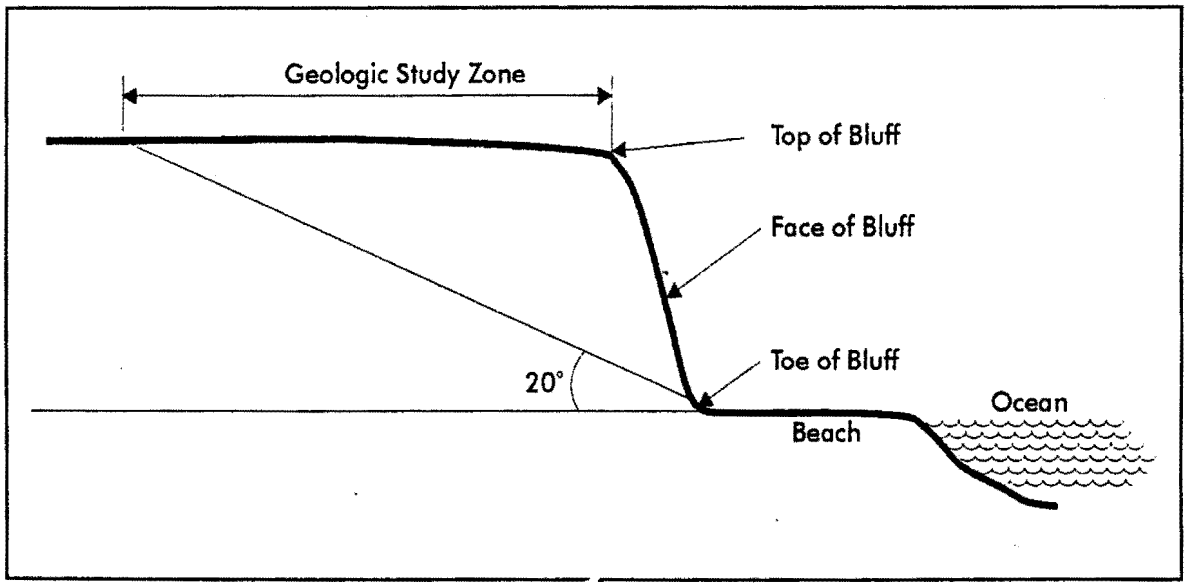


FIGURE 3-6
AREA WHERE GEOLOGY REPORT REQUIRED

C. **Preparation and contents of geology report.** A required geology report shall be prepared by a qualified, licensed engineer approved by the City, and shall be submitted with the land use permit application for the proposed structure. The report shall consider, describe, and analyze the following:

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

2. Historic, current, and foreseeable cliff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available, and possible changes in shore configuration and sand transport;

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

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

5. Impact of construction activity on the stability of the site and adjacent area;

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

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

8. Effects of marine erosion on seacliffs;

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

10. Any other factors that might affect slope or bluff stability.

17.32.050 - Site Planning and Project Design

A. **Design.** All development adjacent to coastal bluffs and beaches shall be sited and designed to reduce the visual impact of bulk and scale.

B. **Height limits.** Height limits for structures on ocean fronting parcels are established by the primary zoning district (see Article II - Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) or, where applicable, the HL (Height Limitation) overlay zoning district, Section 17.14.040.

C. **Setbacks.** Development proposed on ocean fronting parcels shall comply with the setback requirements of the applicable primary zoning district established in Article II (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), except where a side or rear lot line is adjacent to a coastal bluff, or where public access and/or recreational areas are required in compliance with Section 17.32.060 (Public Access). Proposed development shall be set back from the top of the bluff as provided by this Subsection.

1. **Bluff retreat setback requirements.** New structures shall be set back a sufficient distance from the bluff top to be safe from bluff erosion for a minimum of 100 years

as determined by a site-specific geology report, prepared in compliance with Section 17.32.040.B (Application Content - Geology Report); provided that in no case shall the minimum setback be less than 25 feet.

2. **Use of bluff retreat setbacks.** No development except public access pathways and existing stairways (see Section 17.32.030.B - Prohibition on new access stairways) shall be permitted within the bluff retreat setbacks identified in site specific geologic reports, except for fences in the RSL zoning district, in compliance with Section 17.24.060.E.

3. **Access and recreational area setbacks.** Additional blufftop setbacks may be required in compliance with General Plan/Local Coastal Plan policies in specific planning areas, to accommodate public access and recreational areas, in compliance with Section 17.32.060 (Public Access).

4. **Boardwalk setbacks.** Structures adjacent to the boardwalk within the CD zoning districts shall comply with the special setback requirements and height limits established Section 17.12.050.B.

17.32.060 - Public Access

This section provides requirements for the dedication and improvement of public access to, and along the coast, in conjunction with proposed development and new land uses. The intent of this section is to assure public rights of access to the coast are protected as guaranteed by the California Constitution. Coastal access standards are also established by this section to satisfy the intent of the California Coastal Act.

A. **Access defined:**

1. **Lateral access:** Provides for public access and use along the shoreline.

2. **Vertical access:** Provides access from the first public road to the shore, or perpendicular to the shore.

B. **Protection of existing coastal access.** Development may not interfere with public rights of access to the sea where such rights were acquired through use or legislative authorization. Public access rights may include but are not limited to the use of dry sand and rocky beaches to the first line of terrestrial vegetation.

C. **Access dedication requirements.** The review authority may require the dedications described in following Subsections C.1 and C.2 upon making specific findings documenting the need for additional public access on and/or through the site, and the relationship of the required dedication to the impacts on existing access, or needs for additional access created by the project.

1. **Lateral and vertical access.** Proposed development and new land uses located between the ocean the first public road may be required to provide vertical (perpendicular) access from the public road to bluff and beach areas, and lateral access along the beach, shoreline and blufftops, in compliance with policies PR-22

through PR-33 of the Parks, Recreation & Access Element of the General Plan/Local Coastal Plan.

2. **Sites adjacent to the Boardwalk.** Proposed projects on sites adjacent to the area intended for the Boardwalk may be required to comply with the following access requirements.

   a. **Lateral access for Boardwalk.** As a condition of approval, any development on any oceanfront parcel located between Pismo Creek and Main Street, may be required to dedicate a lateral access easement to allow public access, development and maintenance of the Boardwalk. The width of the easement shall generally be 20 feet, unless the size, shape or location of a parcel make this dedication infeasible or unnecessary. If special circumstances exist which would impose a unique hardship for a particular parcel, the Commission may reduce the required width of the access easement to a minimum of 10 feet.

   b. **Developer construction of Boardwalk improvements.** Where the review authority determines that a land use permit application proposes substantial development along the area intended of the Boardwalk, land use permit approval may be subject to the condition that the developer construct and install boardwalk improvements of the segment located within or adjacent to the site. Projects determined to include only minor development may be permitted to pay in-lieu fees as provided by Council resolution.

D. **Permitted development in blufftop access areas.** The development and use of blufftop access areas shall comply with policy PR-33 of the Parks, Recreation & Access Element of the General Plan/Local Coastal Plan.

E. **Timing of access requirements.** The type and extent of access to be dedicated, and/or constructed and maintained, as well as the method by which its continuing availability for public use is to be guaranteed, shall be established at the time of land use permit approval, as provided by this section.

   1. **Dedication.** Shall occur before issuance of construction permits or the start of any construction activity not requiring a permit.

   2. **Construction of improvements.** Shall occur at the same time as construction of the approved development, unless another time is established through conditions of land use permit approval.

   3. **Interference with public use prohibited.** Following an offer to dedicate public access pursuant to this section; the property owner shall not interfere with use by the public of the areas subject to the offer before and after acceptance by the responsible entity.

F. **Access title and guarantee.** Where public coastal accessways are required by this section, approval of a land division, or land use permit for new development shall require guarantee of such access through deed restriction, or dedication of right-of-way or easement. Before approval of a land use permit or land division, the method and

form of such access guarantee shall be approved by City Attorney, and shall be recorded in the office of the County Recorder, identifying the precise location and area to be set aside for public access. The method of access guarantee shall be chosen according to the following criteria:

1. **Deed restriction.** Shall be used only where an owner, association or corporation agrees to assume responsibility for maintenance of and liability for the public access area, subject to approval by the Planning Director.

2. **Grant of fee interest or easement:** Shall be used when a public agency or private organization approved by the Planning Director is willing to assume ownership, maintenance and liability for the access.

3. **Offer of dedication.** Shall be used when no public agency, private organization or individual is willing to accept fee interest or easement for accessway maintenance and liability. Such offers shall not be accepted until maintenance responsibility and liability is established.

17.32.070 - Shoreline Protection

A. **Erosion control.** Proposed blufftop development shall be designed and constructed to incorporate appropriate erosion control measures, in compliance with the City's grading standards (Chapter 15.16 of the Municipal Code), and the *Erosion Control Handbook* in Appendix 2 of the General Plan/Local Coastal Plan.

B. **Drainage devices.** Drainage devices extending over the bluff face shall not be permitted if the property can be drained away from the bluff face. All new drainage structures shall be constructed so that drainage water will not spill over or onto the bluff face. Drain pipes shall be allowed only where no other less environmentally damaging drain system is feasible, and drain pipes are designed and placed to minimize impacts to the bluff face, toe of bluff, and beach.

C. **Shoreline protective structures.** Shoreline protective structures including sea walls, revetments, groins, breakwaters, and rip-rap may be allowed with Conditional Use Permit approval, only when the review authority determines that the structure is:

1. Necessary to protect existing structures, coastal-dependent uses, public beaches and parks in danger of erosion;

2. The least environmentally damaging feasible alternative;

3. Designed to successfully eliminate or mitigate adverse impacts on local shoreline and sand supply;

4. Designed to avoid significant rocky points and intertidal or subtidal areas;

5. Designed to provide lateral beach access, where feasible;

6. Designed to respect natural land forms and minimize visual impact to the extent possible, through means including the use of visually compatible colors and materials; and

7. Consistent with policy CO-17 of the *Conservation and Open Space Element* of the General Plan/Local Coastal Plan.

D. **Structures on sandy beach.** No permanent structures shall be permitted on the dry sandy beach except facilities necessary for public health and safety, including lifeguard towers, the pier and boardwalk.

E. **Offshore oil operations.** Offshore oil drilling or any other activity that may endanger the Pismo Clam, or the recreational value of the beach, shall be prohibited within the City's jurisdiction, and discouraged in adjacent outside ocean areas.

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

CHAPTER 17.34 - PARKING AND LOADING

Sections:

17.34.010 - Purpose of Chapter
17.34.020 - Applicability
17.34.030 - General Parking and Loading Regulations
17.34.040 - Number of Parking Spaces Required
17.34.050 - Reduction of Off-Street Parking Requirements
17.34.060 - Disabled Parking Requirements
17.34.070 - Development Standards for Off-Street Parking
17.34.080 - Parking Design Guidelines
17.34.090 - Driveways and Site Access
17.34.100 - Loading Space Requirements

17.34.010 - Purpose of Chapter

The off-street parking and loading standards of this Chapter are intended to:

A. Provide sufficient parking facilities to meet the needs generated by the proposed use;

B. Provide accessible, attractive, secure, properly lighted, and well-maintained and screened off-street parking and loading facilities;

C. Reduce traffic congestion and hazards;

D. Encourage the use of alternative modes of transportation by providing for safe, adequate and convenient bicycle and carpool parking;

E. Protect neighborhoods from the effects of vehicular noise and traffic;

F. Ensure access and maneuverability for emergency vehicles; and

G. Provide loading and delivery facilities in proportion to the needs generated by the proposed use.

17.34.020 - Applicability

Every permanent land use (including a change of use), and every structure shall be provided permanently maintained off-street parking and loading areas, in compliance with this Chapter.

17.34.030 - General Parking and Loading Regulations

A. **Location of parking and loading areas.** All parking and loading spaces, areas, and their accessways shall be located on the site of a proposed land use, outside of the public right-of-way, in compliance with Section 17.34.070 (Development Standards for Off-Street Parking). Off-site spaces may be used to satisfy the parking requirements of this Chapter as follows.

1. The Director or Commission may authorize a portion or all of the required parking to be located on an adjacent parcel or on a non-contiguous parcel, provided that all required parking spaces will be within 300 feet of the use requiring the parking; and

2. Off-site parking may also be authorized in compliance with Section 17.34.050 (Reduction of Off-Street Parking Requirements).

B. **Maintenance of parking and loading areas.** All covered or uncovered off-street parking and loading facilities required by this Chapter shall be permanently reserved for parking and loading purposes, without any fee or charge to patrons of the site requiring the parking. All parking facilities, including but not limited to curbs, directional markings, disabled symbols, landscaping, pavement, signs, striping, and wheel stops, and other facilities, shall be permanently maintained by the property owner/tenant in good repair, free of litter and debris, potholes, obstructions, and stored material.

C. **Residential guest parking.** Required guest parking in residential zoning districts shall be designated and restricted for the use of guests.

D. **Recreational vehicle parking - Residential areas.** The storage (parking for any period longer than 72 hours) of recreational vehicles and boats on private property in residential zoning districts shall be allowed only within driveway areas, within interior side setbacks, and rear setbacks.

1. All vehicles stored in areas other than driveways that may be visible from the public view of the front, or street-side areas of the site shall be screened by a combination of fencing, walls, and/or screening landscaping as determined by the Director.

2. Stored vehicles shall be solely for the personal use of the property owner or residents of the site intended for accessory storage. Recreational vehicles shall not be used for living, sleeping, or housekeeping purposes when stored on a residential lot, or in any location not approved for these purposes.

E. **Commercial vehicle parking - Residential areas.** No commercial vehicle exceeding eight feet in height and/or 20 feet in combined total length, or towed equipment, shall park between the hours of 6:00 P.M. and 6:00 A.M. on private property or public rights-of-way within residential zoning districts. This prohibition shall not apply to construction sites during the construction process or to vehicles in the process of making deliveries or pickups. Additional requirements for the parking of commercial and oversize vehicles are provided by Chapter 10.08 (Stopping, Standing, and Parking) of the Municipal Code.

17.34.040 - Number of Parking Spaces Required

All proposed land uses shall be designed and constructed to provide the minimum number of off-street parking spaces required by this Section, except where a greater number of spaces is required through land use permit conditions of approval.

A. **Expansion of existing structure, change in use.** When a structure is enlarged or increased in capacity, or when a change in use is required by this Section to have more parking than the former use, the additional off-street parking spaces required by this Section shall be provided on the site, except where a reduction in parking space requirements is approved in compliance with Section 17.34.050 (Reduction of Off-Street Parking Requirements).

B. **Alteration of existing structure, change in use - CD districts.** The use of any structure which existed within the CD zoning district as of December 14, 1983, may be changed without providing the parking spaces required by this Section, except as follows.

1. **Change of use from residential to commercial.** Additional parking spaces shall be provided where a change of use from residential to commercial is proposed, and the commercial use would be required by this Section to have more than 50 percent more parking spaces than the former residential use. The number of spaces provided shall be the number required by this Section for the new use, minus two spaces, and minus the number of spaces required for the residential use.

2. **Reconstruction or structural alteration.** Reconstructions or major structural alterations (not including seismic retrofitting) which exceed 50 percent of the assessed value of the existing improvements, and do not increase floor area shall provide one-half of the number of spaces required by this Section for all uses within the structure and on the parcel.

3. **Additions within CD-C zoning district.** Additions to structures within the CD-C zoning district shall be required to provide parking in compliance with this Section for the area of the addition only.

C. **Multiple uses on a single site.** A site or facility proposed for multiple tenants or uses (for example, a building with ground-floor shops and second-floor offices) shall provide the aggregate number of parking spaces required by this Section for each separate use; except where shared parking is allowed in compliance with Section 17.34.050 (Reduction of Off-Street Parking Requirements).

D. **Parking required by Development Agreements and Specific Plans.** Parking requirements established by applicable Development Agreements or Specific Plans supersede the provisions of this Section.

E. **Parking districts.** The parking requirements of this Section do not apply to any use proposed within a parking district established by the Council after the effective date of this Section, except for hotels, motels, bed and breakfast inns, and other transient lodging facilities.

F. **Parking requirements by land use.** Each land use shall be provided the minimum number of off-street parking spaces shown in Table 3-2.

1. **Additional requirements.** Additional spaces may be required by the review authority through land use permit conditions of approval, where applicable.

2. **Uses not listed.** Land uses not specifically listed by Table 3-2 shall provide parking as required by the Director. In determining appropriate off-street parking requirements, the Director shall use the requirements of Table 3-2 as a general guide in determining the minimum number of off-street parking spaces necessary to avoid undue interference with public use of streets.

3. **Rounding of quantities.** Where the number of required parking spaces results in a fraction of 0.50 or higher, the requirements shall be rounded up to the next whole space.

TABLE 3-2
REQUIRED NUMBER OF PARKING SPACES

Land Use Type: **Manufacturing & Processing**	**Number of Parking Spaces Required**
Manufacturing, industrial, warehousing	1 space for each 500 sq.ft. of gross floor area plus 1 space for each vehicle operated in connection with each on-site use.
Recycling facilities	If the facility is open to the public, an on-site parking area shall be provided for a minimum of 10 customers at any one time. Space shall be also provided for the anticipated peak load of customers to circulate, park and deposit recyclable materials.
	One employee parking space shall be provided on-site for each commercial vehicle operated by the processing center.

TABLE 3-2
REQUIRED NUMBER OF PARKING SPACES (Continued)

Land Use Type: **Recreation, Education, Public Assembly**	**Number of Parking Spaces Required**
Child day care	
Centers	1 space for each employee, plus an adequate drop-off area as required by the review authority.
Large family care homes	1 space for each employee.
Golf courses, driving ranges	2 spaces per tee; plus clubhouse spaces as required for restaurants, bars, health/fitness clubs, and similar accessory uses.
Indoor recreation and fitness centers	
Arcades	1 space for each 200 sq.ft. of gross floor area.
Bowling alleys	4 spaces per lane.
Dance halls	1 space for each 100 sq.ft. of gross floor area.
Health/fitness clubs	1 space for each 150 sq.ft. of gross floor area.
Pool and billiard rooms	2 spaces per table.
Libraries and museums	1 space for each 500 sq.ft. of gross floor area.
Membership organizations	1 space for every 3.5 occupants, as determined by the Fire Department
Outdoor commercial recreation facilities	Determined by Conditional Use Permit.
Religious places of worship	1 space for each 4 fixed seats, or each 7 linear ft. of bench or pew seating; plus 1 space for each 30 sq.ft. of sanctuary or meeting area without fixed seats.
Schools	
Elementary/Junior High	1 space for each classroom; plus 1 space per 5 fixed seats in an auditorium; plus 1 space for each 35 sq.ft. of floor area in meeting/multipurpose rooms without fixed seats.
High School	5 spaces for each classroom; plus 1 space per 5 fixed seats in an auditorium; plus 1 space for each 35 sq.ft. of floor area in meeting/multipurpose rooms without fixed seats.
Studios for dance, art, and similar activities	1 space for each 2 students.
Tennis/racquetball courts	3 spaces per court, plus as required for incidental uses.
Theaters, auditoriums, and meeting halls	1 space for every 4 fixed seats; 1 space per each 30 sq.ft. of meeting/multipurpose room floor area without fixed seats.

TABLE 3-2
REQUIRED NUMBER OF PARKING SPACES (Continued)

Land Use Type: **Residential Uses**	**Number of Parking Spaces Required**
Mobile home parks	2 spaces per unit, 1 covered; plus 1 space for each 4 units, for guest and RV parking.
Mobile homes outside of parks	2 spaces, 1 within a garage or carport.
Multi-family, condominiums, and senior non-convalescent dwellings (Spaces may be within garages, carports, or open parking courts; parking courts require Site Plan and Architectural Review.)	Studio and 1 bedroom units of less than 600 sq.ft. - 1 space per unit.
	Units of 2 or more bedrooms and/or 600 sq.ft. or more - 2 spaces per unit.
	Guest parking - 1 space per 4 units for projects of 50 units or less; 1 space per 2 units for projects of more than 50 units.
Rooming and boarding houses	1 space per each sleeping room, or 1 space per 100 sq.ft. of sleeping area, whichever is greater.
Secondary residential units	1 in a garage or carport.
Senior convalescent housing projects	1 space per 1.5 living units.
Single-family dwellings, duplexes	2 spaces; both within a garage on parcels of 2,700 sq.ft. or larger, one within a garage on parcels less than 2,700 sq.ft. Carports shall not be allowed for single-family dwellings.

TABLE 3-2
REQUIRED NUMBER OF PARKING SPACES (Continued)

Land Use Type: **Retail Trade**	**Number of Parking Spaces Required**
Auto, mobile home, vehicle and parts sales	1 space for each 450 sq.ft. of gross floor area for showroom and office; plus 1 space for each 2,000 sq.ft. of outdoor display area; plus 1 space for each 500 sq.ft. of gross floor area for vehicle repair; plus 1 space for each 300 sq.ft. of gross floor area for the parts department.
Plant nurseries	1 space for each 300 sq.ft. of indoor display area; plus 1 space for each 1000 sq.ft. of outdoor display area.
Restaurants, cafes, bars, and similar facilities	
4,000 sq.ft. or less	1 space for each 100 sq.ft. of gross floor area; plus 1 space for each 100 sq.ft. of outdoor dining and waiting area.
4,001 sq.ft. or more	1 space for each 100 sq.ft. of gross floor area; plus 1 space for each 100 sq.ft. of outdoor dining and waiting area; plus 1 space for each 50 sq.ft. of gross floor area over 4,000.
Take-out windows	2 spaces in addition to those required for restaurant above.
Retail stores	
General retail	1 space for each 300 sq.ft. of gross floor area.
Appliances, furnishings, equipment, other large items	1 space for each 600 sq.ft. of gross floor area.
Warehouse retail	1 space for each 165 sq.ft. of gross floor area.
Shopping centers	1 space for each 250 sq.ft. of gross floor area.

TABLE 3-2
REQUIRED NUMBER OF PARKING SPACES (Continued)

Land Use Type: **Services**	**Number of Parking Spaces Required**
Banks and financial services	1 space for each 300 sq.ft. of gross floor area, plus 2 spaces per ATM.
Hotels and motels (see 17.38.080)	1 space for each guest room, and 1.5 spaces for each multi-room suite; plus 1 space for each 20 guest rooms.
Accessory dining, meeting, and convention facilities	1 space for each 5 seats of maximum seating capacity as determined by the Uniform Building Code.
Kennels and animal boarding	1 space for each 400 sq.ft. of gross floor area.
Medical services	
Clinics, medical/dental offices, labs	1 space for each 150 sq.ft. of gross floor area.
Extended care	1 space for each 3 beds.
Hospitals	1 space for each patient bed.
Offices, business, professional	1 space for each 300 sq.ft. of gross floor area.
Personal services	
Barber/beauty shops	2.5 spaces for each service chair.
Laundromats	1 space for every 3 washing machines.
Other personal service uses	1 space for each 300 sq.ft. of gross floor area.
Research and development	1 space for each 300 sq.ft. of gross floor area.
Service stations	1 space for each 180 sq.ft. of gross building floor area; plus 1 space for each service bay; plus 1 space for each 300 sq.ft. of convenience retail.
Storage, personal storage facilities	1 space for each 5,000 sq.ft. of gross floor area plus 2 spaces for any resident manager.
Vehicle services - Repair and maintenance	
Repair garage	5 spaces, plus 1 space for each 200 sq.ft. of gross floor area.
Facilities designed for customer to wait on-site during service	4 spaces per service bay plus adequate queuing lanes.
Self-service vehicle washing	2.5 spaces per washing stall, for queuing and drying.
Full-service vehicle washing	12 spaces, plus adequate queuing and drying area.
Veterinary clinics and animal hospitals	1 space per 200 sq.ft. of gross floor area.

17.34.050 - Reduction of Off-Street Parking Requirements

The number of off-street parking spaces required by Section 17.34.040 (Number of Parking Spaces Required) may be reduced as provided by this Section.

A. **General shared parking reduction.** The total number of parking spaces required for multiple non-residential uses sharing a single parking facility may be reduced by the Commission through Site Plan and Architectural Review, or Conditional Use Permit approval.

1. **Allowed reduction.** The Commission may reduce the number of parking spaces required by up to 15 percent of the sum of all parking requirements computed separately.

2. **Required findings.** The granting of a parking reduction shall require that the Commission first find that:

a. Some of the uses sharing the parking facility generate parking demands primarily during hours when the remaining uses are not in operation (for example, if one use operates during evenings or weekdays only); or

b. The parking demands for the individual uses vary substantially during a typical day; or

c. Patrons are likely to visit more than one business establishment on a single trip.

B. **Downtown area parking reductions.** Within the CD zoning district, the number of parking spaces required may be reduced as follows.

1. **Multiple use shared parking.** The total number of parking spaces required for multiple non-residential uses sharing a single parking facility may be reduced by the Commission through Conditional Use Permit approval. The aggregate total number of parking spaces required for each use by Section 17.34.040 (Number of Parking Spaces Required) may be reduced by 25 percent for the first 5,000 square feet of building area on the site, and by two percent for each additional 1,000 square feet of building area, up to a maximum reduction of 60 percent.

2. **Off-site shared parking.** Where approved by the Commission, parking required for a use proposed within the CD-C zoning district may be located in a common or shared parking facility away from the site of the proposed use, including outside of the CD-C district. In reviewing a request for shared off-site parking, the Commission shall consider how the distance between the parking area and the proposed use may affect whether the off-site facility will satisfy the parking needs of the proposed use.

3. **Joint use of existing parking facilities.** The joint use of existing parking facilities by multiple uses may be authorized through Conditional Use Permit approval as provided by this Subsection.

   a. **Applicability.** If a parcel or building has more on-site parking spaces than the number required by Table 3-2, the number of excess spaces may be made available to serve a use on another site, provided that the parking site is within 500 feet of the use to be served.

   b. **Allowed parking reduction.** Up to 70 percent of the parking spaces required by Table 3-2 for a use determined by the review authority to be primarily a daytime use may be provided by the parking facilities of a use determined to be primarily a nighttime use, in compliance with the following standards.

      (1) Typical daytime uses include: banks, business offices, retail stores, personal service shops, and similar uses. Typical nighttime uses include theaters and restaurants.

      (2) The applicant shall be required to show that:

         (a) There is no substantial conflict in the principal operating hours of the building or uses for which the joint use of off-street parking facilities is proposed; and

         (b) The proposed joint use parking area is conveniently located to serve both uses, and generally not a greater distance from those uses than 500 feet.

   c. **Required agreement or covenant.** A parking agreement or covenant in a form approved by the City shall be recorded against the property which is the site of the parking referenced in Subsections B.3.a and B.3.b above. The agreement or covenant shall contain the following stipulations:

      (1) The owner of the parking facility shall continue to maintain and make the parking facility available to the use as long as the use continues;

      (2) The owner of the business or use receiving the parking shall discontinue the use requiring the parking upon revocation of the agreement or covenant;

      (3) The agreement or covenant shall not be revoked without the prior notification and approval of the City; and

      (4) If the parking site is owned by the developer of the proposed uses, the covenant shall stipulate that the title to and right to use the site upon which the parking is to be provided will be subservient to the title to the site upon which the building is to be developed, and that it is warranted that the site is not and will not be made subject to any other covenant or contract for use without prior written consent of the City.

4. **Payment of fees in lieu of providing parking.** The parking space requirements of Table 3-2 may be satisfied through the payment of an "in-lieu" parking fee subject to the following requirements:

   a. **Applicability.** This provision shall apply to commercial uses and development within the CD zoning district, as follows:

      (1) Within the CD-C district, up to 100 percent of the parking requirement for new development, additions or renovations may be satisfied by the payment of in-lieu fees.

      (2) Within the CD-M, and CD-V districts, up to 100 percent of the parking requirement generated by new development, additions or renovations on sites of less than 4,000 square feet may be satisfied by the payment of in-lieu fees, and up to 50 percent for parcels or sites larger than 4,000 square feet.

      (3) The payment of in-lieu parking fees shall not be used to satisfy the parking requirements of any transient lodging or residential use.

   b. **Establishment of fee.** The City Council shall adopt a resolution setting the amounts of the in-lieu parking fees to be paid. The resolution may be amended from time to time as conditions change. The amounts of the fees shall be based on the following, which shall be included in the resolution:

      (1) The estimated total cost of providing one off-street parking space in a surface parking lot located within the downtown, including the costs of land and all improvements.

      (2) Within the CD-C district and on sites smaller than 4,000 square feet in other CD districts, the amount of the in-lieu fee for parking requirements caused by additions or renovations to existing buildings shall be 60 percent of the total cost established in compliance with Subsection B.4.b, above.

      (3) Within the CD-C district, the amount of the in-lieu fee for parking requirements caused by new development, other than additions, shall be 80 percent of the total cost established in compliance with Subsection B.4.b, above.

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

   c. **Commission approval required.** Any request to pay an in-lieu parking fee to satisfy the requirement for off-street parking shall be subject to review and approval by the Planning Commission.

d. **Timing of payment.** Any approved in-lieu parking fees shall be paid to the City prior to issuance of a Building Permit for the project.

e. **Deposit and use of funds.**

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

(2) The in-lieu parking fund shall be used only for the purchase of additional land for public parking facilities and the construction of improvements to accommodate public parking, within the CD district.

17.34.060 - Disabled Parking Requirements

Parking areas shall include parking spaces accessible to the disabled in compliance with this Section.

A. **Number of spaces, design standards.** Parking spaces for the disabled shall be provided in compliance with Uniform Building Code (UBC) Section 1129B, which incorporates the requirements of California State law. State law may be amended from time to time, so reference should be made directly to State law for standards on the required number, dimensions, and location of handicapped parking spaces, signage, and related facilities. See Figure 3-7.

B. **Reservation of spaces required.** All disabled accessible spaces required by this Section shall be reserved by the property owner/tenant for use by the disabled throughout the life of the approved land use.

C. **Upgrading of markings required.** If amendments to State Law change State standards for the marking, striping, and signing of disabled parking spaces, all handicapped spaces within the City shall be upgraded in compliance with the new State standards. This upgrading shall be completed by affected property owners within 60 days of their being notified in writing by the City of the new State standards.

17.34.070 - Development Standards for Off-Street Parking

Off-street parking areas shall be provided on the subject site, outside of any public right-of-way, in compliance with this Section. See also Section 17.34.080 (Parking Design Guidelines).

A. **Access.**

1. **Driveway location and design.** Site access driveways shall be located and designed in compliance with Section 17.34.090 (Driveways and Site Access).

2. **Internal maneuvering area.** Parking areas shall provide suitable maneuvering room so that all vehicles may enter an abutting street in a forward direction. Single-family homes and duplexes are exempt from this requirement and the Director may approve exceptions for other residential projects.

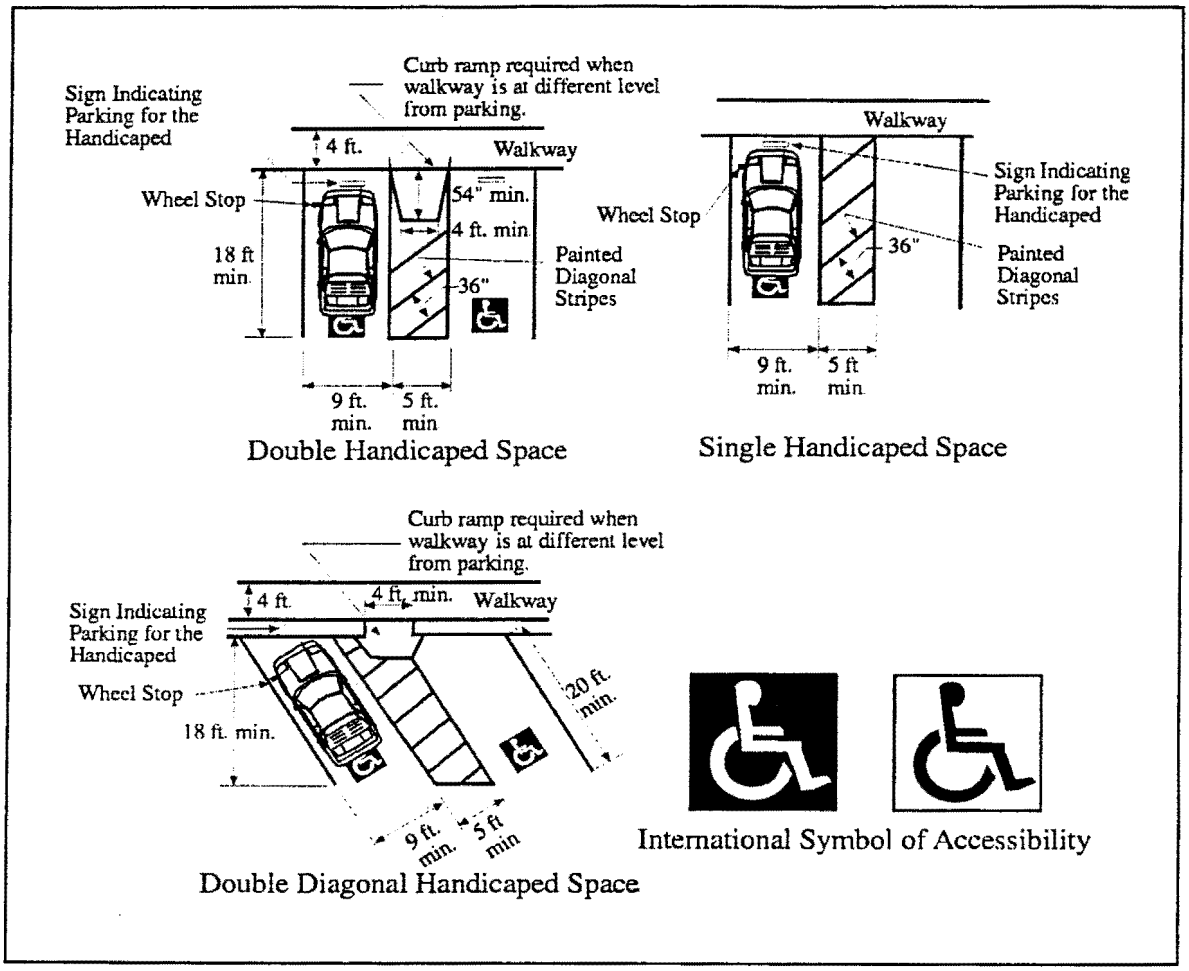


FIGURE 3-7
DESIGN OF DISABLED ACCESSIBLE SPACES

3. **Parking space location.** No parking space shall be located so that a vehicle will maneuver within 20 feet of a vehicular entrance to the site, measured from the property line.

4. **Residential garage location.** Residential garage entrances shall be set back a minimum of 20 feet from any public or private street right-of-way.

5. **Tandem parking.** Tandem parking shall only be used as follows.

   a. **Residential districts.** The review authority may authorize the use of tandem parking spaces in residential zoning districts only, where the spaces are:

      (1) In excess of the maximum number of parking spaces required by this Zoning Code; and

      (2) Entirely enclosed within a building.

b. **CD zoning districts.** Tandem parking may be permitted to satisfy off-street parking requirements within the CD-C and CD-V zoning districts, for transient lodging uses, only where valet service is provided at all times when the parking spaces are available for public use.

B. **Adjacent site access.** Non-residential developments should be designed and constructed to provide cross-access to adjacent non-residential properties for convenience, safety and efficient circulation of motor vehicles. A Mutual Access Agreement should be executed where cross-access is provided.

C. **Parking lot and space dimensions:**

1. **General requirements.** Parking stalls, aisles, bays, and other parking lot features shall be designed and constructed with the minimum dimensions indicated in Table 3-3, and as illustrated by Figure 3-8.

2. **Compact car spaces.** A maximum of 33 percent of the total number of required parking spaces may be compact spaces, in compliance with the minimum dimensions shown in Table 3-2 for compact cars.

3. **Dimensions for private garages or carports.** The following minimum unobstructed inside dimensions shall be provided for private garages and carports:

Garage/Carport Dimension	Required Dimensions by Number of Parking Spaces Provided		
	1 car	2 car	3 car
Width	10 ft.	20 ft.	30 ft.
Depth	20 ft.	20 ft.	20 ft.
Door/access width	8 ft.	16 ft.	N.A.

4. **Parallel parking spaces.** Parallel parking spaces shall have a minimum width of nine feet and a minimum length of 24 feet.

5. **RV spaces.** Parking spaces for recreational vehicles shall be a minimum of 12 feet wide by 22 feet deep.

D. **Drainage.** All off-street parking/loading areas shall be designed and constructed:

1. So that surface water will not drain over any sidewalk or adjacent site (drainage from a site to a street across a driveway may be approved), or adjacent parcels;

2. In compliance with the City's Best Management Practices, adopted in accordance with the requirements of the National Pollution Discharge Elimination System (NPDES).

3. To include facilities for the sub-surface filtering of oil and grease contaminants, in new or reconstructed non-residential parking lots with five or more parking spaces.

TABLE 3-2
REQUIRED PARKING STALL AND PARKING LOT DIMENSIONS

REQUIREMENTS FOR STANDARD SIZE CARS					
	Minimum Dimension by Angle of Parking Spaces				
Parking Lot Feature	**0°**	**30°**	**45°**	**60°**	**90°**
Stall width - Interior space	8 ft.	9 ft.	9 ft.	9 ft.	9 ft.
Stall width - End space	8 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Curb length per car	23 ft.	19 ft.	13'-5"	11 ft.	9'-10"
Stall depth	N.A.	18'-3"	20'-6"	21'-6"	20 ft.
Minimum aisle width	14 ft.	11 ft.	13 ft.	18 ft.	24 ft.
Bay depth - 1 row, 1 aisle	20 ft.	29'-3"	33'-6"	39'-6"	44 ft.
Bay depth - 2 rows, 1 aisle	28 ft.	47'-6"	54 ft.	61 ft.	64 ft.
Bay depth - 3 rows, 2 aisles	48 ft.	68 ft.	80'-4"	95'-6"	108 ft.
Bay depth - 4 rows, 2 aisles	56 ft.	86'-2"	100'-10"	116'-6"	128 ft.

REQUIREMENTS FOR COMPACT CARS					
	Minimum Dimension by Angle of Parking Spaces				
Parking Lot Feature	**0°**	**30°**	**45°**	**60°**	**90°**
Stall width	8 ft.	9 ft.	9 ft.	9 ft.	9 ft.
Curb length per car	20 ft.	18 ft.	12'-9"	10'-5"	9 ft.
Stall depth	9 ft.	15'-9"	17'-8"	18'-3"	16 ft.
Minimum aisle width	12 ft.	11 ft.	13 ft.	18 ft.	24 ft.
Bay depth - 1 row, 1 aisle	21 ft.	26'-9"	30'-8"	36'-3"	40 ft.
Bay depth - 2 rows, 1 aisle	30 ft.	42'-6"	48'-4"	54'-6"	56 ft.
Bay depth - 3 rows, 2 aisles	51 ft.	61'-6"	72'-8"	86'-3"	96 ft.
Bay depth - 4 rows, 2 aisles	60 ft.	77'-3"	90'-4"	95'-8"	112 ft.

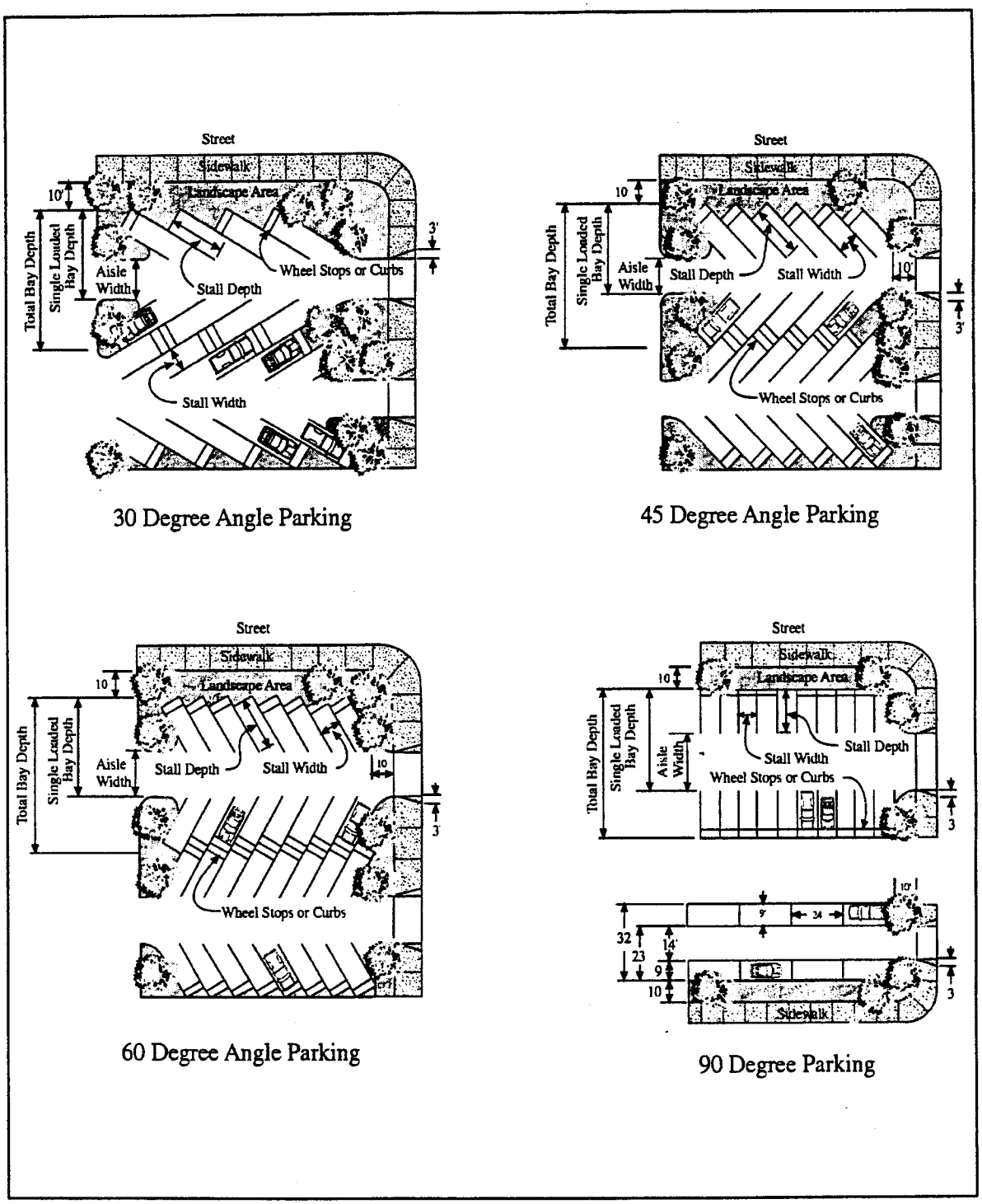


FIGURE 3-8
PARKING LOT DIMENSIONS

E. **Landscaping.** Required parking area landscaping shall be provided as follows, unless otherwise specified in this Chapter, and except where all parking spaces are entirely within a building or in a subterranean parking lot.

1. **Minimum area for landscaping.** A minimum of 30 percent of the area within the perimeter of all parking lots shall be designed, constructed and maintained as landscaped areas.

2. **Perimeter landscaping:**

a. **Adjacent to streets.** Parking areas adjacent to a public right-of-way shall be designed to provide a three-foot wide landscaped planting strip between the right-of way and parking.

b. **Adjacent to residential use.** Parking areas for nonresidential uses adjacent to residential uses shall be designed to provide a landscaped planting strip a minimum of 3.5 feet in width between the parking area and the property line bordering the residential use. A screening wall shall also be provided in compliance with Subsection H. of this Section.

3. **Interior landscaping:**

a. **Planting strips between parking aisles.** Parking areas with multiple parking aisles shall be designed to provide a continuous planter strip between each aisle. The planter strip shall be six feet wide. Adequate pedestrian paths shall be provided throughout the landscaped areas. The planting strips shall include at least one 24-inch box shade tree for every five parking spaces; appropriate clustering of trees may be approved by the Director.

b. **Projecting islands.** Planting strips between aisles in parking lots with more than 15 parking spaces shall include projecting islands to accommodate additional trees and other landscape materials. Islands shall be provided between every 10 parking spaces, and shall be a minimum of six feet wide.

c. **Required shading.** The landscaping program (including tree species selected) shall be designed to provide shading for 50 percent of the parking lot area within 15 years.

d. **Bumper overhang areas.** To increase the parking lot landscaped area, a maximum of two feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of asphalt, allowing a bumper overhang while maintaining the required parking dimensions.

e. **Areas not used for parking.** Areas in a parking lot not used for driveways, maneuvering areas, parking spaces, or walks, shall be landscaped and permanently maintained, in compliance with a program submitted by the applicant and approved by the Director.

4. **Curbing, irrigation.** All areas containing plant materials shall be bordered by a concrete curb at least six inches high and six inches wide, and provided with an approved automatic irrigation system.

F. **Lighting.** Parking areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of the on-site structure(s). Any lights, including security lighting, shall be directed downward, away from adjoining properties and public rights-of-way, and shall provide no less than 0.3, and no more than 1.0 foot candles of illumination. (See Figure 3-9.)

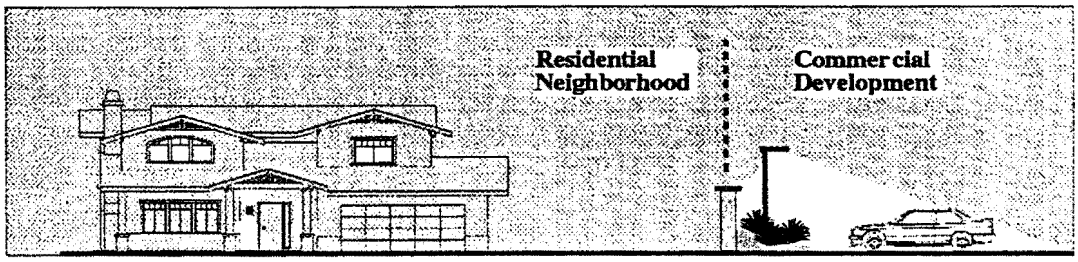


FIGURE 3-9
PARKING AREA LIGHTING

G. **Location of required parking.** All required parking spaces shall be located on the same parcel as the primary structure or use, unless approved otherwise by the Director. The Director may approve a portion or all of the required off-street spaces to be located on an adjacent parcel; or on a non-contiguous parcel, provided that all required parking spaces will be within 300 feet of the use requiring the parking.

The applicant shall provide evidence, to the satisfaction of the Director, that a suitable long-term lease or other binding agreement can be executed and recorded which would guarantee that the parcel containing the primary structure or use has an irrevocable right to utilize the adjacent parcel for parking.

H. **Paving.** All driveway, parking and maneuvering areas shall be paved with concrete in compliance with ASTMC-143; or asphalt surfacing compacted to a minimum thickness of two inches, laid over a base of crushed rock, gravel, or other similar material compacted to a minimum thickness of four inches, or as otherwise required or approved by the City Engineer.

I. **Screening.** Commercial/industrial and public parking areas abutting residentially zoned parcels shall provide a six-foot high wood or decorative masonry wall at the property

line adjacent to the residential zoning district, to properly screen the parking area(s), subject to approval by the Director. The Director may waive or modify this requirement to protect the views of adjacent residences. All decorative wall features shall occur on both sides of the wall.

J. **Striping.** Parking stalls shall be identified with double, four-inch wide paint stripes, or other durable striping material approved by the Director, on the parking lot surface, in compliance with Figure 3-10 (Parking Stall Striping). Parallel spaces may be marked with single lines.

K. **Wheel stops/curbing.** Continuous concrete curbing at least six inches high and six inches wide shall be provided for all parking spaces located adjacent to walls, fences, property lines and structures. All parking lots shall have curbing around all parking areas and aisle planters in compliance with Subsection E. above.

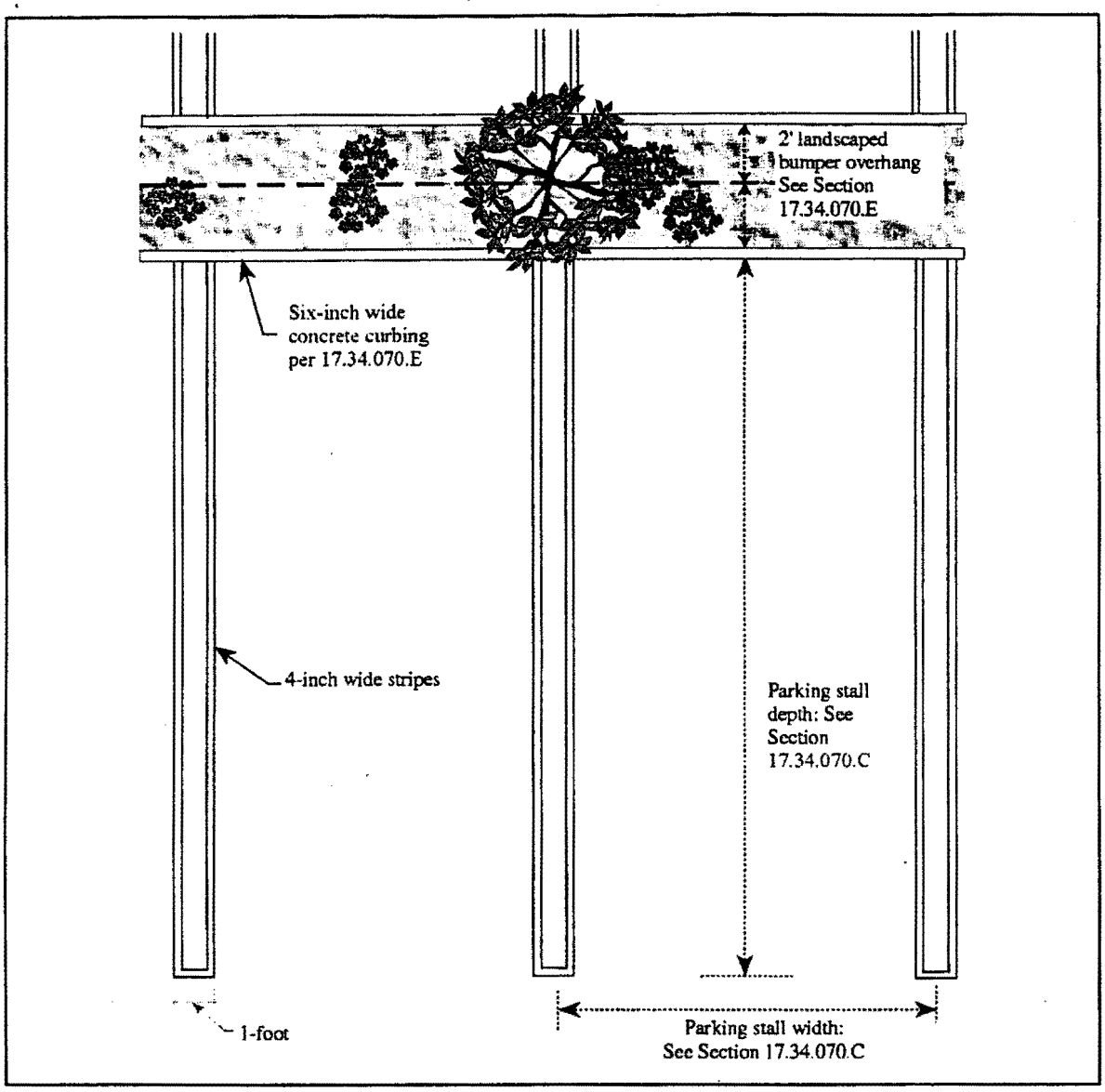


FIGURE 3-10
PARKING STALL STRIPING

17.34.080 - Parking Design Guidelines

A. **Purpose.** The Parking Design Guidelines of this Section are intended as a guide to assist property owners and project designers in understanding the General Plan's goals for attaining high quality development that is sensitive to the City's unique character.

B. **Applicability.** These guidelines will be utilized during the Site Plan and Architectural Review process as criteria against which to review projects requiring design approval.

1. The provisions of this Chapter apply whenever access and/or parking are provided for a project regardless of whether or not the access or parking are required by this Zoning Code. Any addition, relocation, or construction requiring Site Plan and Architectural Review approval in compliance with Section 17.42.030 shall comply with these guidelines where applicable.

2. These guidelines may be interpreted with some flexibility in their application to specific projects as not all design criteria may be workable/appropriate for each project. In some circumstances, a guideline may be relaxed in order to accomplish another, more important guideline. The overall objective is to ensure that the intent and spirit of the design guidelines are followed. The ultimate goal of the design review process is to attain the best possible design within reason.

C. **General guidelines.**

1. Aside from concerns for traffic safety and efficiency, the visual impacts of parking lots is an important concern. Projects should be laid out so that parking lots are not the dominant feature of the development when viewed from the street. Generally, it is not advisable to place the parking area along the front of the site because it creates a negative visual impact that detracts from the project's architectural image. Parking placed along the side or to the rear of a site allows the architectural significance of the buildings and the beauty of the landscaped open space to take precedence.

2. Providing an excessive amount of paved parking areas (beyond what is required) is strongly discouraged. The City requires significant landscaping adjacent to the perimeter of the parking area and along the street frontage to diminish the appearance of paved areas.

D. **Access and circulation.**

1. Primary project entries should be designed as special statements reflective of the character of the project. The goal should be to establish a distinctive and inviting image for the project. Textured paving, flowering accents, low walls, shrubs, and the use of specimen trees (48 inch box or larger) should be used to generate visual interest at entry points to commercial centers.

2. Entry drives on larger projects (200 or more parking stalls) should include a minimum five foot wide landscaped median to separate incoming and out-going traffic. See Figure 3-11.

3. The first parking stall that is perpendicular to an entry driveway or the first aisle juncture that is perpendicular, should be a minimum of 40 feet back from the curb to provide adequate vehicle queuing distance off the street. With larger centers, a longer setback distance may be required. See Figure 3-12.

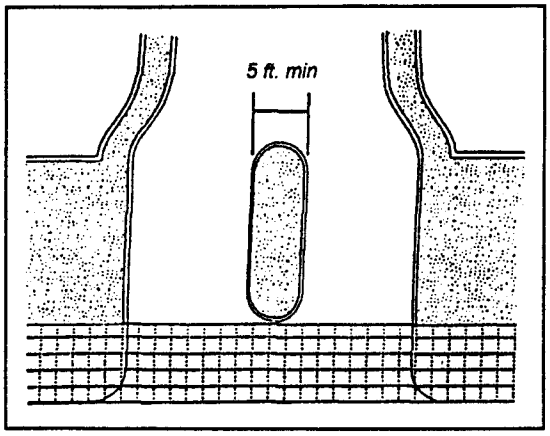


FIGURE 3-11
ENTRY DRIVES, LARGE LOTS

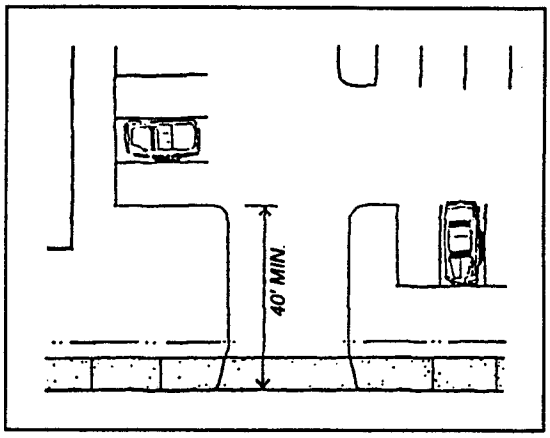


FIGURE 3-12
QUEUING AREA

4. Nonresidential developments are encouraged to provide cross-access to adjacent nonresidential properties for convenience, safety, and efficient circulation of vehicles. A mutual access agreement shall be executed where cross access is provided. A parking reduction for shared parking may be allowed in compliance with Section 17.34.050 (Reduction of Off-Street Parking Requirements).

E. Parking lot design.

1. Parking lots should be designed with a hierarchy of circulation: major access drives with no parking; major circulation drives with little or no parking; and parking aisles for direct access to parking spaces. Small projects may need to combine components of the hierarchy. See Figure 3-13.

2. Parking lots should include landscaping that accents the importance of the driveways from the street, frames the major circulation aisles, and highlights pedestrian pathways.

3. Drop-off points (i.e. wider aisles) located near entrances to major buildings and plaza areas should be provided for projects over 250,000 square feet of building area.

4. Parking areas should be separated from buildings by either a raised walkway or landscape strip at least four feet wide. Situations where parking aisles or spaces directly abut the building are strongly discouraged. See Figure 3-14.

5. Intersections should be kept to a minimum and dead-end aisles should be avoided unless absolutely necessary and when proper backup areas are provided.

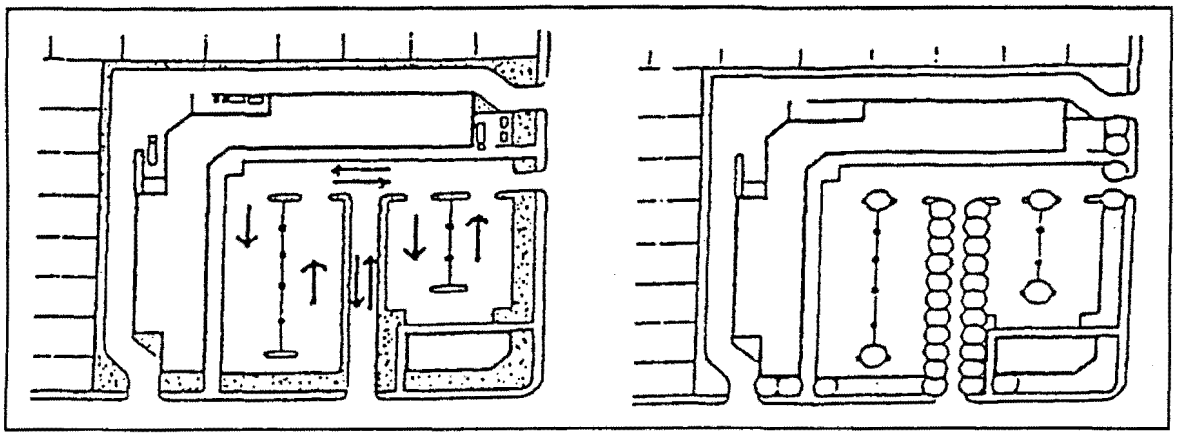


FIGURE 3-13
CIRCULATION HIERARCHY AND LANDSCAPING

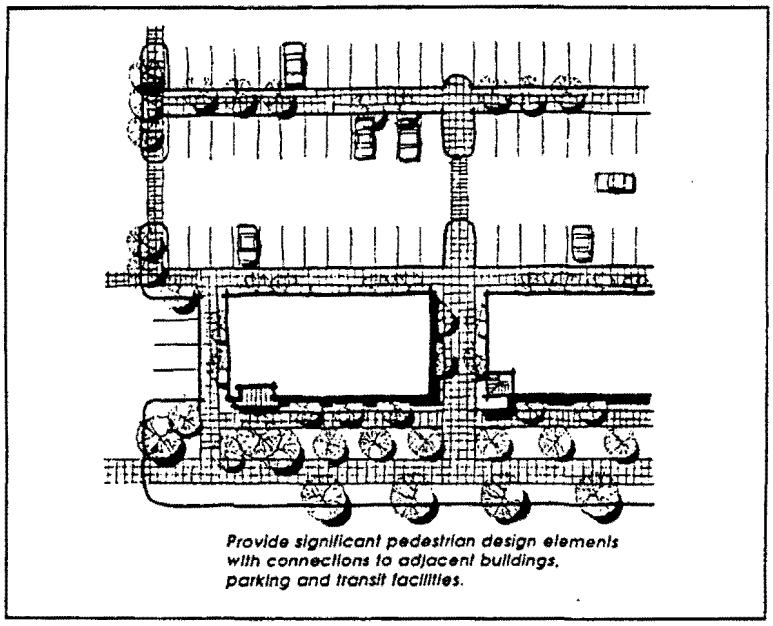


FIGURE 3-14
PEDESTRIAN DESIGN ELEMENTS

6. Parking lots should be designed so that pedestrians walk parallel to moving cars. This will minimize the need for pedestrians to cross parking aisles and landscape areas. See Figure 3-15.

7. Where parking lots accommodate over 100 cars, they should be broken up into segments or modules of less than 50 spaces each by means of intervening landscaping, access driveways, or structures to avoid large unbroken expanses of paved area.

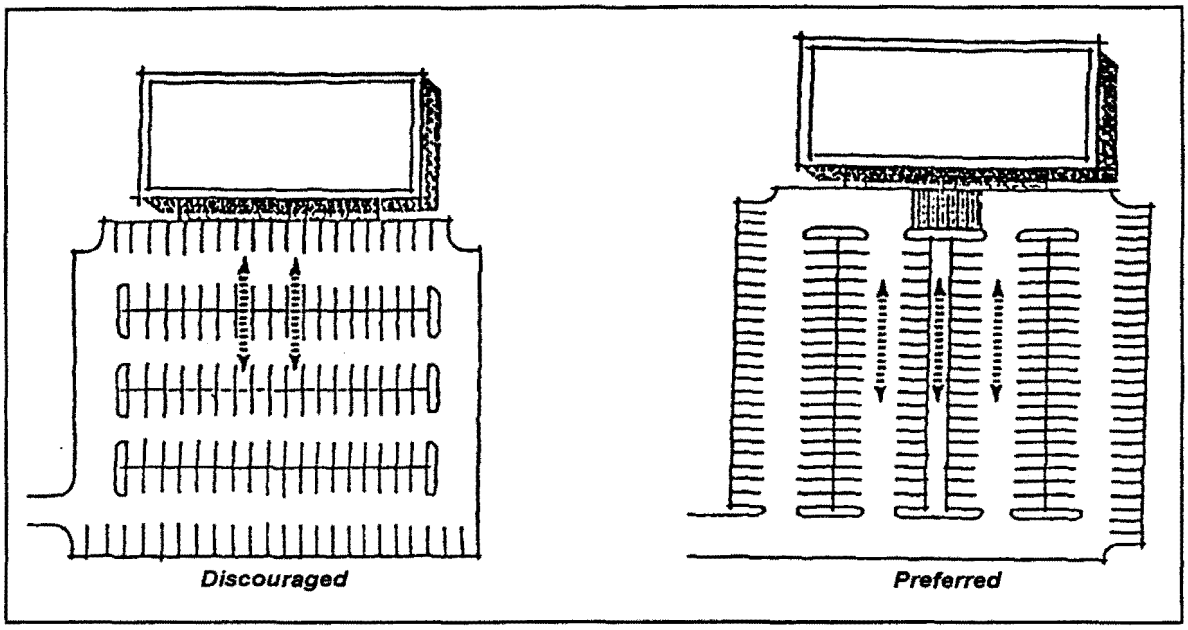


FIGURE 3-15
PEDESTRIAN CIRCULATION

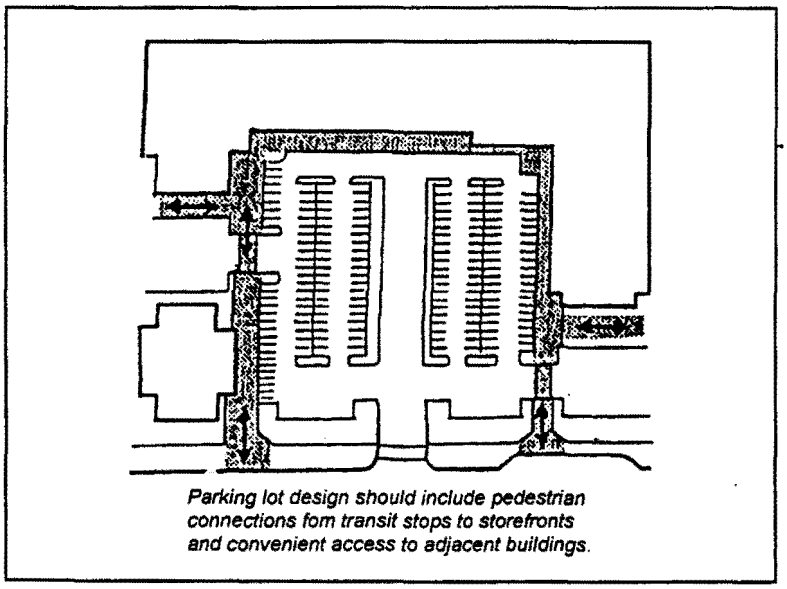


FIGURE 3-16
PEDESTRIAN CONNECTIONS

F. Pedestrian connections.

1. Pedestrian and bicycle access should be designed to physically and visually link the site to the public sidewalk and bikeway system as an extension of the project's circulation system and to separate pedestrian and vehicular traffic. Direct pedestrian links between the project and adjoining projects and residential areas should be provided whenever appropriate.

2. Projects should include a system of pedestrian walkways that interconnect business entries with each other and with parking areas. Walkways should connect individual structures within a project directly without forcing pedestrians to mix with vehicular traffic. See Figure 3-16.

3. Walkways should be well marked by means of low-level directional signs, lighting, distinctive paving, and landscaping. Where feasible, trellises, arbors, arcades, or similar features should be used to cover walkways and provide clear identification of facilities. Where textured paving is used, it should not be so rough or irregular as to make walking difficult, or discourage the use of baby strollers, or wheelchairs.

17.34.090 - Driveways and Site Access

Driveways providing ingress and egress to off-street parking spaces shall be designed, constructed, and maintained as follows.

A. Number of access points. One driveway access point per ownership shall be permitted unless the City Engineer determines, based on a development/circulation plan submitted by the applicant, or recommendations from the Fire Department, that more than one access is required to handle traffic volumes or specific designs, such as residential circular driveways. Additional access shall not be permitted if it is determined to be detrimental to the traffic flow and the safety of adjacent public streets. Whenever a property has access to more than one street, access shall generally be limited to the street with the lowest traffic volume, where the impact of a new access will be minimized. All access from private property to a public street shall require an Encroachment Permit.

B. Location of access.

1. **Distance from street intersections.** No portion of a driveway access shall be permitted within curb returns. The edge of the access shall not be less than 10 feet from the end of curb returns for single-family residential developments. For all other developments, this distance shall not be less than 150 feet. Where the lot size does not permit the access to be located 150 feet from the end of curb return, the access shall be located the maximum distance possible from the end of the curb return. This distance does not include the three-foot transition or wing sections on each side of the driveway.

2. **Driveway spacing.** Two or more driveway access points on a public street shall be separated as follows.

a. **Single-family residential development.** Where two or more accesses serve adjacent single-family residential parcels, the minimum distance between the nearest points of the two accesses shall be at least 20 feet, unless a shared, single driveway access is approved by the Director. The 20-foot separation does not include the three-foot transition or wing sections on each side of the driveway, and may be reduced by the Director for a cul-de-sac street.

b. **Multi-family and nonresidential development.** Where two or more accesses serve the same or adjacent non-single-family residential development, the minimum distance between the centerline of accesses should be preferably at least 200 feet on streets with design speeds below 30 mph and 300 feet on streets with design speeds above 30 mph.

c. **Corner and double frontage lots.** For corner and double frontage residential lots, one access on each frontage may be permitted if it is determined by the City Engineer that two driveways are needed to provide safe access for traffic entering and leaving the lot because of site distance and geometric design considerations.

C. **Driveway width and length.**

1. **Driveway width requirements.** Driveways shall be designed and constructed to the widths specified by Table 3-4.

TABLE 3-4
MINIMUM AND MAXIMUM DRIVEWAY WIDTH

Number of Parking Spaces Accessed by Driveway	Minimum Width	Maximum Width
2-8	12' - 0"	16' - 0"
9-14	16' - 0"	18' - 0"
15+	18' - 0"	24' - 0"(1)

Notes:
(1) The review authority may increase the maximum width to 30 feet for large commercial shopping centers.

2. **Driveway length - RSL and RSM zoning districts.** The minimum length of a single-family driveway shall be 20 feet measured from back of the sidewalk to the front of the garage, to permit vehicle parking in the driveway without blocking the sidewalk. Where access to a garage, carport, or open parking space is perpendicular (90 degrees) to the driveway, a minimum 24-foot deep unobstructed back-out area shall be provided.

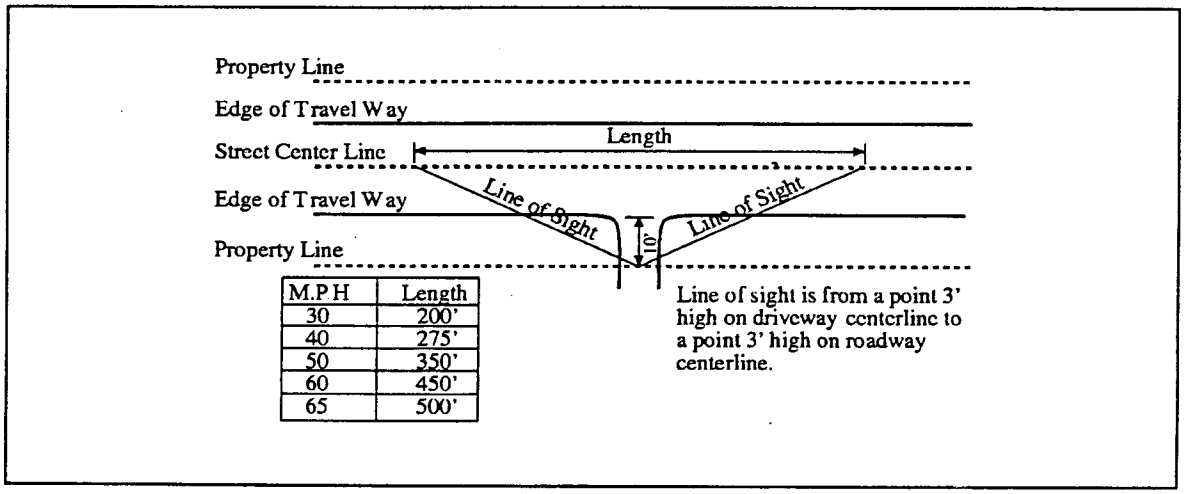
D. **Driveway alignments - Commercial development.** Where commercial parcels are not large enough to allow accesses on opposite sides of the street to be aligned, the center of driveways not in alignment will normally be offset a minimum of 150 feet on all

collector roads, and 300 feet on all major and arterial roads. Greater distances may be required if needed for left-turn storage lanes.

E. **Driveway slope.** Driveway and parking lot slopes shall not exceed 20 percent. Entrance and exit areas shall not exceed three percent within the first 30 feet from the street right-of-way, except where the City Engineer may approve an alternate standard that provides an adequate landing area adjacent to the sidewalk.

F. **Clearance from appurtenances.** The nearest edge of any driveway curb cut shall be at least three feet from the nearest property line (except where the review authority has approved a shared driveway between two parcels), the centerline of a fire hydrant, utility pole, drop inlet, and/or appurtenances, traffic signal installations, or light standards. The nearest edge of any driveway shall also be at least five feet from the nearest projection of the installation. Street trees shall be a minimum of 10 feet from the driveway access.

G. **Sight distance at driveways.** Each point of access from a parking area to a street right-of-way shall be constructed and maintained so that any vehicle entering or leaving the parking area shall be clearly visible at a distance of not less than 10 feet to a person approaching the access point on a sidewalk or other pedestrian path, or from an approaching vehicle, based on the criteria in Figure 3-17.



M.P.H	Length
30	200'
40	275'
50	350'
60	450'
65	500'

FIGURE 3-17
SIGHT DISTANCE AT DRIVEWAYS

H. **Temporary access.** The Director may grant temporary access to underdeveloped property prior to approval of all development permits required by this Title, or completion of development, if access is needed for construction. Temporary accesses are subject to removal, relocation, or redesign after all permits are approved.

17.34.100 - Loading Space Requirements

A. **Number of loading spaces required.** Unless modified/adjusted by the Director in compliance with Section 17.42.030 (Site Plan and Architectural Review), off-street freight and equipment loading spaces shall be provided for all non-residential uses, except hotels and motels. The minimum number of loading spaces shown in Table 3-5 shall be provided for each use.

TABLE 3-5
REQUIRED NUMBER OF LOADING SPACES

Type of Land Use	Gross Floor Area	Loading Spaces Required
Commercial, manufacturing/ industrial, institutional, and service uses	Less than 3,000 sq.ft.	0
	3.001 to 30,000 sq.ft.	1
	30,001 to 90,000 sq.ft.	2
	90,001 to 150,000 sq.ft.	3
	150,001 to 230,000 sq.ft.	4
	More than 230,000 sq.ft.	4, plus 1 space for each additional 80,000 sq.ft.
Office uses	Less than 25,000 sq.ft.	1
	25,001+ sq.ft.	1, plus additional as required by Director

Requirements for uses not specifically listed shall be determined by the Director based upon the requirements for comparable uses and upon the characteristics of the proposed use, in compliance with Section 17.34.040 (Number of Parking Spaces Required).

B. **Location.** Loading spaces shall be located to:

1. Be at the rear of the structure being served, consistent with the other provisions of this Subsection;

2. Ensure that truck parking and loading activities shall not be visible from any major public rights-of-way, or from any residential use;

3. Ensure that all loading and unloading takes place on-site, and in no case within adjacent public rights-of-way, or other traffic areas on-site;

4. Ensure that all vehicular maneuvers occur on-site; and

5. Avoid adverse noise impacts upon any neighboring residential properties.

C. **Development standards for off-street loading.** Off-street loading areas shall be provided in the following manner:

1. **Dimensions.** Required freight and equipment loading spaces shall be not less than 15 feet in width, 45 feet in length, with 14 feet of vertical clearance. Loading spaces designed to allow a truck to back up to a loading dock shall also be provided a clear maneuvering aisle (apron) of 49 feet between the loading space and the nearest obstruction;

2. **Lighting.** Loading areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of the structure(s). Any illumination, including security lighting, shall be directed away from adjoining parcels and public rights-of-way;

3. **Screening.** All loading areas shall be screened from public view by walls and/or landscaping. Where loading areas on a site cannot be feasibly accommodated in a location other than adjacent to residentially zoned parcels, the loading area shall either be entirely enclosed, or shall be screened by a solid, architecturally treated decorative masonry wall, as approved by the review authority. All decorative treatments shall occur on both sides of the wall;

4. **Loading doors and gates.** Loading bays and roll-up doors shall be located on the rear of the structure only. Bays and doors may be located on the side of a building away from a street frontage where it can be demonstrated that the bays, doors, and related trucks will be adequately screened from public view from any street or public right-of-way; and

5. **Striping.** Loading areas shall be striped indicating the loading spaces and identifying the spaces for "loading only." The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times.

CHAPTER 17.36 - SIGNS

Sections:

17.36.010 - Purpose of Chapter
17.36.020 - Design Objectives
17.36.030 - Applicability
17.36.040 - Uniform Sign Code Adopted
17.36.050 - Sign Permits Required
17.36.060 - Exempt Signs
17.36.070 - Prohibited Signs
17.36.080 - Measurement of Sign Area and Height
17.36.090 - Allowed Number and Area of Signs
17.36.100 - Sign Standards
17.36.110 - Sign Design Guidelines
17.36.120 - Nonconforming Signs
17.36.130 - Abatement of Illegal Signs

17.36.010 - Purpose of Chapter

This Chapter establishes uniform sign regulations that are intended to create a more attractive and economically viable business atmosphere for Pismo Beach residents and tourists. The standards of this Chapter regulate and control the size, number, location, and structural characteristics of all signs and sign structures.

17.36.020 - Applicability

Signs shall be erected or maintained in any zoning district only in compliance with this Chapter. The allowed number and area of signs established by this Chapter are intended to be maximum standards, which do not necessarily ensure architectural compatibility. Therefore, the review and approval of Sign Permit in compliance with Section 17.36.050 shall consider a sign's relationship to the overall appearance of the site and the surrounding community, in addition to the standards of this Chapter.

17.36.030 - Uniform Sign Code Adopted

The Uniform Sign Code, 1997 edition, or as amended by a subsequent edition, is hereby incorporated into this Chapter by reference as though it were fully set forth here. In the event of any conflict between the provisions of the Uniform Sign Code and this Chapter, the Uniform Sign Code shall control.

17.36.040 - Design Objectives

The City of Pismo Beach encourages:

A. A single sign theme for individual buildings or complexes utilizing materials including wood, rock, brick, metal, and approved plastic;

B. Utilization of symbols;

C. Signs in which colors, motifs and subject matters are compatible in character and quality of design with the exterior architecture of the structures on the site;

D. Placement of signs such that they shall not be allowed to block coastal views, cause visual clutter that conflicts with the ordered design of coastal communities, or detract from the natural beauty of the coast;

E. A central design theme for City information and directional signs;

F. The protection of significant public views and the maintenance of visual quality of the City to and along the coast; and

G. The protection of historical signs.

17.36.050 - Sign Permits Required

A. **Application and processing.** Signs shall only be constructed, displayed or altered with Sign Permit approval by the Director or Commission, as applicable.

1. **Application filing.** Sign Permit applications shall be filed on the forms provided by the Department and shall include all information described in the City's *Sign Permit Application Instructions*, and the required filing fee.

2. **Referral to Building Official.** Sign Permit applications shall be reviewed by the Building Official for a determination as to whether a separate building, electrical or plumbing permit is required for the sign.

3. **Review authority.** A Sign Permit shall be approved or disapproved in compliance with Subsection C. below. The Director shall review, and approve or disapprove all Sign Permits, except permits for the following types of signs, which shall instead be decided by the Commission.

   a. **Alternate materials.** Any sign utilizing materials other than natural wood, rock or stone, metal, brick, glass tube, or approved plastic.

   b. **Animated or moving signs.** Signs which contain any component which moves, rotates, flashes, is otherwise animated, or gives the appearance of any of these.

   c. **Exceptions.** Requests for exceptions to the standards of Sections 17.36.090 (Allowed Number and Area of Signs), or 17.36.100 (Sign Standards).

   d. **More than three signs.** Proposed signs on a site with more than three signs.

   e. **Roof signs.** Signs that are located on or project above the peak of the roof of a structure.

f. **Special purpose signs.** The following signs, provided that the Commission finds that the sign will not be detrimental to adjoining properties or the safety and appearance of the immediate neighborhood, and that the sign is consistent with the general purposes and standards of this Chapter:

(1) **Flags.** Flags, other than those of any nation, state or local government, and other than official flags used for warning or other public service;

(2) **Murals.** Murals on an exterior building wall;

(3) **Statues.** Permanent statues when used as part of an advertising display;

(4) **Vehicle signs.** Signs placed on or attached to any vehicle when used for advertising or directional purposes, except for customary business identification information painted or attached magnetically on vehicles which are used in the conduct of the business; and

(5) **Wind-affected devices.** Pennants, streamers, bunting, wind-activated signs, and tethered airborne inflatable signs proposed for time periods longer than those allowed by Section 17.36.090.D.1.

g. **Other non-complying signs.** Any other visual device which the Director determines does not comply with the standards, purposes, or objectives of this Chapter.

4. **Commission hearing.** The Commission shall conduct a public hearing in compliance with Chapter 17.58 (Public Hearings) prior to approving or disapproving a Sign Permit requiring a Commission decision.

B. **Findings for approval.** The review authority may approve a Sign Permit application in whole or in part, with or without conditions, only if the following findings are made:

1. The proposed sign is permitted within the zoning district and complies with all applicable provisions of this Chapter, and any other applicable standards;

2. The sign primarily identifies the business name and does not list multiple products or services;

3. The sign is in proper proportion to the structure or site on which it is located and as an identification device, does not excessively compete for the public's attention;

4. The sign materials, color, texture, size, shape, height, and placement are harmonious with the design of the structure, property and neighborhood of which it is a part;

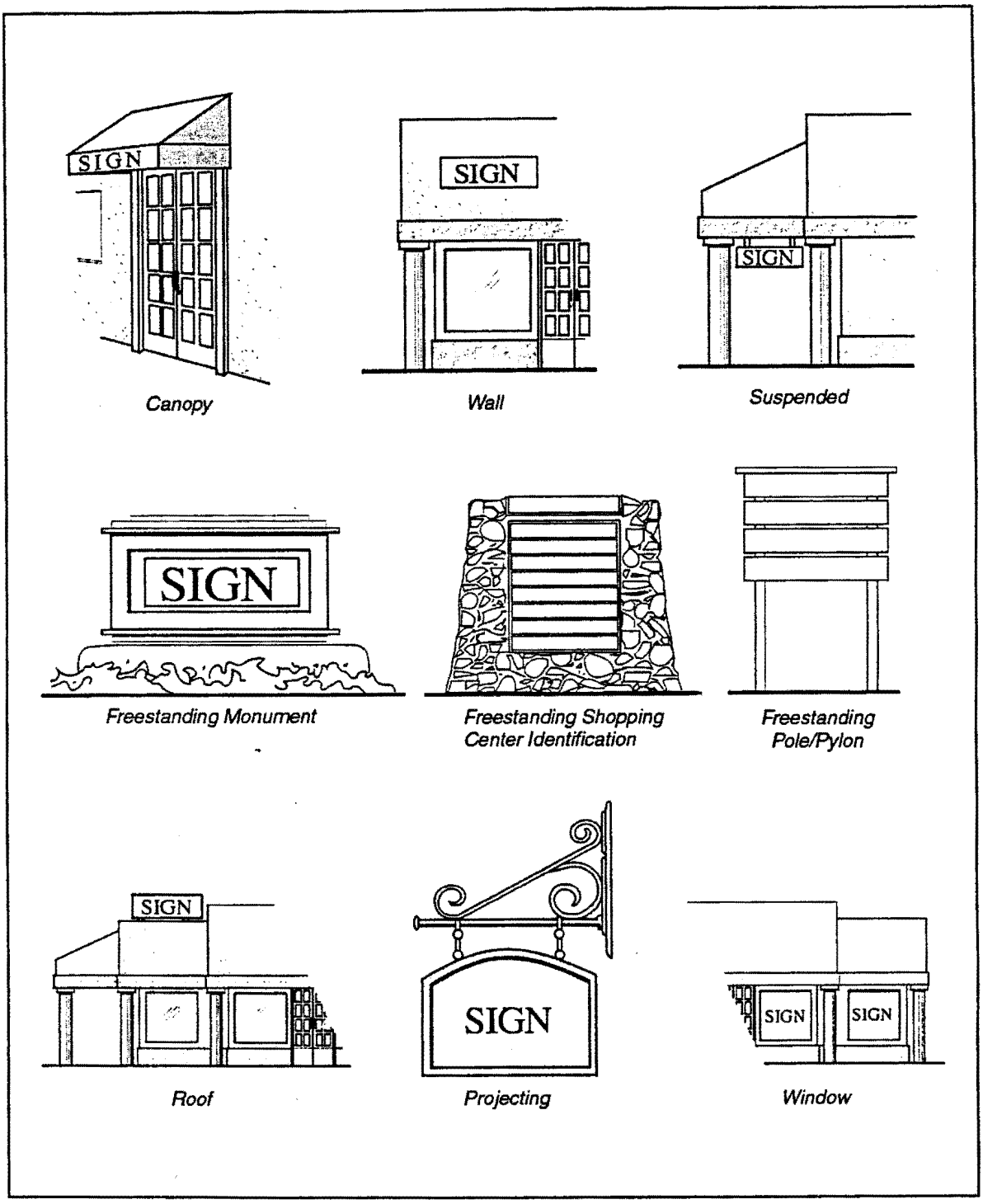


FIGURE 3-18
SIGN TYPES

5. The sign's illumination is at the lowest reasonable level as determined by the Director, which ensures adequate identification and readability, and is directed solely at the sign or is internal to it; and

6. The sign is not detrimental to the public interest, health, safety, or welfare.

C. **Conditions of approval.** In granting the approval of any Sign Permit, the Commission may impose any conditions or modifications it determines are necessary or appropriate to secure compliance with the provisions of this Chapter.

D. **Changes to an approved Sign Permit.** Changes to an approved Sign Permit may be approved in compliance with Section 17.44.060 (Changes to an Approved Project).

17.36.060 - Exempt Signs

The following signs shall not require a Sign Permit nor shall the area of the signs be included in the maximum sign area permitted for any site or use:

A. **Directional and information signs.** Signs containing site or operations information without advertising, and not exceeding three square feet in area or three feet in height, including: name plates; directional signs including "entrance," "exit," "office," "open" or "closed;" signs with the name and address of the occupant; or directional arrows designed to be viewed by on-site pedestrians or motorists.

B. **Flags.** Official flags of any nation, state, or local government, An American, California, or City flag. The height of the flag pole shall comply with the requirements of the applicable zoning district in Article II (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), and Chapter 17.20 (Height Measurement and Height Limit Exceptions).

C. **Memorial signs/plaques.** Memorial signs, historic markers, and commemorative plaques, and other decorative architectural features constructed as an integral part of a building.

D. **Modifications to approved signs.** Modifications to an existing, approved sign, provided that the modification is limited to changes of advertising copy, or the message of a painted, plastic face, or printed sign only. This exemption shall apply to electric signs only if the sign is specifically designed for the use of changeable copy.

E. **Political signs.** Political signs pertaining to an election for public office, or to a ballot measure to be placed before the voters in a federal, state, or local election, in compliance with the following requirements:

1. Total sign area shall not exceed three square feet per sign in all zoning districts and on any signs attached to or displayed from a vehicle or trailer;

2. Signs shall not be illuminated;

3. The signs shall not be installed more than 45 days before the election and shall be removed within seven days after the election;

4. The signs shall not be located within 100 feet of any polling place;

5. Adhesive signs shall not be placed on structures in any location other than on a glass surface; and

6. The signs shall not be placed without the written consent of the property owner.

F. **Public/governmental signs.** Any information or safety signs installed by a governmental agency or public utility, including street signs, traffic regulating signs and devices, railroad crossing signs, signs indicating the location of underground utilities, and similar signs.

G. **Real estate signs.** Non-illuminated temporary real estate signs are allowed in compliance with California Civil Code Section 713, with a maximum area of six square feet, pertaining only to the site on which the sign is located. Two additional temporary, off-site signs are also allowed for an open house only.

H. **Temporary signs.** The following temporary signs are exempt from permit requirements; all other temporary signs shall require a Sign Permit and shall be subject to all standards applicable to permanent signs.

1. **Balloon displays.** Helium balloon displays, limited to no more than one day, where the balloons are tethered no higher than eight feet above the ground and at least eight feet from the curb of any adjacent street.

2. **Hazard signs.** Temporary signs warning of construction, excavation, or similar hazards as long as the hazard exists.

3. **Holiday displays.** Temporary holiday displays and signs for decoration rather than advertising and customarily associated with national, local, or religious holidays. These signs shall be removed within 14 days after the holiday.

4. **Special event signs.** One temporary special event sign per business, provided that the sign does not exceed 12 square feet in area, and is displayed only during the period of a City-sanctioned special event.

5. **Window signs.** Signs attached temporarily to the interior of a building window or door for a maximum of 30 days, provided that the signs comply with the provisions of Section 17.36.090 (Allowed Number and Area of Signs). Window signs may be in place for more than 30 days with Sign Permit approval.

I. **Time and temperature signs.** Time and temperature signs which contain no advertising, do not exceed 30 square feet in total area, and are no higher than the nearest structure.

17.36.070 - Prohibited Signs

The following signs are inconsistent with the purposes and standards of this Chapter, and are therefore prohibited:

A. Abandoned signs;

B. Bench signs;

C. Billboards and other off-site signs;

D. Signs on public property, or in or over a public right-of-way; except for traffic and street identification signs, and projecting signs with an encroachment permit;

E. Any sign attached or placed adjacent to any utility pole, or any traffic sign, signal, or control device, in compliance with California Vehicle Code Section 21464;

F. Signs painted on fences or roofs;

G. Signs that simulate in color or design a traffic sign or signal, or which make use of words, symbols or characters in a manner to interfere with, mislead or confuse pedestrian or vehicular traffic; and

H. Pole/pylon signs, except in compliance with Section 17.36.090.C.1.d.

17.36.080 - Measurement of Sign Area and Height

For the purposes of determining compliance with this Chapter, the area and height of signs shall be measured as provided by this Section.

A. Sign area. Sign area shall be measured as the area in square feet of the smallest simple geometric shape within which a single sign face can be enclosed. The total area of the sign shall include all sign faces. See Figures 3-19 and 3-21.

B. Sign height. Sign height shall be measured as the vertical distance from grade adjacent to the sign footing, to the top of the sign, including the support structure and any design elements. See Figure 3-20.

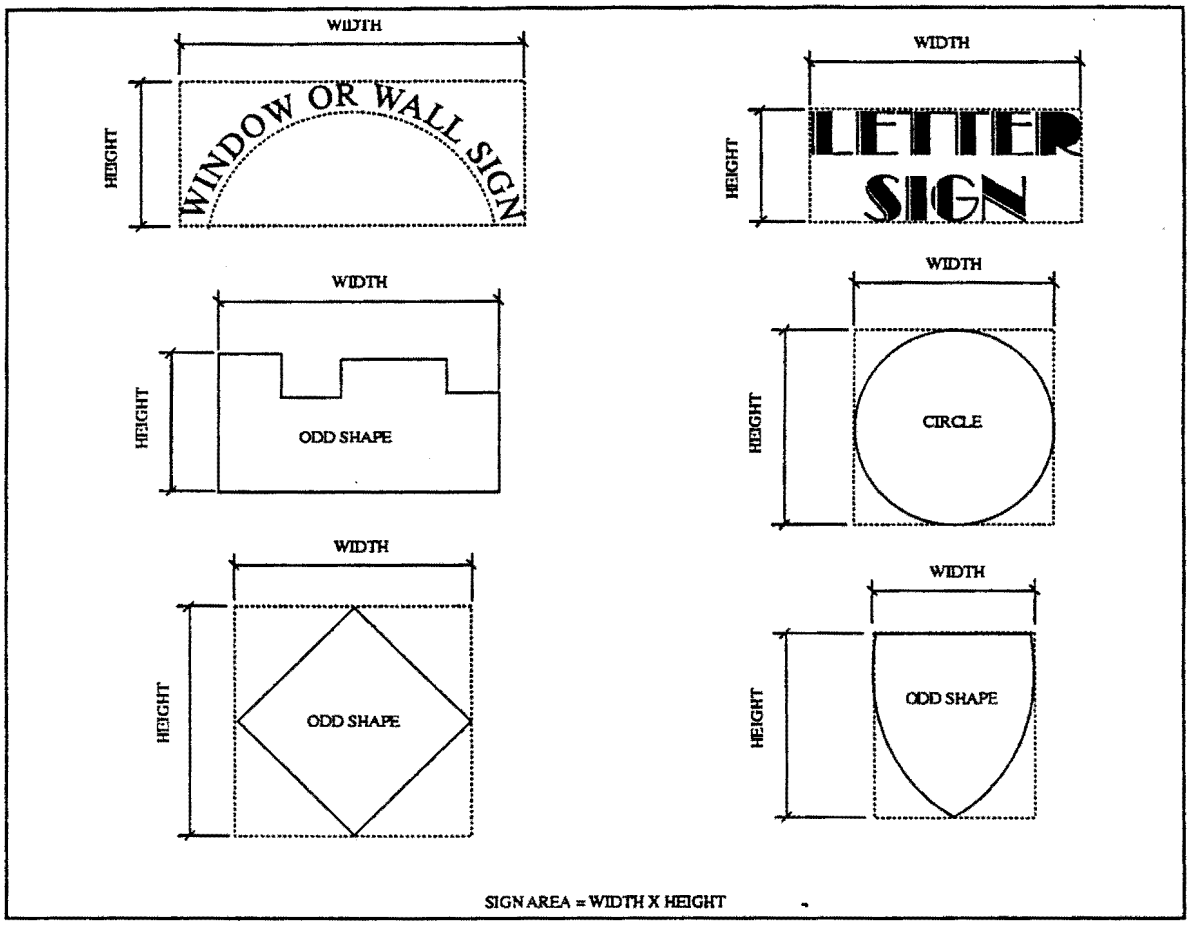


FIGURE 3-19
MEASUREMENT OF SIGN AREA

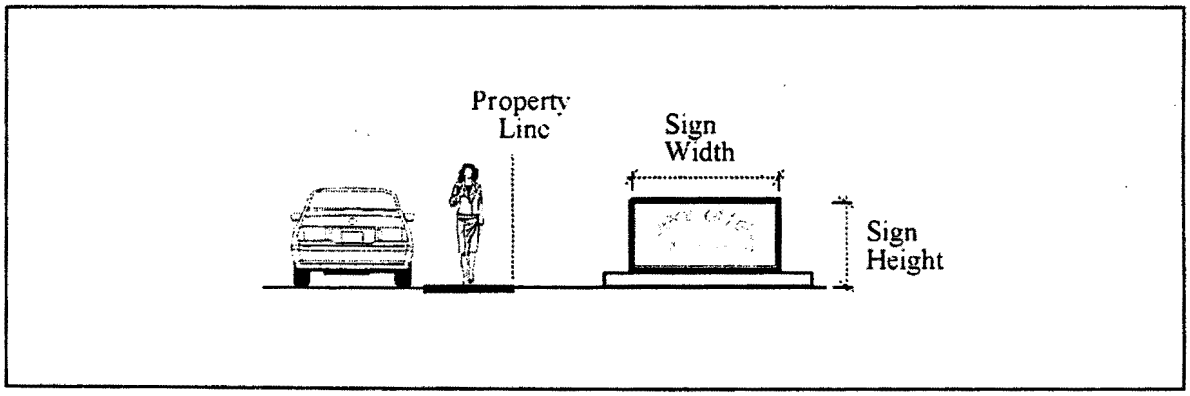


FIGURE 3-20
MEASUREMENT OF SIGN HEIGHT

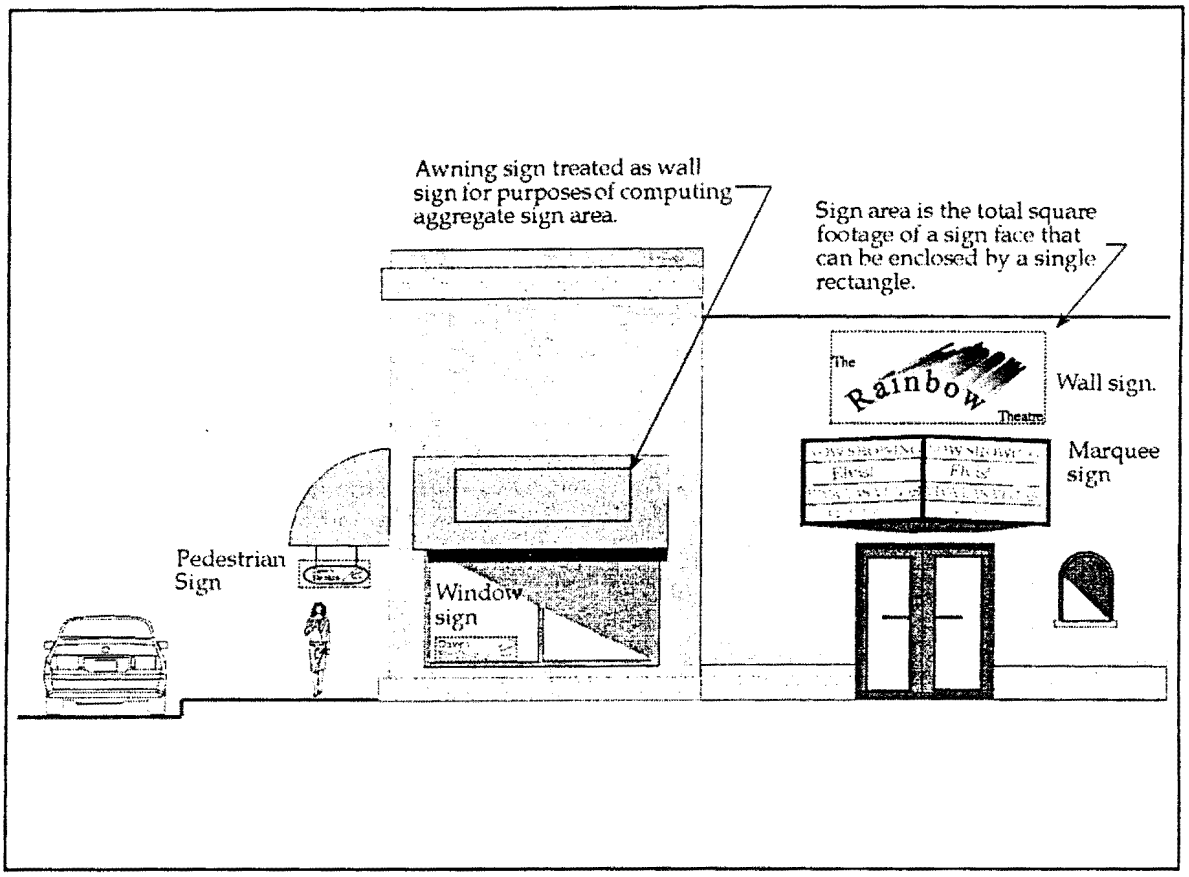


FIGURE 3-21
SIGN TYPES, SIGN AREA

17.36.090 - Allowed Number and Area of Signs

The signs described in this Section may be allowed only on the same site as the use being advertised or identified. Exceptions to these standards may be granted through the approval of a Sign Permit by the Planning Commission in compliance with Section 17.36.050.A.2 (Sign Permits Required).

A. **Signs within all zoning districts.** The following signs may be allowed with Sign Permit approval in all zoning districts.

1. **Civic event sign.** A temporary civic event sign may be authorized by the Director for announcing a civic event within the City of a general public nature for not more than 30 days before and not more than five days after the period during which the event takes place.

2. **Construction sign:** One temporary non-illuminated sign, advertising the various construction trades participating in the project. On a site less than one acre, the sign shall not exceed 32 square feet in sign area or six feet in height. On a parcel of land of one acre or more, the sign shall not exceed 50 square feet in sign area or

six feet in height. The sign shall be allowed to remain until the last unit is sold, rented, or leased.

3. **Temporary subdivision signs.** A temporary subdivision sign declaring a group of parcels, dwellings or occupancies within a subdivision for sale, rent or lease shall be permitted subject to the following conditions:

   a. One on-site sign shall be permitted for each street frontage;

   b. The sign area shall not exceed 50 square feet, or exceed six feet above the level of the street;

   c. The sign shall be unlighted;

   d. In the case of a corner lot, the sign shall not obstruct the vision of motorists by being located within the traffic safety visibility area of the parcel, which shall consist of a triangular area formed by measuring 35 feet from the intersection of the street property lines, and connecting the lines across the parcel; and

   e. The sign may remain on the property until the last unit is sold, rented or leased for the first time after construction.

B. **Residential district signs.** The following signs may be allowed with Sign Permit approval within a residential zoning district, provided that any of the following shall not be illuminated when located within the RSL district:

1. **Small residential projects.** Residential projects containing four or more dwelling units may be permitted one identification sign with a maximum area of eight square feet and a maximum height of five feet;

2. **Planned residential developments.** A planned residential development of 25 or more units may be permitted one sign larger than that allowed by Subsection B.1.a above, provided that the aggregate sign area does not exceed 30 square feet, and the sign does not exceed five feet in height;

3. **Multi-family projects and mobile home parks.** Multi-family dwelling projects and mobile home parks may be permitted one identification sign for each major street entrance to the project, with a maximum area of 12 square feet and a maximum height of four feet.

C. **Commercial district signs.** The following signs may be allowed with Sign Permit approval within the commercial zoning districts.

1. **General requirements.**

   a. **Size and height.** The maximum area and height of signs allowed within the commercial districts, including any signs painted on exterior building walls, shall comply with Figures 3-22 and 3-23, except that a monument sign shall not exceed one-half the height allowed for other freestanding signs.

b. **Number of signs.** No more than three signs shall be allowed for each business. No more than one of the signs may be freestanding without Commission approval of the Sign Permit.

c. **Sign placement - Freestanding signs.** Freestanding signs may be placed within required setbacks.

d. **Pole/pylon signs.** Pole or pylon signs may be allowed only on parcels which abut the Highway 101 right-of-way or frontage road in compliance with General Plan policy D-29. See Subsection C.3.

e. **Signs on buildings with multiple frontages.** When a business fronts on two or more streets and/or a vacant lot, the total allowed sign area shall comply with Figure 3-22, and that total sign area shall be assigned to each building wall proposed to have signs at a ratio of one square foot of sign area for each lineal foot of building wall on that frontage.

2. **Awnings and canopies.** Awnings and canopies with advertising are allowed as follows, and shall be included in the total sign area allowed for attached signs by Figure 3-22.

a. **Measurement of sign area.** The area of an awning or canopy sign shall be the area in square feet of the smallest rectangle, or a series of rectangles when the copy is of irregular geometry, that encloses the copy on the awning.

b. **Height limit.** The height of awnings and canopies shall not exceed the height of the wall on which they are mounted, or the lowest point of the roof structure.

c. **Clearance from sidewalk.** Awnings and canopies shall be designed and installed to maintain a minimum height clearance of eight feet between the sidewalk and the lowest point of the awning or canopy.

d. **Maximum projection from building.** Awnings and canopies shall not extend more than five feet from the building nor closer than two feet to the curb of the adjacent street.

e. **Design.** All awnings and canopies on a single building shall have similar shapes, design styles, and color.

f. **Encroachment Permit.** Awnings and canopies projecting over a public right-of-way shall require the approval of an Encroachment Permit by the Public Works Department.

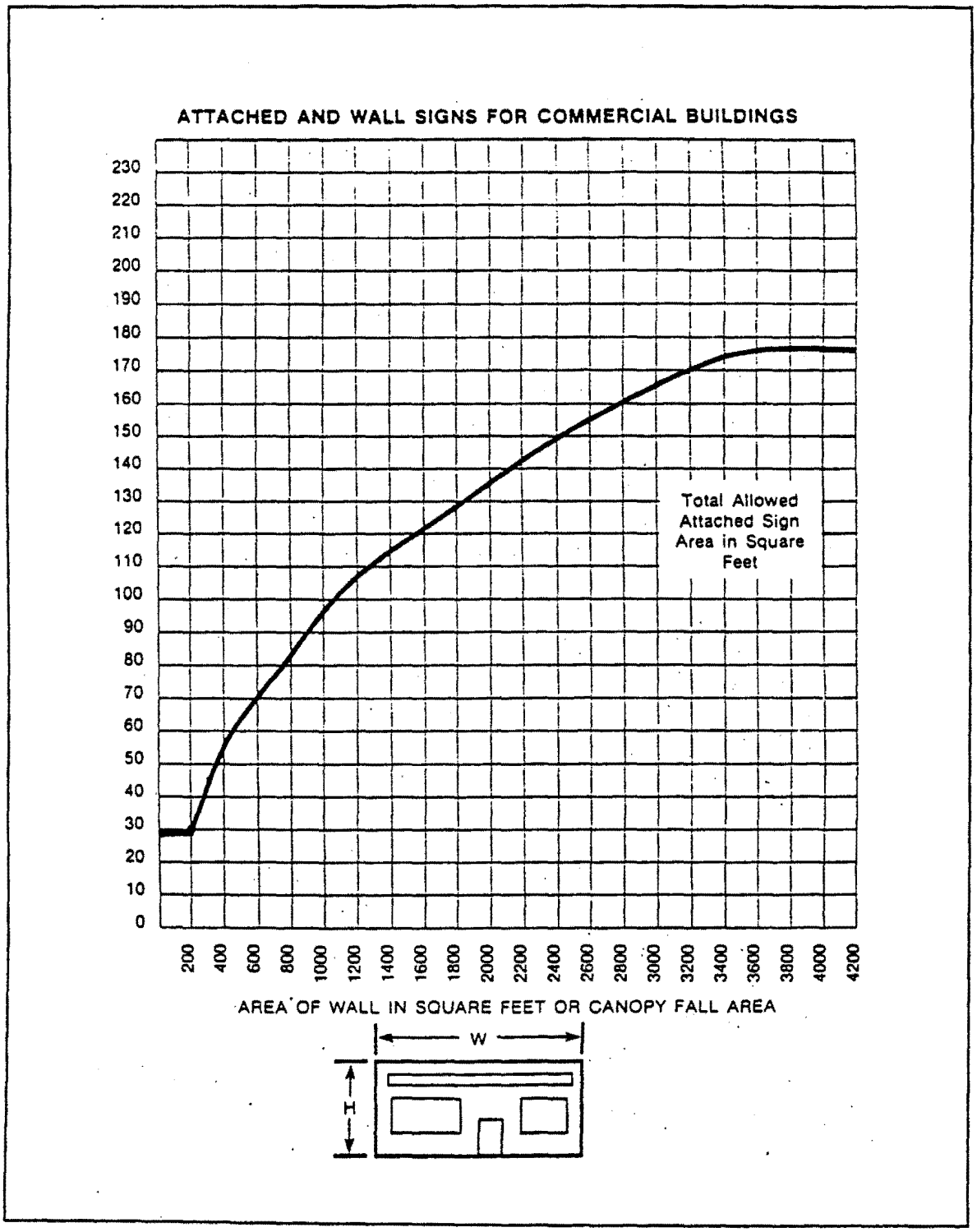


FIGURE 3-22
MAXIMUM SIGN AREA FOR ATTACHED AND WALL SIGNS
ON COMMERCIAL STRUCTURES

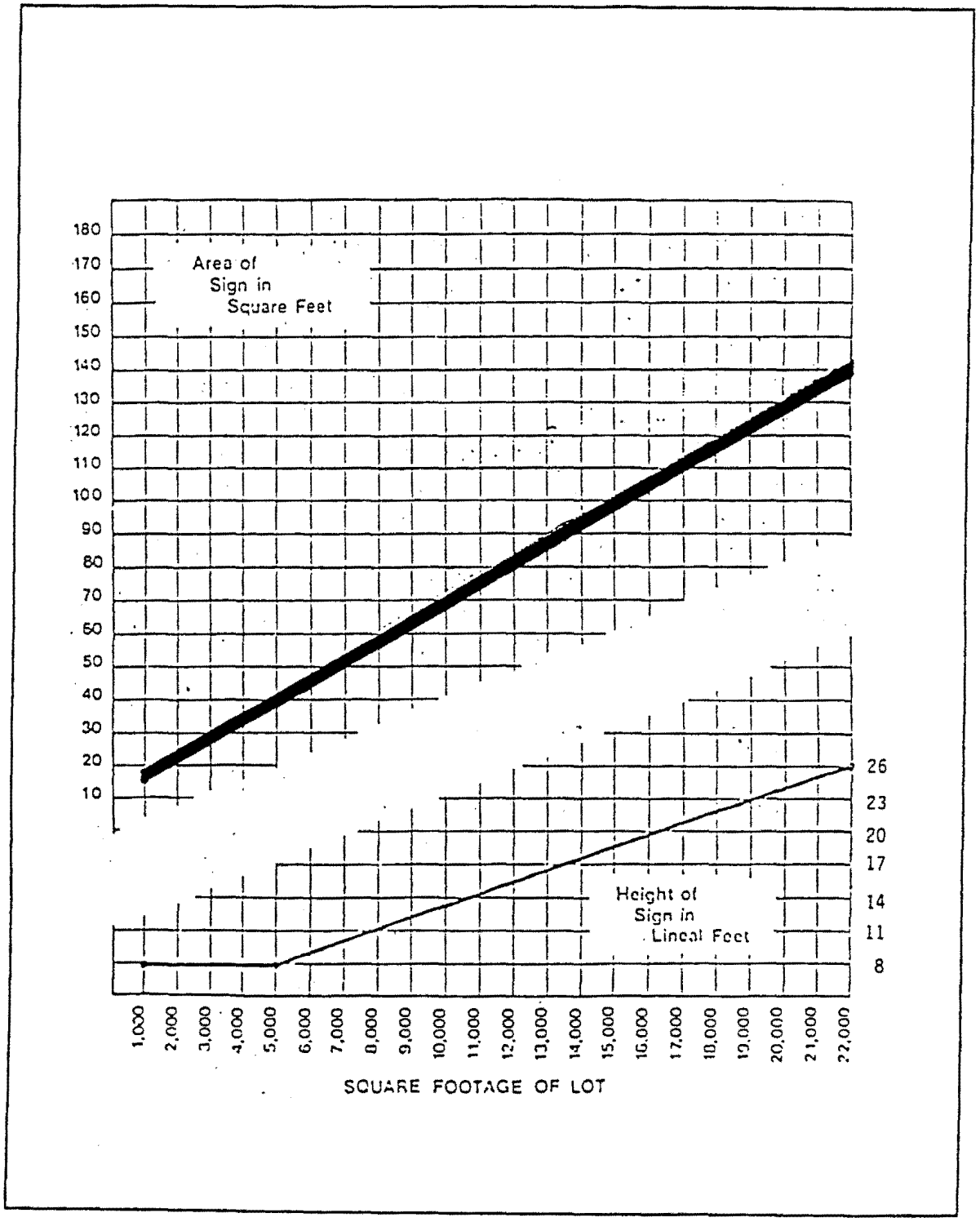


FIGURE 3-23
MAXIMUM SIGN AREA FOR FREESTANDING MONUMENT SIGNS
FOR COMMERCIAL USES

3. **Freeway-oriented business signs.** Freeway oriented businesses (for example, service stations, motels, restaurants, and similar uses) adjacent to freeway intersections and within 200 feet of a freeway on- or off-ramp may be granted additional sign area and height by the Commission, where the Commission determines that freeway visibility is essential for the viability of the business. If approved by the Commission, signs with additional area and/or height shall be no higher than necessary to be visible to passing motorists from a reasonable distance. A visual impact analysis of any proposed pole sign shall be required to determine the appropriate minimum height for freeway visibility.

4. **Marquee signs.** Marquee signs shall not exceed 24 square feet on each face.

5. **Murals.** Exterior wall murals are allowed without being included in the maximum area of attached signs established by Figure 3-22, provided that the mural is a painting which includes images or pictorial elements, but does not include trademarks, logos, or advertising copy, except logos which are determined by the Commission to have historical significance. A mural shall not be permitted on the same wall in connection with commercial signs.

6. **Projecting or cantilevered signs.** Projecting or cantilevered signs extending over sidewalks shall have a minimum clearance above the sidewalk of eight feet, and shall not extend outward over the sidewalk more than five feet from the building, nor closer than two feet from the street curb. These signs shall not extend above the height of the building wall or above the roof line, and shall not exceed 24 square feet in area. Projecting signs require Encroachment Permit approval by the Public Works Director.

7. **Window signs.** Signs mounted in, painted on, or otherwise affixed to windows so that they will be visible from the exterior of the structure are allowed as follows. Window signs which conform with the provisions of this Subsection are allowed without a Sign Permit.

   a. **Maximum area.** Window signs shall not exceed 60 percent of the area of any window. Temporary window signs shall not be included in the total area of attached signs allowed by Figure 3-22.

   b. **Location.** Temporary window signs shall not be located above the ground floor.

   c. **Content.** The subject matter of window signs shall be related specifically to: the name of the business and/or proprietor; address, phone number, and hours of operation; temporary advertising and sales announcements; special community event announcements; and prices.

D. **Temporary signs.** Temporary signs are allowed as follows, in addition to the total area of signs permitted by Subsection C.1.a above.

1. **Pennants and inflatables.** Temporary pennants and inflatable decorations may be authorized with Sign Permit approval for a maximum of eight weeks following the issuance of a business license for a new business.

2. **Banners.** Banners shall comply with the following standards:

a. **Maximum area.** Banner signs shall not exceed a maximum area of 60 square feet;

b. **Number of banners.** No more than one banner shall be permitted per business;

b. **Materials.** Permissible materials for banners shall be limited to fabric or vinyl; and

d. **Anchoring.** Banners shall be designed and installed in a secure manner so as to not be blown free from their moorings by wind.

3. **Opening business signs.**

a. A temporary banner or other sign announcing the opening of a new business may be permitted by the Director without a Sign Permit for a maximum of one month before and one month after the opening of the business.

b. A temporary fabric or vinyl sign face that covers an existing sign may be permitted by the Director without a Sign Permit for a maximum of eight weeks.

c. In order to qualify for the exemptions from Sign Permit requirements provided by this Subsection, the owner or operator of the business shall notify the Director in writing at the time of, or prior to, the issuance of the Business License of the dates during which the temporary signs will be in place.

17.36.100 - Sign Standards

All signs shall comply with the following standards. Exceptions to these standards may be granted through the approval of a Sign Permit by the Planning Commission in compliance with Section 17.36.050.A.2 (Sign Permits Required).

A. **Hazard avoidance.** No sign shall be installed so as to:

1. Obstruct any fire escape, required exit, window, or door;

2. Interfere with any opening required for ventilation; or

3. Obstruct the visibility necessary for ingress or egress onto a public right-of-way.

B. **Required clearances.** Signs shall maintain required clearances from electrical lines, communications lines and equipment, and surface and underground facilities for water, sewerage, and gas.

C. **Supports for projecting signs.** Visible angle iron, chain supports, or other frames supporting projecting signs are prohibited, except structures integral to the aesthetic design of the sign.

C. **Illumination.** No part of any sign shall exceed a brightness of 400 foot lamberts measured from the face of the sign at the brightest point, color and cosine corrected. Open, unshielded light bulbs and light sources, except for neon tubing, are prohibited. Lighting shall be installed to avoid glare or reflection onto adjacent property or onto a street so as to create a traffic hazard. Light sources shall be steady, stationary, shielded, and directed so as to avoid undue glare for pedestrians, motorists, and neighboring property.

D. **Quality and maintenance.** Signs shall be maintained in good condition, free from chipped or peeling paint, rust, structural disrepair, or any other visible indication of deterioration. At least 80 percent of the lighted portion of any sign shall be functional at all times. The Director may require any improperly maintained sign to be repaired or removed upon the failure of the owner to remedy the condition. Repairs shall be made within 30 days of the receipt of a written notice from the Director.

17.36.110 - Sign Design Guidelines

A. **Purpose.** The Sign Design Guidelines in this Section are intended to provide direction to property owners and project designers in understanding the General Plan's goals for maintaining high quality development that is sensitive to the City's unique character.

B. **Applicability.** The guidelines in this Section complement the mandatory sign standards in the other Sections of this Chapter, and will be used during the Site Plan and Architectural Review process as criteria to review projects requiring design approval.

1. The provisions of this Chapter apply to all sign development projects within the City that require the approval of a Sign Permit in compliance with Section 17.36.050 unless otherwise exempted.

2. These design guidelines may be interpreted with some flexibility in their application to specific sign projects as not all design criteria may be workable or appropriate for each project. In some circumstances, a guideline may be relaxed in order to accomplish another, more important guideline. The overall objective is to ensure that the intent and spirit of the design guidelines are followed. The ultimate goal of the design review process is to attain the best possible design within reason.

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

1. **Sign placement.**

a. A sign should enhance a building's architecture and not dominate the elevation on which it is placed. Signs should be consistent with the proportions and scale of the elements within the building's facade. A particular sign may fit well on a larger, plain wall area, but might overpower the finer scale and proportion of a small shop. Likewise, a sign that is appropriate near an entry may look tiny and out of place above the ground level.

b. Study the facade of the structure to determine if there are any architectural features or details that suggest a location, size, or shape for the sign(s). These could be bands or frames of brickwork, cornice lines, indentations or projections in the face material, gaps between columns, or other permanent features. If these details exist, use them to locate the sign(s).

c. Do not locate signs so that they cover architectural features (e.g., windows, decorative columns, cornice bands, etc.) that may be important to the structure's overall design.

d. Look at the facade of the building in relation to where adjacent businesses have placed their signs. There may be an established pattern of sign locations. Consistent placement of signs establishes visual continuity among the storefronts, and at the same time provides uniform sight lines for viewers.

e. The use of neon for downtown and Shell Beach commercial signs shall be encouraged. Internally illuminated, "can-type" signs shall be discouraged. When can-type signs are used the lettering should be illuminated instead of the background to the lettering.

2. **Color.**

a. Color is one of the most important aspects of visual communication. It can be used to catch the eye or to communicate ideas or feelings. Too many colors used simultaneously can confuse and negate the message of a sign. The number of colors should be limited to two or three on any one sign. Small accents of several colors can make a sign unique and attractive, but the competition of large areas of different colors decreases readability.

b. Contrast is an important influence on the legibility of signs. Light letters on a dark background or dark letters on a light background are most legible.

c. Colors or color combinations that interfere with legibility of the sign copy or that interfere with viewer identification of other signs should be avoided. Bright day-glo (fluorescent) colors or brilliant luminescent colors should be avoided as they are distracting and do not usually blend well with colors on structures or other background colors.

d. Sign colors should complement the colors used on the structures and the project as a whole.

3. **Materials.**

a. Sign materials should be compatible with the design theme and use of materials on the building where the sign is to be placed. The use of a chrome and glass contemporary sign on a rustic or historic building would be as inappropriate as a rustic carved wood sign on a modern building design of steel and glass.

b. The selected materials should contribute to the legibility of the sign. For example, glossy finishes are often difficult to read because of glare and reflections.

c. Except for individually mounted channel letters, internally-illuminated plastic-faced cabinet signs are strongly discouraged.

d. Neon tubes are a popular sign material and can contribute to the nighttime ambiance of an area. However, care must be taken when using neon, because of its brightness and attention-attracting properties. Not more than one wall-mounted or window neon sign should be used on the same facade of a building.

4. **Sign legibility.**

a. Signs should use a brief message whenever possible. The fewer the words, the more effective the sign. A sign with a brief, succinct message is easier to read and looks more attractive.

b. Use symbols and logos in the place of words whenever appropriate. Pictographic images will usually register more quickly in the viewer's mind than a written message. See Figure 3-24.

c. Avoid spacing letters and words too close together. Crowding of letters, words, or lines will make any sign more difficult to read. As a general rule, letters (sign copy) should not occupy more than 75 percent of sign panel area. See Figure 3-25.

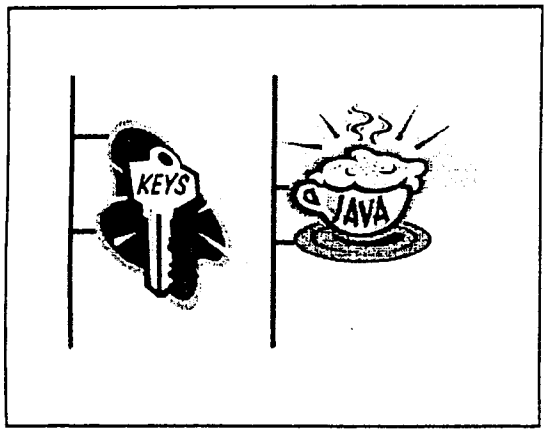


FIGURE 3-24
USE OF SYMBOLS/LOGOS

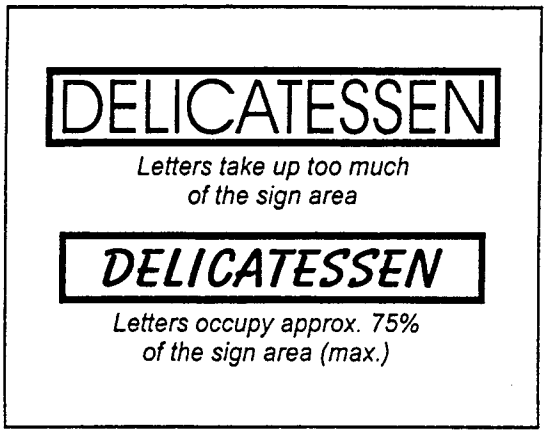


FIGURE 3-25
LETTER SPACING

d. Limit the number of lettering styles used on a sign in order to increase legibility. A general rule to follow is to limit the number of different letter types to no more than two for small signs and up to three for larger signs. See Figure 3-26.

e. Avoid hard-to-read, overly intricate typefaces and symbols. Typefaces and symbols that are difficult to read reduce the sign's ability to communicate.

f. Avoid faddish or bizarre typefaces if they are difficult to read. The image conveyed by the sign may quickly become that of a dated and unfashionable business.

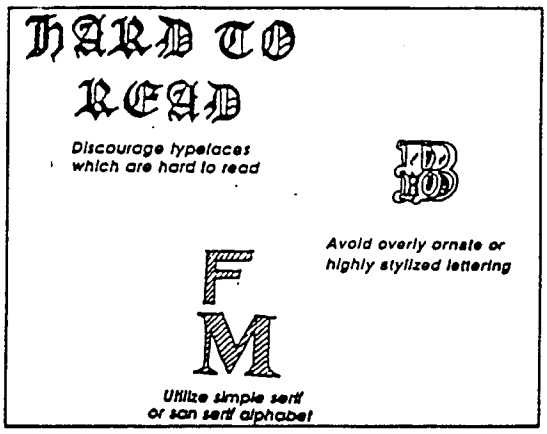


FIGURE 3-26
LETTERING STYLES

5. Sign illumination.

a. If the sign can be illuminated by an indirect source of light, the sign will be more compatible and integrated with the building's architecture. Light fixtures supported in front of the structure cast light on the sign and generally a portion of the face of the structure as well. Indirect lighting emphasizes the continuity of the building's surface and signs become an integral part of the facade.

b. Internally illuminated cabinet signs may have some advantage over signs with indirect/external illumination in that the fixtures are protected from weather and vandals, and the sign cabinet has a cleaner profile, uncluttered by the struts of most indirect lighting systems. Conversely, there is the disadvantage that when lighted, the cabinet sign alone becomes bright, separating it from the building's surface. The sign then becomes an element that is obviously attached to the facade of the structure rather than a part of it. As a result, this type of sign can disrupt the continuity of the facade and is, therefore, discouraged.

c. Whenever indirect lighting fixtures are used (fluorescent or incandescent), the light source shall be shaded, shielded, subdued, or directed so that the intensity of the light does not impact surrounding properties. Signs should be lighted only to the minimum level required for nighttime readability. See Figure 3-27.

d. Individually illuminated letters, either internally illuminated or back-lighted solid letters, are a preferred alternative to internally illuminated cabinet signs. Signs comprised of individual letters mounted directly on a structure can often use a distinctive element of the building's facade as a backdrop, thereby providing a better integration of the sign with the structure. See Figure 3-28.

e. The use of neon for downtown and Shell Beach commercial signs shall be encouraged. Internally illuminated, "can-type" signs shall be discouraged. When can-type signs are used the lettering should be illuminated instead of the background to the lettering.

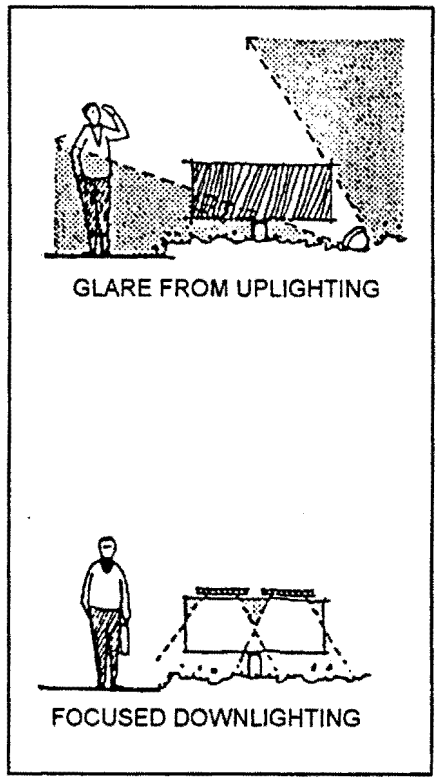


FIGURE 3-27
ILLUMINATION CONTROL

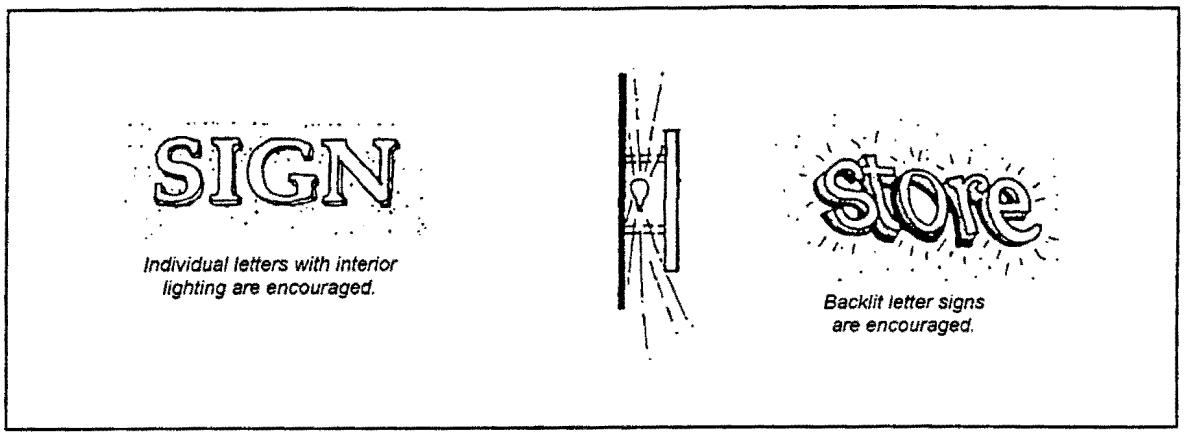


FIGURE 3-28
SIGN LETTER ILLUMINATION

17.36.120 - Nonconforming Signs

This Section recognizes that the eventual elimination of existing signs that are not in conformity with the provisions of this Chapter is as important as the prohibition of new signs that would violate these regulations.

A. **Continuation of nonconforming sign.** A legally established sign that does not conform to the provisions of this Chapter may continue to be used, and be maintained and repaired, provided that:

1. The aggregate cost of repairs does not exceed 50 percent of its value, as determined by the Building Official; and

2. No structural modifications to the sign or support structure shall be permitted.

B. **Sign copy changes.** The sign copy and sign faces of a nonconforming sign may be changed when there is no change in the use of the site or when only a portion of a multiple-tenant sign is being changed.

C. **Correction of nonconformities required.** Nonconforming signs shall be removed or brought into conformity with the provisions of this Chapter within 60 days after written notice from the Director when:

1. The sign is damaged or otherwise needs reconstruction or repair equal to or greater than 50 percent of its replacement value;

2. Changes are approved to the structure, use, occupancy, or tenant; or

3. The business is discontinued or abandoned for a period of three years. These abandoned signs shall be deemed in violation of this Zoning Code and a public nuisance. Thereafter, no business shall be permitted or licensed on the site until the signs conform to the requirements of this Chapter.

D. **Nonconformities under prior ordinance.** Signs which were nonconforming under the provisions of Ordinance No. 320, effective December 14, 1983, and which do not comply with the provisions of this Chapter shall be abated according to the schedule for these signs established in Ordinance No. 320, and the enactment of this Chapter shall in no way extend the original time limit for abatement.

17.36.130 - Abatement of Illegal Signs

Whenever a sign is found to be in violation of any provision of this Zoning Code or an approved Sign Permit, the Director may order that the sign be altered, repaired, reconstructed, or removed, as the Director may determine is appropriate to abate the condition.

A. **Time limit.** Any work required by the Director shall be completed within 30 days of the order, or other longer period authorized by the Director in writing.

B. **Revocation of Sign Permit.** Failure, neglect, or refusal to comply with an abatement order shall be sufficient basis for the Director to revoke any Sign Permit granted in compliance with this Chapter.

C. **Removal of sign.** The Building Official is hereby empowered and authorized to remove or cause to be removed, at the owner's expense, any sign erected or maintained in violation of the provisions of this Chapter.

D. **Penalty for violations.** Continuing violations of this Chapter are hereby declared to be infractions, and may be subject to the issuance of a citation.

CHAPTER 17.38 - STANDARDS FOR SPECIFIC LAND USES

Sections:

17.38.010 - Purpose and Applicability
17.38.020 - Accessory Retail Uses
17.38.030 - Adult Entertainment Establishments
17.38.040 - Antennas, Wireless Communications Facilities
17.38.050 - Child Day Care Facilities
17.38.070 - Home Occupations
17.38.080 - Hotels and Motels
17.38.090 - Mixed Use Projects
17.38.100 - Mobile Home Parks/Subdivisions
17.38.110 - Mobile Homes
17.38.120 - Multi-Family Housing
17.38.130 - Outdoor Retail Sales, Dining, and other Activities
17.38.140 - Recycling Facilities
17.38.150 - Residential Accessory Uses and Structures
17.38.160 - Service Stations—Retail sales
17.38.170 - Storage, Outdoor
17.38.180 - Vacation Clubs
17.38.190 - Veterinary Clinics and Animal Hospitals
17.38.200 - Warehouse Retail Stores

17.38.010 - Purpose and Applicability

A. **Purpose.** This Chapter provides site planning and development standards for land uses that are allowed by Article II of this Zoning Code (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) in multiple zoning districts (e.g., in residential and commercial districts).

B. **Applicability.** Land uses covered by this Chapter shall conform with the provisions of the Section(s) applicable to the specific use, in addition to other applicable provisions of this Zoning Code.

17.38.020 - Accessory Retail Uses

Retail sales and services, including but not limited to restaurants, pharmacies, and the sale of retail merchandise, are allowed accessory to a primary use where authorized by Article II (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), and as follows:

A. **General standard.** Accessory retail uses are permitted, provided there will be no external evidence of any commercial activity other than the primary use of the site (e.g., no signs, or windows with merchandise visible from adjoining streets), nor access to any space used for the accessory retail use other than from within the structure.

B. **Commercial zoning districts.** Restaurants and retail sales are permitted in the commercial zoning districts incidental and accessory to offices, hospitals and other medical facilities; pharmacies are permitted accessory to hospitals and other medical facilities.

C. **Residential and special purpose zoning districts.** Membership organizations, social or recreational establishments may engage in retail sales for guests only.

D. **Director review and approval.** All accessory retail uses shall be subject to review and approval by the Director in compliance with Section 17.42.020 (Zoning Clearance). In order to approve an accessory retail use, the Director shall first find that there will be no harm to adjacent existing or potential residential development due to excessive traffic, noise, or other adverse effects generated by the accessory use.

17.38.030 - Adult Entertainment Establishments

Where allowed Section 17:12.030 (Commercial District Land Uses and Permit Requirements) in the CG zoning district, any bookstore, hotel or motel, motion picture arcade or theater, cabaret, model studio, video rental store, or other business or establishment that is operated as an adult business as defined by Article VI of this Zoning Code shall be subject to the provisions of this Section.

A. **Purposes.** This Section provides reasonable regulations to prevent the adverse effects of the concentration or clustering of adult businesses. These uses have serious objectionable characteristics when several are located in close proximity to each other, and tend to create a "skid row" atmosphere, resulting in a detrimental effect upon the adjacent area. Regulation of the locations of these uses is necessary to ensure that their adverse effects will not contribute to the blight or downgrading of neighborhoods or deter or interfere with the development and operation of other businesses that are needed and desirable in the City.

B. **Applicability.** The provisions of this Section apply to uses operated as adult businesses in addition to all other applicable requirements of this Zoning Code. The establishment of an adult use shall include the opening of such business as a new business, the relocation of such business, the conversion of an existing business location to any adult use, or the granting of permits required of masseurs and masseuses which would have the effect of the establishment of an adult use of the intensification of an existing adult use.

C. **Location requirements.** Adult businesses shall be located no closer than:

1. 500 feet to any property in a residential zoning district, child day care facility, school attended by minor children, park, playground, public building or other public facility likely to be used by minors; or

2. 1,000 feet to any other adult business.

D. **Measurement.** For the purpose of this chapter, all distances shall be measured in a straight line, without regard for intervening structures, using the closes property lines of the parcels of the land involved.

E. **Design and performance standards.** The establishment or operation of an adult entertainment business shall comply with the applicable fees and site development standards, including, but not limited to, parking and design review, and the requirements of the Uniform Codes and building regulations and standards adopted by the City of Pismo Beach. An adult entertainment business shall comply with the following design and performance standards:

1. **Signs and advertising.** Signs, advertisements, displays, or other promotional materials depicting or describing "specified anatomical areas" or specified sexual activities" or displaying instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" shall not be shown or exhibited so as to be discernible by the public beyond the walls of the building or portion thereof in which the adult entertainment business is conducted.

2. **Entrances.** Each adult entertainment business shall have a business entrance separate from any other nonadult business located in the same building.

3. Screening.

   a. All building openings, entries, and windows for an adult entertainment business shall be located, covered or screened in such a manner as to prevent a view into the interior of an adult entertainment business from any area open to the general public.

   b. No adult entertainment business shall be operated in any manner that permits the observation by the public of any material or activity depicting , describing, or relating to "specified sexual activities" or "specified anatomical areas" from any public way or from any location beyond the walls of the building or portion thereof in which the adult entertainment business is conducted.

5. **Prohibition of minors - Posting.** The building entrance to the adult entertainment business shall be clearly and legibly posted with a notice indicating that minors are precluded form entering the premises.

6. **Noise.** No loudspeakers or sound equipment shall be used by an adult entertainment businesses for amplification of sound to a level discernible by the public beyond the walls of the building or portion thereof in which the adult entertainment business is conducted.

7. **Management facilities.** Each adult entertainment business shall be provided with a manager's station which shall be used for the purpose of supervising activities within the business. A manager shall be on the premises during all times that the adult entertainment business is open to the public.

8. **Interior layout.** The interior of the adult entertainment business shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the adult entertainment business to which any patron is permitted access for any purpose, excluding restrooms. If the adult entertainment business has two or more manager's stations designated, than the interior of the adult entertainment business shall be configured in such a manner that there is an unobstructed view of each area of the adult entertainment business to which any patron is permitted access for any adult purpose, excluding restrooms, from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

9. **Viewing area design.** No individual viewing area may be occupied by more than one person at any one time "Individual viewing area" shall mean a viewing area designed for occupancy by one person. Individual viewing areas of the adult entertainment business shall be operated and maintained without any hole or other opening or means of direct communication or visual or physical access between the interior space of two or more individual viewing areas.

10. **Parking.** Off-street parking shall be provided for the adult entertainment business in compliance with Chapter 17.34 (Parking and Loading).

11. **Operating standards.** The following additional requirements shall pertain to adult businesses providing live entertainment depicting Specified Anatomical Areas or involving Specified Sexual Activities:

    a. No person shall perform live entertainment for patrons of an adult business except upon a stage at least 18 inches above the level of the floor which is separated by a distance of at least six feet from the nearest area occupied by patrons, and no patron shall be permitted within six feet of the state while the stage is occupied by an entertainer. "Entertainer" shall mean any person who is an employee or independent contractor of the adult business, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult business.

    b. The adult business shall provide separate dressing room facilities for entertainers which are exclusively dedicated to the entertainer's use.

    c. The adult business shall provide an entrance/exit for entertainers which is separate from the entrance/exit used by patrons.

    d. The adult business shall provide access for entertainers between the stage and the dressing rooms which is completely separated from the patrons. If such separate access is not physically feasible, the adult business shall provide a minimum three-foot wide walk aisle for entertainers between the dressing room area and the stage, with a railing, fence, or other barrier separating the patrons and the entertainers capable of (and which actually results in) preventing any physical contact between patrons and entertainers.

e. No entertainer acting within the scope of their employment, either before, during, or after performances, shall have physical contact with any patron, and no patron shall have physical contact with any entertainer either before, during, or after performances by such entertainer.

12. **Security program.** An off-site security program shall be prepared and implemented including the following items:

a. All off-street parking areas and building entries serving the adult entertainment business shall be illuminated during all hours of operation with a lighting system which provides a minimum maintained horizontal illumination of one foot-candle (10 luxes, one candlepower) of light on the parking surface and/or walkway.

b. All interior portions of the adult entertainment business, except those areas devoted to mini-motion or motion pictures, shall be illuminated during all hours of operation with lighting system which provides a minimum maintained horizontal illumination of not less than two foot-candles (20 luxes, two candlepower) of light on the floor surface.

c. Security guards for other adult businesses may be required if it is determined by the Chief of Police that their presence is necessary in order to prevent any unlawful conduct from occurring on the premises.

The foregoing applicable requirements of Subsection E. shall be deemed conditions of a permit for an adult business and failure to comply with every such requirement shall be grounds for revocation of the permit issued pursuant to these regulations.

F. **Application requirements.** In addition to the submittal and review requirements for a permit as specified in the City's Code, the following must be submitted prior to an application being deemed complete:

1. The name and permanent address of applicant;

2. The name and proposed business address of the applicant. If the applicant is a corporation, the name be exactly as set forth in its articles of incorporation and the applicant shall show the name and residence address of each of the officers, directors, and each stockholder owning not less than twenty-five percent of the stock of the corporation. If the applicant is a partnership, the application shall show the name and residence address of each of the members, including limited partners;

3. A detailed description of the proposed entertainment, including type of entertainment and number of persons engaged in the entertainment;

4. A diagram of the premises showing a floor plan thereof specifying where the specific entertainment uses are proposed to be conducted within the building, the location of one or more manager's stations, the location of all overhead lighting,

fixtures, and designating any portion of the premises in which patrons will not be permitted;

5. Hours of operation and the admission fee, if any, to be charged;

6. The name or names of the person or persons who have the management of supervision responsibilities of the applicant's business and of any entertainment;

7. A statement of the nature and character of the applicant's business if any, to be carried on in conjunction with such entertainment;

8. A site area map showing the proposed business location and plotting of all uses listed.

9. A mailing list of all property owners within 1000 feet of the proposed business location.

Prior to the issuance of a permit, the police department shall complete a background investigation of all parties identified in F.1 and F.2 above.

G. **Inspections.** An applicant or permittee shall permit representative of the Police Department, Health Department, Building and Fire Department, Public Services Department, or other City Departments or Agencies to inspect the premises of an adult business for the purpose of ensuring compliance with the law and the development standards applicable to adult business, at any time it is occupied or opened for business. A person who operates an adult business or his or her agent or employee is in violation of the provisions of this Section if he or she refuses to permit such lawful inspection of the premises at any time it is occupied or opened for business.

H. **Severability.** If any section, subsection, paragraph, subparagraph or provision or this chapter or the application thereof to any person, property or circumstance is held invalid, the remainder of the chapter and application of such to other persons, properties or circumstances shall not be affected thereby.

I. **Violations.** It shall be unlawful to establish or operate an adult entertainment business in violation of this chapter. Any person who violates any provision of this chapter shall be guilty of a misdemeanor. Nothing in this chapter shall be deemed or constituted to prevent the city from commencing any civil proceeding otherwise authorized by law for the declaration or abatement of a public nuisance.

17.38.040 - Antennas, Wireless Communications Facilities

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

B. **Applicability.** This Section applies to all proposed antennas and other communications facilities.

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

1. **Permit requirements.** No wireless communication facility shall be installed without first having obtained a Building Permit, and a Conditional Use Permit. In reviewing any application to provide wireless service or to install personal wireless service facilities, the City shall act within a reasonable period of time, taking into account the nature and scope of the application. Any decision to deny an application shall be in writing, supported by substantial evidence contained in a written record. The City shall approve, approve with conditions, or deny the application in accordance with this zoning ordinance and in accordance with the general purpose of the General Plan and other applicable ordinances.

2. **Application content.** Applications for the approval of wireless communication facilities shall include the following information, in addition to all other information required by the City for a Conditional Use Permit application:

   a. Written documentation demonstrating a good faith effort in locating facilities in accordance with the location requirements in Subsection D.3 (Location Requirements); and

   b. Visual simulations showing the proposed facilities superimposed on photographs of the site and surroundings, to assist the review authority and the public in assessing the visual impacts of the proposed facility and its compliance with the provisions of this Section.

   c. A diagram or map showing the viewshed of the proposed facility. Photosimulations of the proposed facility from effected residential properties and public rights-of-way at varying distances.

d. A map showing the service area of the proposed Wireless Communication Facility and an explanation of the need for that facility.

e. A map showing the locations and service areas of other Wireless Communication Facility sites operated by the applicant and those that are proposed by the applicant which are close enough to impact service within the City.

f. A site/landscaping plan showing the specific placement of the Wireless Communication Facility on the site; showing the location of existing structures, trees, and other significant site features and indicating type and locations of plant materials used to screen Wireless Communication Facility components and the proposed color(s) for the Wireless Communication Facility.

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

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

b. **Restricted locations.** No wireless communication facility shall be established in any of the following locations, except for a stealth facility determined by the review authority to be sufficiently integrated with and/or screened by a non-antenna support structure (for example, a street light, utility pole, building feature, landscape feature), that the facility will be substantially indistinguishable from its support structure:

(1) Within any residential zoning district;

(2) Within any nonresidential zoning district on a site that contains a legally established residential use; or

(3) Within a V (Visual Considerations) overlay zoning district.

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

d. **Co-Location.** A permittee shall cooperate with other WIRELESS COMMUNICATION FACILITY providers in co-locating additionally antennas

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

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

4. **Guidelines for placement on structures**. The methods preferred by the City for mounting an antenna on a structure are as follows, in order of preference:

   a. Place antennas and towers on public property if practical.

   b. Place antennas and towers east of Highway 101 outside the Pacific Ocean view corridors and the City Center area.

   c. Mounted on an existing structure on the facade, roof or co-located tower;

   d. Mounted on an existing steel or concrete pole (for example, a light standard); or

   e. Mounted on a new steel or concrete monopole.

5. **Design and development standards.** Wireless communication facilities shall be architecturally compatible with surrounding land uses and screened, or otherwise integrated, and designed and maintained as follows:

   a. The facilities shall have subdued colors and non-reflective materials which blend with the materials and colors of the surrounding area.

   b. Building-mounted facilities shall be designed and/or screened in a manner be compatible with the existing architecture in color, texture and type of material of the building.

   c. The facilities shall not bear any signs or advertising devices other than certification, warning or other required seals or signage.

d. All accessory equipment associated with the operation of the wireless facility shall be located within a building, enclosure or underground vault that complies with the development standards of the zoning district in which the accessory equipment is located.

e. As provided above, new facilities shall be designated to accommodate co-location, unless the applicant demonstrates why such design is not feasible for economic, technical or physical reasons.

f. Support structures shall be set back from all residential property lines a distance equal to the height of the support structure plus the height of any antennas, and shall comply with all required setbacks of the zoning district in which it is located.

g. Support structures shall be designed and placed on the site in a manner that takes maximum advantage of existing trees, mature vegetation, and structures:

h. Landscaping shall be required to screen wireless communication facilities as much as possible, to soften the appearance of the cell site. The City may permit any combination of existing vegetation, topography, walls, decorative fences or the features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted flush on an existing building, or camouflaged as part of the building and other equipment is housed inside an existing structure, landscaping shall not be required.

6. **View corridors.** Due consideration shall be given so that placement of towers, antenna, and personal wireless service facilities do not obstruct or significantly diminish views of the Pacific Ocean.

7. **Fees.** It is the policy of the City of Pismo Beach that applicants pay the full cost associated with processing an application. The City Manager shall establish a base application fee for all Wireless Communication applications. This base application fee shall include the cost of preparing this ordinance and administering it on an ongoing basis. In addition to the application fee, the applicant shall, reimburse the City for costs of professional engineers and other consultants hired by the City to review and inspect the applicant's proposal when the City is unable to do so with existing in-house staff. These professional services may include but are not limited to: engineering, technical reviews, legal, planning; Hearing Examiner, environmental review, critical areas of review, financial, accounting, soils, mechanical and structural engineering. In the event that project requires special staff analysis beyond that which is included in the base fee, the applicant shall reimburse the City for this staff time. The City may require the applicant to deposit an amount with the City to cover anticipated costs of retaining professional consultants or performing special staff analysis.

8. **Validation of proper operation.** Within 90 days of commencement of operations, the applicants for the wireless communication facility shall provide the Director a preliminary report and field report prepared by a qualified engineer, verifying that

the operation of the facility is in conformance with the standards established by the American National Standards Institute (ANSI) and the Institute of Electrical and Electronic Engineers (IEEE) for sage human exposure to electromagnetic field (EMF) and radio frequency radiation (RFR).

9. **Monitoring requirements.** Each major Wireless Communication Facility approved shall be subject to review by the Planning Commission at the end of five years from the date of approval. At any time, the Planning Commission may modify existing conditions or impose new conditions to protect the public health and safety and general welfare, as deemed necessary by the review authority.

10. **Expiration.** A Conditional Use Permit for a Wireless Communication Facilities shall expire five years after the effective date of the permit approval. A permittee wishing to continue the use of a specific Wireless Communication Facilities at the end of the five year period must apply for a Conditional Use Permit renewal application to continue that use at lease six months prior to its expiration. In ruling on said renewal the Planning Commission shall apply all then existing regulations effecting the application.

11. **Abandonment.** Wireless communication facilities that were lawfully installed and are no longer operating shall be removed from the property no later than 90 days after the discontinuation of use. Removal shall comply with applicable health and safety regulations.

    A written notice of the determination of abandonment shall be sent or delivered to operator of the wireless communication facility. The operator shall have 30 days to remove the facility or provide the Director with evidence that the use has not been discontinued. All facilities not removed within the required 30-day period shall be in violation of this Zoning Code, and operators of the facility and the owners of the property shall be subject to penalties for violations under the enforcement and penalties provisions of this Section.

12. **Violations.** Operators violating any of the provisions of this Section regarding wireless communication facilities are guilty of a misdemeanor. Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The penalty for a misdemeanor is a fine not to exceed $1,000 or imprisonment for a term not to exceed six months, or by both fine and imprisonment.

13. **Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

D. **Standards for satellite antennas.** Satellite antennas, including portable units and dish antennas, shall be designed, installed, and maintained in compliance with the regulations of the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC).

Satellite antennas with a diameter larger than one meter shall also comply with the following requirements, when these provisions are not in conflict with applicable State and Federal regulations. Home satellite antennas with a maximum diameter of one meter or less are not regulated by this Section.

1. **Permit requirement.** Zoning Clearance shall be required for antennas with a diameter of 72 inches or less; Minor Use Permit approval shall be required for larger antennas.

2. **Application, plans.** Plans for antennas shall be submitted with each application for a building permit, and shall include a site plan and elevation drawings indicating the height, diameter, color, setbacks, foundation details, landscaping, and method of screening. The plans shall be subject to the approval of the Director.

3. **Location.** No antenna shall be located within any required front or street side yard setbacks in any zoning district. In addition, no portion of an antenna shall extend beyond the property lines.

4. **Color.** The antennas and supporting structure shall be painted a single, neutral, non-glossy color (for example, earth-tones, gray, black) and, to the extent possible, compatible with the appearance and character of the surrounding neighborhood.

5. **Wiring.** All electrical and antenna wiring shall be placed underground whenever possible.

6. **Residential districts.** In any residential zoning district, all antennas shall be subject to the following standards:

   a. Only ground-mounted antennas shall be permitted. Ground-mounted antennas shall be located in the rear yard of the site;

   b. The height of the antennas shall not exceed 15 feet;

   c. Only one antenna may be permitted on any site;

   d. The antenna shall be separated from adjacent properties by at least a six-foot high solid wall or fence or by plants or trees of equal minimum height;

   e. Any antenna that is taller than adjacent property line fences shall be located away from the side or rear property line at a distance equal to or greater than the height of the antenna;

f. The diameter of the antenna shall not exceed 10 feet. This provision may be modified by the Director if strict compliance would result in no/poor satellite reception; and

g. The antenna shall be used for private, noncommercial, purposes only.

7. **Nonresidential districts.** In any non-residential zoning district, antennas may be roof or ground-mounted. These antennas shall be subject to the following standards:

a. If roof-mounted, the antennas shall be screened from ground view by a parapet or other type of screening. The minimum height and design of the parapet, wall, or screening shall be subject to approval of the Director;

b. If ground-mounted, the antennas shall not be located between a structure and an adjacent street and shall be screened from public view and neighboring properties;

c. The location and height of the antennas shall comply with all requirements of the underlying zoning district; and

d. If the subject site abuts a residential zoning district, all antennas shall be set back a minimum distance from the property line equal to the height of the antenna, unless otherwise screened from view.

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

1. The antenna shall not exceed the minimum height determined by the review authority to be necessary to achieve effective transmission and reception. The applicant shall provide information and fund any expert evaluation required by the review authority to document the minimum height required to the satisfaction of the review authority.

2. Any boom or other active element/accessory shall not exceed 25 feet in length;

3. The antennas may be roof or ground mounted; and

4. May not be located in any front or side yards.

F. **Effects of development on antenna reception.** The City shall not be liable if development within the City after installation of the antenna impairs antenna reception.

17.38.050 - Child Day Care Facilities

This Section establishes standards for the City review of child day-care facilities, in conformance with State law, including the limitations on the City's authority to regulate these facilities. These standards apply in addition to all other applicable provisions of this Zoning Code and any requirements imposed by the California Department of Social Services through its facility licensing procedures. Licensing by the Department of Social services is required for all child day care facilities.

A. **Application requirements.** Land use permit applications for child day care facilities shall include a copy of the license issued by the California Department of Social Services, in addition to all other information and materials required by the Department.

B. **Small family day care homes.** Small family day care homes are permitted within any single-family residence located in a residential zone.

C. **Large family day care homes.** This use is allowed within any single-family residence located in a residential zone, subject to the following requirements:

1. **Permit requirement, public notice.** A large family day care home shall require the approval of a non-discretionary Minor Use Permit by the Director. Instead of the public notice required by Chapter 17.58 (Public Hearings), all property owners within 100 feet of the proposed site shall be provided notice of the application at least 10 days prior to the date of the Director's decision on the permit. No public hearing shall be held unless requested in writing by the applicant or other affected person.

2. **Criteria for approval.** Minor Use Permit approval shall be granted if the Director determines that the proposed large family day care home will comply with the standards in Subsection E.

D. **Child day care centers.** Allowed in the zoning districts with the type of land use permit determined by Article II (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), subject to the standards in following Subsection E.

E. **Standards for child care facilities.** Large family day care homes and child day care centers are subject to the following standards:

a. **Spacing/concentration.** No residential property shall be bordered on more than one side by a child day care facility.

b. **Traffic control.** A drop-off and pick-up area shall be established to ensure that children are not placed at risk and street traffic is not unduly interrupted. The driveway of a large family day care home may serve as its drop-off area.

17.38.070 - Home Occupations

A. **Applicability.** The provisions of this Section allow for business activities within a housing unit that are subordinate to the primary residential use of the site, and compatible with surrounding residential uses. This Section does not address child care businesses, which are instead subject to 17.38.050 (Child Day Care Facilities).

B. **Limitations on use.** The following are examples of business activities that may be approved by the Director as home occupations, and uses that are not allowed as home occupations.

1. **Allowed home occupations.** The following may be approved by the Director in compliance with this Section:

   a. Art work (ceramics, painting, photography, sculpture, and similar works);

   b. Clothing production, millinery, sewing, and similar activities;

   c. Small handcraft; and

   d. An office for an architect, attorney, consultant, insurance agent, tutor, writer, counsellor/therapist, licensed massage therapist, and persons providing similar services.

   The Director may also approve other business activities as home occupations, where the Director determines that the business activity is substantially similar to the above uses in its operational characteristics, and will result in no greater impacts on the site or surrounding properties than the above uses.

2. **Prohibited home occupation uses.** The following are examples of business activities that are not incidental to or compatible with residential activities, and are, therefore, prohibited as home occupations:

   a. Adult businesses;

   b. Barber and beauty shops;

   c. Commercial photo/film processing labs;

   d. Dance or night clubs;

   e. Gun and/or ammunition sales;

   f. Medical and dental offices, clinics, and laboratories (not including counselors/psychotherapists, and licensed massage therapists);

   g. Mini storage;

h. Storage of equipment, materials, and other accessories for the construction and service trades;

i Vehicle repair (body or mechanical), upholstery, automobile detailing and painting;

j. Welding and machining; and

k. Any other use determined by the Director not to be incidental to or compatible with residential activities, including any use which may produce noise, odors, or traffic that is not customary within a residential area.

C. **Application.** Zoning Clearance (Section 17.42.020) is required for home occupations, which are permitted as accessory uses in all residential zoning districts. A statement of compliance with the operating standards in Subsection D. following, shall be signed by the property owner prior to issuance of a Zoning Clearance. Counselors, psychotherapists, and massage therapists, shall provide evidence of proper State licensing with their application.

D. **Operating standards.** Home occupations shall comply with all of the following operating standards:

1. **Accessory use only.** The home occupation shall be clearly secondary to the full-time use of the structure as a residence;

2. **Activities, equipment, materials.** Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not involve the storage of flammable, explosive, or hazardous materials. No use shall create noise, dust, light, vibration, odor, gas, fumes, toxic/hazardous materials, smoke, glare, electrical interference, or other hazards or nuisances;

3. **Exterior evidence of use.** The use shall not require any modification not customarily found in a dwelling, nor shall the use be visible from the street or from neighboring properties. There shall be no window display, advertising sign, or other identification of the home occupation on the premises;

4. **Limitation on employees.** The home occupation shall have no employees on the site other than the residents of the housing unit. This limitation applies only to employees of the home business and does not regulate the use of housekeeping, gardening, child care, and/or cooking personnel which are unrelated to the home business; and

5. **Limitation on clients.** No more than one client shall be allowed on the premises at any time for counseling, music lessons, tutoring, or other purposes.

6. **Location of home occupation.** The home occupation shall be located entirely within an enclosed structure, and shall not be allowed in a trailer or other temporary structure; and

7. **Vehicles, traffic.** Vehicles used and traffic generated by the home occupation shall not exceed the type of vehicles and traffic volume normally generated by a home in a residential neighborhood. All parking needs of the home occupation shall be met off the street and on the same site as the permitted home occupation.

17.38.080 - Hotels and Motels

A. **Maximum density.**

1. **RR-H zoning district.** The maximum allowable number of hotel and motel units on a site within the RR-H zoning district shall be one unit for each 500 square feet of site area.

2. **CD zoning districts.** The maximum allowable number of hotel and motel units on a site within the CD-M, CD-C, and CD-V zoning districts shall be determined as follows:

a. **Single-room units:** one per each 500 square feet of site area; and

b. **Multi-room suites:** one per each 800 square feet of site area.

When considering the Conditional Use Permit for a project, the Commission may authorize a greater density when the circumstances of the site or a project design warrant. For purposes of this Section, "room" shall mean a bedroom or sleeping room.

B. **Special parking provisions.** The review authority may consider variations in the design and layout of parking facilities for major hotels and motels through Conditional Use Permit review, including tandem valet parking. Approval of design and layout variations shall include provisions for ensuring that the proposed alternative will continue to be operated effectively with the use; that alternatives such as valet parking occur within a controlled area, and that the total number of parking spaces required for the hotel/motel by Section 17.34.040 (Number of Parking Spaces Required) will be provided at all times.

C. **Bus and RV parking spaces.** Proposed parking lots for hotels and motels should be designed to include adequate spaces for the parking of tour busses and recreational vehicles (RVs).

D. **Additional requirements for hotels and motels within the Downtown.** Hotels and motels proposed within the CD zoning districts shall also comply with the following standards.

1. **Design requirements.** The buildings and structures for hotels, motels and other transient lodging uses shall be designed in a manner that is characteristic of short-term occupancy and does not include features that are associated with long-term occupancy and use as dwelling units. Where multi-room suites are proposed, they shall be limited to a size and range of facilities that is characteristic of hotel suites.

Full-sized kitchens, dining rooms and other living areas characteristic of dwelling units shall be discouraged.

2. **Length of stay.** The review authority shall adopt conditions of approval which will assure that the occupancy of the lodging is limited to short-term stays by tourists and coastal visitors.

3. **Subdivision.** The subdivision of hotels into airspace condominium units may be permitted with the approval of a Conditional Use Permit by the Council, subject to conditions that will assure the development functions primarily as visitor accommodations. The conditions shall require the recordation of enforceable deed restrictions limiting occupancy by any individual to a maximum of 30 calendar days per year, cumulative, and shall require participation in a rental program open to the general public on the same basis as non-condominium hotels.

17.38.090 - Mixed Use Projects

The provisions of this Section apply to projects which include both commercial and residential uses. The intent is to provide a continuous frontage of retail shops and commercial business establishments at the street level, while providing opportunities for downtown residential living. The following requirements shall apply to mixed use projects:

A. **Use of street level.** The entire ground floor street frontage, with the exception of circulation access and loading areas, shall be used exclusively for retail and other commercial uses. No dwelling units shall be permitted on the ground floor/street level except within a single-story structure, and on the rear half of the lot, occupying less than 40 percent of the ground floor area.

B. **Parking.** All parking spaces required by the residential use shall be provided on-site. Parking spaces to serve the residential units shall be specifically designated and shall be reserved for the exclusive use of the residents.

17.38.100 - Mobile Home Parks/Subdivisions

The following standards are intended to ensure that new, expanded or redeveloped mobile home parks, and new mobile home subdivisions are located and established so as to be compatible with adjacent residential neighborhoods and commercial areas. The planning and design of the interior of mobile home parks, including lots and other areas within parks, and the permitting of individual mobile homes within mobile home parks is regulated by the California Department of Housing and Community Development (HCD), and is not subject to the provisions of this Section.

A. **Site planning and design standards.** Mobile home parks and subdivisions shall conform to the following minimum standards.

1. **Minimum site area:** Five acres.

2. **Density:** A maximum of 8 mobile home spaces per acre.

3. **Setbacks.** All structures, including but not limited to mobile homes, shall be set back from property lines as follows:

   a. **Street frontage lot lines:** 30 feet.

   b. **Exterior park lot lines not abutting streets:** 10 feet

4. **Landscaping.** The perimeter of mobile home parks shall be landscaped as follows:

   a. **Street frontages.** Required setbacks shall be provided with a landscaped buffer at least 15 feet wide, except where cut by access driveways. Landscaping shall occupy a minimum of 60 percent of the required street frontage setback area required by Subsection A.3 above.

   b. **Other setback areas:** Shall be landscaped with screen planting strips.

   c. **Interior street trees.** Each mobile home lot shall be provided at least one street tree of 15 gallon size or larger.

   d. **Interior landscaping.** All open areas of a mobile home park not occupied by paving or common facilities shall be landscaped, including a minimum of 20 percent of the total site area for each mobile home, and a minimum of 45 percent of the total common area(s) of the park.

5. **Fencing.** The perimeter of a mobile home park or subdivision shall be enclosed by a six foot high solid masonry wall (or alternate approved by the Director), located at the setback line along street frontages, and adjacent to property lines not abutting streets.

6. **Signs.** Sign area shall be limited to one identification sign of 50 square feet and one directional sign of 25 square feet, subject to Director approval.

B. **Accessory commercial uses permitted.** A mobile home park may contain commercial uses for the convenience of park residents, i.e., coin operated laundry, soft drink, cigarette and similar machines, provided that these uses shall be located in the interior of the park and shall not occupy more than 500 square feet for each 50 mobile homes or fraction thereof.

C. **Use of mobile home lots.** No more than one occupied mobile home shall be allowed on any one lot. No travel trailer, camper, or other recreational vehicle shall be placed on any mobile home lot, either for occupancy or storage.

D. **Recreational vehicle areas.** Mobile home parks may include spaces for occupied recreational vehicles, and/or recreational vehicle storage areas, provided that the location, number and size of spaces shall be authorized as part of the Conditional Use Permit approval.

E. **Conversion of mobile home park to another use.** Any subdivision of an existing mobile home park or conversion of an existing mobile home park to another land use is subject to the following requirements:

1. **Permit requirement.** Conditional Use Permit approval (Section 17.42.050).

2. **Application content.** The Conditional Use Permit application shall include the report required by Government Code Section 66427.4 or 65863.7, as applicable, in addition to all information required by Section 17.40.040 (Application Preparation and Filing).

3. **Special notice requirement.** As required by Government Code Section 65863.8, at least 30 days before the public hearing on the Conditional Use Permit, the Department shall notify the applicant in writing of the provisions of Section 798.56 of the Civil Code regarding the responsibility of the applicant to notify residents and mobile home owners of the mobile home park of the proposed change in use. No hearing on a proposed mobile home park conversion shall be scheduled until the applicant has verified this notification to the satisfaction of the Director.

17.38.110 - Mobile Homes

Mobile homes (identified as manufactured homes by the National Manufactured Housing Construction and Safety Standards Act of 1974) on lots zoned for conventional single-family dwellings, and the storage of mobile homes are subject to the requirements of this Section. Mobile homes placed in mobile home parks (Section 17.38.100), that are regulated by the California Department of Housing and Community Development, are not subject to the provisions of this Section. Modular (also known as factory-built) housing units are considered the same as single-family dwellings for the purposes of this Zoning Code, and are not subject to the provisions of this Section.

Mobile homes to be used as permanent dwellings in compliance with this Section are subject to the following requirements:

A. **Certified mobile homes.** Mobile homes that are certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC Section 5401, et seq.), are subject to the following standards:

1. **Location.** As required by Government Code Section 65852.3, mobile homes for permanent occupancy are considered the same as single-family dwellings, and are permitted by Section 17.08.030 (Residential District Land Uses and Permit Requirements) in all zoning districts that allow single-family housing units;

2. **Foundation system.** The mobile home shall be placed on a foundation system in compliance with Section 18551 of the Health and Safety Code; and

3. **Architectural standards.** Mobile homes shall be designed and constructed with roof eave and gable overhangs of not less than one foot measured from the vertical side of the structure.

B. **Non-certified mobile homes.** Mobile homes that are not certified under the National Mobile Home Construction and Safety Act of 1974, and that do not meet the requirements of Subsection A. above shall be placed only in mobile home parks.

C. **Density.** The number of certified mobile homes (as described in Subsection A. above) that may be placed on a single parcel shall be the same as the number of single-family dwellings permitted by Section 17.08.040 (Residential District General Development Standards). The number of mobile homes that may be placed in a mobile home park is determined by Section 17.38.100 (Mobile Home Parks and Subdivisions).

D. **Storage of unoccupied mobile homes.** Unoccupied mobile homes or portions thereof that are not fixed to a foundation shall be stored only in a mobile home sales lot, or an approved storage yard.

17.38.120 - Multi-Family Housing

Multi-family housing projects shall comply with the following requirements, in addition to all other applicable provisions of this Zoning Code. The requirements of this Section may be modified through Site Plan and Architectural Review or Conditional Use Permit approval.

A. **Setbacks.** A proposed building shall be separated from any other building on the site by a minimum of 20 feet. Proposed buildings shall be set back from internal roads and driveways a minimum of 10 feet.

B. **Common outdoor space.** Common outdoor space, not including required front or street side setback areas, and usable for passive and/or active recreation, shall be provided at a ratio of 400 square feet per housing unit.

C. **Private outdoor space.** Each multi-family housing unit shall be provided with private outdoor open space in the form of patios, decks, fenced yard areas, and similar spaces, with the following minimum areas:

1. **Studio and one-bedroom units:** 75 square feet.

2. **Two-bedroom units:** 150 square feet.

3. **Three bedroom and larger units:** 225 square feet.

D. **Fencing.** The development of more than two multi-family housing units shall include the installation of solid wood or masonry fencing along the site perimeter side and rear property lines, in compliance with Section 17.24.060 (Fences, Walls and Hedges), to the maximum height allowed.

E. **Garages.** The number of garages or carports facing directly onto a street from any multi-family structure shall not exceed the number which may be accommodated on 30 percent of the parcel frontage; provided that a minimum of two shall be allowed.

17.38.130 - Outdoor Retail Sales and other Activities

Permanent outdoor sales and rental establishments including autos, other vehicles and equipment, service stations, and other uses where the business is not conducted entirely within a structure shall comply with the following standards. Temporary outdoor sales are subject to Section 17.42.040 (Temporary Use Permits).

A. **Outdoor merchandise display.** The outdoor display of merchandise shall comply with the following standards, except where Minor Use Permit approval authorizes display subject to alternate requirements approved by the review authority.

1. **Screening required.** Except for automobile sales, an outdoor sales/activity area shall be screened from adjacent streets by decorative solid walls, fences, or landscaped berms, a minimum of 36 inches high, in a 10-foot landscaped area adjacent to the street property line;

2. **Location of merchandise on private property.** Displayed merchandise shall occupy a fixed, specifically approved and defined location that does not disrupt the normal function of the site or its circulation, and does not encroach upon required parking spaces, driveways, pedestrian walkways, or required landscape areas. These displays shall also not obstruct sight distance or otherwise create hazards for vehicle or pedestrian traffic; and

3. **Display of merchandise within a public right-of-way.** The display of merchandise within a public right-of-way may be allowed only with the approval of an encroachment permit in compliance with Municipal Code Section _____. The location of displayed merchandise authorized by an encroachment permit shall maintain a clear pathway for pedestrian travel at all times, with a minimum width of five feet.

4. **Signs.** Generally, there shall be no signs in addition to that allowed by Chapter 17.36 (Signs) that is visible from the street. Pricing signs shall be no larger than necessary to be read by on-site shoppers.

B. **Outdoor storage areas.** Where permitted by Article II (Zoning Districts and Allowable Land uses), all outdoor storage areas shall be entirely enclosed and screened by a solid wall or fence at least six feet in height.

C. **Outdoor dining.** When not entirely enclosed within a courtyard, outdoor dining may be allowed on private property adjacent to a public right-of-way with Minor Use Permit approval. The review authority shall impose conditions of approval as deemed appropriate to provide for proper access and circulation, and any necessary separation from the public right-of-way.

17.38.140 - Recycling Facilities

A. **Purpose.** The following provisions establish standards and procedures for the siting and operation of various types and sizes of commercial recycling facilities.

B. **Applicability.** Any recycling facility intending to operate in the City shall comply with all provisions of this Section:

C. **Permit requirements.** Recycling facilities are subject to permit review in all commercial zoning districts according to the following schedule:

Type of facility	Districts permitted	Permit required
Reverse vending machine(s)	All Commercial	Site Plan and Architectural Review for up to 5 reverse vending machines
Small collection	CG, CS	Site Plan and Architectural Review
Large collection	CS	Conditional Use Permit

D. **Development and operating standards.** All recycling facilities shall comply with the following specific standards:

1. **Reverse vending machines.** Reverse vending machine(s) located on a commercial site shall not require additional parking spaces for recycling customers, and may be permitted in all commercial zoning districts, subject to Site Plan and Architectural Review and compliance with the following standards.

   a. **Accessory use only.** The machines shall be installed as an accessory use.

   b. **Location requirements:**

      (1) If located inside a structure, the machines shall be within 30 feet of the entrance and shall not obstruct pedestrian circulation; and

      (2) If located outside a structure, the machines shall not occupy parking spaces required by the main use.

   c. **Maximum size.** The machines shall occupy no more than 50 square feet for each installation, including any protective enclosure, and shall be no more than eight feet in height.

   d. **Signs.** The machines shall have a maximum sign area of four square feet per machine, exclusive of operating instructions.

   e. **Lighting.** Reverse vending machines shall be illuminated to ensure comfortable and safe operation, if operating hours are between dusk and dawn.

f. **Materials.** If located outside a structure, the machines shall be constructed of durable waterproof and rustproof material.

g. **Hours of operation.** The machines shall have operating hours consistent with the operating hours of the main use.

2. **Small collection facilities.** Small collection facilities may be allowed subject to Site Plan and Architectural Review and compliance with the following standards.

a. **Location requirements.** Small collection facilities shall:

(1) Be set back at least 45 feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation;

(2) Not be located in any required parking, access, or sight distance area of any required setback;

(3) Not be located within 50 feet of any parcel zoned or planned for residential use; and

(4) Permanently locate any containers provided for "after hours" donation of recyclable materials at least 30 feet from any property zoned or occupied for residential use.

b. **Maximum size.** Shall be no larger than 350 square feet and occupy no more than three parking spaces not including space that will be periodically needed for removal of materials or exchange of containers.

c. **Appearance of facility.** Collection containers, site fencing, and signs shall be of a color and design so as to be both compatible and harmonious with the surrounding uses and neighborhood;

d. **Landscaping and screening.** The facility shall:

(1) Not impair the landscaping required by Chapter 17.30 (Landscaping) for any concurrent use allowed by these Regulations;

(2) Be screened from view from adjacent public rights-of-way through the use of fencing, landscaping, or other approved materials, in compliance with Section 17.24.060 (Fences, Walls and Hedges); and

(3) Be subject to landscaping and/or screening as determined through Site Plan and Architectural Review.

e. **Parking requirements.**

(1) No additional parking space shall be required for customers of a small collection facility located in the established parking lot of the main use. One space shall be provided for the attendant, if needed;

(2) Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;

(3) Use of parking spaces by the facility and by the attendant shall not reduce available parking spaces below the minimum number required for the main use unless a parking study shows that existing capacity is not fully utilized during the time the recycling facility will be on the site;

f. **Signs.** Signs may be provided as follows:

(1) Recycling facilities may have identification signs with a maximum area of 15 percent per side of the structure or 12 square feet, whichever is greater. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container;

(2) Signs shall be consistent with the character of their location;

(3) The sign shall contain only the hours of operation, redemption values, and the name of the operator, owner, or beneficiary; and

(4) Directional signs, in compliance with Chapter 17.38 (Signs), bearing no advertising message, may be installed with the approval of the Director if found necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.

g. **Operating standards.** Facilities shall:

(1) Accept only glass, metal or plastic containers, paper, and reusable items;

(2) Use no power-driven processing equipment except for reverse vending machines;

(3) Use containers that are constructed with durable waterproof and rustproof material, covered when the site is not attended, secured from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule;

(4) Store all recyclable materials in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present;

(5) Be maintained free of litter and any other undesirable materials, and the site for mobile facilities, at which truck(s) or containers are removed at the end of each collection day, shall be swept at the end of each collection day;

h. **Hours of operation.** Attended facilities located within 100 feet of a property zoned or occupied for residential use shall operate only between the hours of 9:00 A.M. and 7:00 P.M.;

3. **Large collection facilities.** A large collection facility which is larger than 350 square feet, or on a separate parcel not accessory to a "primary" use, which has a permanent structure may be allowed in the CS zoning district subject to Conditional Use Permit approval and the following standards.

   a. **Location requirements.** The facility shall not abut a parcel zoned or planned for residential use.

   b. **Container location.** Any containers provided for "after hours" donation of recyclable materials shall be permanently located at least 100 feet from any residential zoning district, constructed of sturdy, rustproof materials, with sufficient capacity to accommodate materials collected, and secured from unauthorized entry or removal of materials.

   c. **Screening.** The facility shall be screened from the public rights-of-way, within an enclosed structure, or behind fences, walls, or screen planting.

   d. **Setbacks, landscaping.** Structure setbacks and landscape requirements shall be those provided for the applicable zoning district.

   e. **Outdoor storage.** All exterior storage of material shall be in sturdy containers which are secured, and maintained in good condition at all times. No storage, excluding truck trailers, shall be visible above the height of the wall.

   f. **Operating standards.** The facility shall be operated and maintained in compliance with the following:

      (1) The site shall be maintained clean, sanitary, and free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis. Temporarily stored materials shall be moved to an approved processing site as soon as practical; and

      (2) No dust, fumes, odor, smoke, or vibration above ambient levels shall be detectable from adjacent parcels.

4. **Time limits.** Any permit issued in compliance with this Section shall have a maximum term established by the approved land use permit. Prior to permit renewal, the Director shall consider the permittee's history of compliance with the established conditions of approval, as well as the provisions of this Section and the Municipal Code.

E. **General standards.** All recycling facilities shall comply with the following standards:

1. **Signs.** Facilities shall be provided identification and informational signs, as follows, provided that all signs shall meet the standards of the applicable zoning district:

   a. All collection containers and reverse vending machines shall be clearly marked to identify the type of material which may be deposited, and display a notice stating that no material shall be left outside the recycling enclosure or machine; and

   b. The facility shall be clearly marked to identify the name and telephone number of the operator and the hours of operation.

   Identification and informational signs and directional signs bearing no advertising message may be installed with the approval of the Director, if necessary to facilitate traffic circulation.

2. **Refuse disposal.** The facility shall maintain adequate on-site refuse containers for the disposal of non-recyclable, non-hazardous waste.

17.38.150 - Residential Accessory Uses and Structures

When permitted in the zoning district applicable to a site (see Section 17.08.030, Residential District Land Uses and Permit Requirements), specific residential accessory uses are subject to the provisions of this Section. Residential accessory uses include any use that is customarily related to a residence, including but not limited to swimming pools, workshops, studios, storage sheds, greenhouses, and garages.

A. **General requirements.** All accessory uses and structures are subject to the following standards, except where more restrictive requirements are established by other provisions of this Section for specific uses.

1. **Relationship of accessory use to principal use.** Accessory uses and structures shall be incidental to and not alter the character of the site from that created by the principal use.

2. **Accessory structure setback requirements:** Accessory structures shall be located a minimum of: 20 feet from the front property line; five feet from side property lines; 10 feet from the rear property line; and six feet from any other structure on the site. Accessory structures shall also comply with the blufftop setback requirements of Article II (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).

3. **Accessory structure height limits.** Accessory structures shall not exceed a height of 15 feet.

B. **Antennas.** Antennas are subject to the provisions of Section 17.38.040 (Antennas, Wireless Communications Facilities).

C. **Decks.** Decks are subject to the setback requirements of Section 17.22.060 (Allowed Projections into Setbacks).

D. **Garage/yard sales.** The sale of miscellaneous items by residents from a yard or open garage is permitted up to four times per year per property, for a maximum of three days per sale.

E. **Garages and carports.** Garages and carports shall comply with the following requirements.

1. **Permit requirement - Carports.** Carports are allowed in multi-family dwelling projects only, with Conditional Use Permit approval.

2. **Setbacks.** A garage or carport shall be set back a minimum of 20 feet from the front property line on parcels of 4,000 square feet or more, and 15 feet on parcels less than 4,000 square feet.

3. **Floor area.** A detached accessory garage shall not occupy more than 1,000 square feet per dwelling unit (including any workshop or storage space within the garage) unless a larger area is authorized by the Director through Site Plan and

Architectural Review. The floor area of an accessory garage that is attached to a principal structure is not limited, except as may be required by the Uniform Building Code or any other applicable construction or fire code.

F. **Greenhouses.** An accessory greenhouse may occupy up to 500 square feet per dwelling unit or 10 percent of the lot, whichever is smaller. Larger greenhouses shall be considered to be "Plant Nurseries," and are permitted only in the CS zoning District.

G. **Home occupations.** Home occupations are subject to the requirements of Section 17.38.070.

H. **Swimming pools/spas/hot tubs.** Private swimming pools, spas and hot tubs are permitted accessory to approved residential uses on the same site, subject to the following provisions:

1. **Limitation on use.** The pool is to be used solely by occupants of the dwelling(s) on the same site and their guests;

2. **Setbacks.** A pool/spa/hot tub shall be located at least five feet from any property line; related equipment shall be located at least three feet from the property line. These facilities shall also comply with any applicable blufftop setback requirements established by Article II (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards); and

3. **Fencing.** The swimming pool shall be secured by fencing and/or building walls to prevent uncontrolled access by children, in compliance with the Uniform Building Code, Appendix Chapter 12, Division III.

I. **Tennis and other recreational courts.** Non-commercial outdoor tennis courts and courts for other sports (for example, racquetball) accessory to a residential use are subject to the following requirements:

1. **Fencing:** Shall be subject to the height limits of Section 17.24.060 (Fences, Walls, and Hedges), but shall not exceed a maximum height of 12 feet; and

2. **Lighting.** Court lighting shall not exceed a maximum height of 14 feet, measured from the court surface. The lighting shall be directed downward, shall only illuminate the court, and shall not illuminate adjacent property.

J. **Vehicle storage.** The storage of vehicles, including incidental restoration and repair, is subject to Section 17.38.170 (Storage, Outdoor).

K. **Workshops or studios.** Any accessory structure intended solely or primarily for engaging in artwork, crafts, light hand manufacturing, mechanical work, and similar activities is subject to the following standards when located in a residential zoning district.

1. **Limitation on use:** An accessory structure may be constructed or used as a workshop or studio in any residential zoning district solely for non-commercial

hobbies or amusements; for maintenance of the principal structure or yards; for artistic endeavors, i.e., painting, photography or sculpture; maintenance or mechanical work on vehicles owned or operated by the occupants; or for other similar purposes. Any use of accessory workshops for any commercial activity shall meet the standards for home occupations (Section 17.38.070).

2. **Floor area.** A workshop shall not occupy an area larger than 25 percent of the floor area of the principal building; except that where a workshop is combined with a garage, Subsection E. (Garages) of this Section applies.

17.38.160 - Service Stations—Retail sales

Auto and other vehicle service stations shall comply with the provisions of this Section.

A. **General standards.** The following standards apply to all service stations.

1. **Service bays.** Service bay entrances shall be oriented away, or screened from, adjacent streets where determined by the review authority to be feasible.

2. **Merchandise.** All merchandise shall be stored and displayed within the service station or garage building or be otherwise screened from public view as approved by the review authority, except for tires, batteries, and lubrication items which shall be maintained or stored in an orderly manner.

3. **Used/discarded parts.** No used or discarded automotive parts or equipment, or disabled, junked, or wrecked vehicles shall be located outside the service station building or garage, unless located entirely within an approved screened storage area. No house trailers, RVs or boats shall be stored on the premises.

4. **Service activities.** All hydraulic hoists and pits and all lubrication, greasing, and permitted repair shall be located and occur entirely within an enclosed structure. No repair activities other than the installation of small parts which do not require the disassembly of any other parts shall occur outside of the structure.

5. **Parking/storage of vehicles.** All vehicles being repaired or waiting for repair shall be parked on-site. No unsightly storage of vehicles shall be allowed.

B. **Convenience retail sales.** The retail sales of food and beverage products and other general merchandise in conjunction with fuel sales is allowed subject to Conditional Use Permit approval in compliance with Section 17.42.050, and the following standards:

1. **Parking.** On-site parking shall comply with the requirements of Chapter 17.34 (Parking and Loading), and shall include sufficient spaces for all employees on a single shift.

2. **Restrooms.** Restrooms shall be provided, and shall be available to customers.

3. **Facility upgrading.** Applications involving existing stations shall include proposed measures to upgrade the facility to comply all applicable provisions of this Zoning Code.

4. **Noise.** Air compressors and other noise producing equipment shall be located entirely within a building or otherwise constructed or shielded to comply with the requirements of Section 17.24.090 (Noise).

17.38.170 - Storage, Outdoor

A. **Screening required.** Outdoor storage areas shall be effectively screened from the view of public rights-of-way, by fences, walls, and/or screening, landscaping, as determined by the review authority.

B. **Vehicles for sale.** No vehicles may be stored or displayed for sale on any vacant site or at any vacant commercial/industrial location except in compliance with the land use permit requirements of Section 17.12.030 (Commercial District Land Uses and Permit Requirements).

C. **Building materials.** Building materials for use on the same premises may be stored on the site only during the time that a valid building permit is in effect for construction.

D. **Storage containers.** Enclosed "temporary" storage (i.e., cargo containers, sea-trains, and similar containers) shall only be permitted after obtaining a Temporary Use Permit in compliance with Section 17.42.040.

17.38.180 - Vacation Clubs

A vacation club is a transient visitor lodging use that is intended or principally available for occupancy by its membership rather than the general public, where members do not have an ownership interest in a specific unit. When not fully occupied by members, the vacation club facilities shall be made available for stays by the general public. The following standards and requirements shall apply to vacation clubs and similar restricted-occupancy lodging uses:

A. **Permit requirement.** Conditional Use Permit approval shall be required to authorize a new vacation club or the conversion of existing structures to a vacation club use. In order to ensure the availability to the general public of adequate lodging faci'ities in the Coastal Zone, the Conditional Use Permit for a vacation club may be approved only if the Planning Commission first finds that the use will not interfere with the provision of an adequate supply of transient lodging facilities to meet the needs of the general public.

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

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

D. **Maximum number of units.** A vacation club shall not exceed a maximum of 25 sleeping rooms or 12 multi-room suites.

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

F. **Availability to public required.** The conditions of approval shall provide that, when not fully occupied by members, vacation club facilities shall be made available to the general public. This requirement may be satisfied by:

1. Providing priority status to members to reserve rooms or suites up to 48 hours in advance of a stay;

2. Within 48 hours in advance of a stay, making all unreserved rooms or suites available on a confirmed reservation basis to the general public;

3. Allowing the general public to make tentative reservations at any time in advance of a stay for up to 25 percent of the rooms or suites, subject to confirmation within 48 hours prior to the stay; or

4. Other means as may be acceptable to the review authority.

G. **Fee requirements.** Vacation clubs shall be subject to the following fees in addition to all other fees required by the City.

1. The conditions of approval shall require the recordation of an enforceable agreement, to be approved by the Council, which provides that the vacation club shall pay a service fee to the City for stays by members. The fees shall be paid to the City on a monthly basis. The amount of the fees shall be calculated as follows: the annual member assessment generated by the unit used on a per day basis multiplied by 10 percent, multiplied by the number of unit/days of occupancy by members.

2. For units rented to the general public, the club shall be subject to the provisions of Chapter 3.20 of the Municipal Code requiring the payment of transient occupancy taxes.

17.38.190 - Veterinary Clinics and Animal Hospitals

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

17.38.200 - Warehouse Retail Stores

Warehouse-type retail stores shall be designed and located in compliance with the following standards:

A. **Building and site design.** Building and site design shall complement surrounding commercial and/or industrial development. Structures shall be comparable to the architectural and design quality expected of new structures in the area, including quality of materials, structure design and orientation, site design, landscaping, and buffering. The structure shall reflect the retail aspect of the use by incorporating storefront features, e.g., facade ornamentation and special detailing which identify the entryway and provide pedestrian-level interest to the facade.

B. **Buffering and screening.** These facilities shall be screened or buffered, as appropriate, to ensure compatibility with adjacent land uses. Particular attention shall be given to screening or providing buffers for parking, loading and storage areas, solid waste containers, auto service areas, areas with high noise levels, and other features that are visible or can be heard from off-site.

C. **Development near residential zoning districts.** When evaluating applications for warehouse retail stores near residential zoning districts, the review authority shall give particular attention to the potential traffic, noise, visual and other effects of warehouse retail uses on residential uses.

D. **Traffic, parking:**

1. **Parking lot layout.** The review authority shall specifically consider the impacts of the use and parking of shopping carts on the parking lot design.

2. **Pedestrian requirements.** Because of high on-site pedestrian and auto activity, the design shall include clearly defined structure entrances, specially designated areas to accommodate customer pickup, and pedestrian walks from parking areas to the structure.

3. **Site location.** The use shall be located only on streets determined by the Director to have adequate traffic capacity.

ARTICLE IV

Land Use and Development Permit Procedures

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CHAPTER 17.40 - APPLICATIONS - FILING AND PROCESSING

Sections:

17.40.010 - Purpose of Article
17.40.020 - Authority for Land Use and Zoning Decisions
17.40.030 - Concurrent Permit Processing
17.40.040 - Application Preparation and Filing
17.40.050 - Application Fees
17.40.060 - Initial Application Review
17.40.070 - Environmental Assessment
17.40.080 - Staff Report and Recommendations

17.40.010 - Purpose of Article

This Article provides procedures and requirements for the preparation, filing, and processing of applications for the land use permits required by this Zoning Code.

17.40.020 - Authority for Land Use and Zoning Decisions

Table 4-1 (Review Authority) identifies the City official or body responsible for reviewing and making decisions on each type of application, land use permit and other approvals required by this Zoning Code.

17.40.030 - Concurrent Permit Processing

When a single project incorporates different land uses or features so that this Zoning Code requires multiple land use permit applications, all the applications shall be reviewed, and approved or denied, by the highest level review authority assigned by Table 4-1 to any of the required applications. (For example, a project that requires a Zoning Map amendment and a Use Permit shall be reviewed, and approved or denied by the Council, where a Use Permit application by itself would be reviewed and acted upon by the Commission.)

17.40.040 - Application Preparation and Filing

The preparation and filing of applications for land use permits, amendments (e.g., General Plan, Zoning Map and Zoning Code) and other matters pertaining to this Zoning Code shall comply with the following requirements.

A. **Pre-application review.** A prospective applicant or agent is encouraged to request a pre-application review prior to completion of project design and the formal submittal of a permit application. A request by an applicant for pre-application review, accompanied by preliminary project plans and designs and the required filing fee, will be reviewed by all affected City departments. The reviewing departments will inform the applicant of City requirements as they apply to the proposed development project, provide a preliminary list of issues that will likely be of concern during formal application review,

suggest possible alternatives or modifications to the project, and identify any technical studies that may be necessary for the environmental review process when a formal application is filed.

B. **Application contents.** Applications shall include the forms provided by the Department, and all information and materials required by the Application Content Requirements list for the specific type of application (i.e., Conditional Use Permit, Variance, or others).

C. **Eligibility, filing.** Applications may be made by the owner of the subject property, or by a lessee or any other person, with the consent of the property owner. Applications shall be filed with the Department.

D. **Posting of notice.** At the same time that a land use permit application is filed with the Department, the applicant shall post the site with a notice in compliance with California Code of Regulations Section 13328.4, using the form provided by the Department.

TABLE 4-1
REVIEW AUTHORITY

Type of Decision	Role of Review Authority (1)		
	Director	Planning Commission	City Council
Administrative and Amendments			
Interpretations	Decision (2)	Appeal	Appeal
General Plan/LCP Amendment	Recommend	Recommend	Decision
Sphere Amendments/Annexations	Recommend	Recommend	Decision
Zoning Code Amendment	Recommend	Recommend	Decision
Zoning Map Amendment	Recommend	Recommend	Decision
Land Use Permits and Development Approvals			
Zoning Clearance	Decision (2)	Appeal	Appeal
Site Plan and Architectural Review			
a. Development in RSL, RSM, and RR zoning districts;	Decision (2)	Appeal	Appeal
b. Development in all other zoning districts.	Recommend	Decision	Appeal
c. Appealable Coastal Zone development	Recommend	Decision	Appeal
Sign Permit	See Section 17.36.050		Appeal
Minor Use Permit (3)	Decision (2)	Appeal	Appeal
Temporary Use Permit (3)	Decision	Appeal	Appeal
Conditional Use Permit	Recommend	Decision	Appeal
Planned Development Permit	Recommend	Recommend	Decision
Specific Plan	Recommend	Recommend	Decision
Variance	Recommend	Decision	Appeal
Development Agreement	Recommend	Recommend	Decision

See **Notes** on next page.

Notes:
(1) "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 17.54 (Appeals).
(2) The Director may refer any matter subject to his/her decision to the Commission, so that the Commission may instead make the decision.
(3) Minor and Temporary Use Permit procedures include public notice requirements, and are approved by the Director, except art shows are approved by the Planning Commission.
(4) The Commission shall decide Sign Permit applications on sites with more than three signs, or where an applicant requests an exception to sign standards in compliance with Section 17.36.050 (Sign Permits Required).

17.40.050 - Application Fees

The Council shall establish by resolution a schedule of fees for permits, amendments, and other matters pertaining to this Zoning Code. The schedule of fees may be changed or modified only by resolution of the Council. The City's processing fees are cumulative. Processing shall not commence on any application until all required fees have been paid.

17.40.060 - Initial Application Review

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

A. **Completeness review.** The Director shall review all applications for completeness and accuracy before they are accepted as being complete.

1. **Notification of applicant.** The applicant shall be informed, as required by the Government Code, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information shall be provided. All additional information needed shall be specified in the letter providing notice of an incomplete application.

2. **Appeal of determination.** Where the Director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the determination in compliance with Chapter 17.54 (Appeals).

3. **Environmental information.** The Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with Section 17.40.070.

4. **Expiration of application.** If the applicant does not provide sufficient information to complete an application within six months after the first filing with the Director, the application shall be deemed withdrawn. A new application, including fees, plans, exhibits and other materials that are required to commence processing of any development project on the same property, must then be filed in compliance with this Article before processing will begin.

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

17.40.070 - Environmental Assessment

After acceptance of a complete application, the project shall be reviewed as required by the California Environmental Quality Act (CEQA), and City CEQA Guidelines to determine whether the proposed project is exempt from the requirements of CEQA, whether it is a project which requires review under CEQA and if so, whether a negative declaration may be issued, or an environmental impact report (EIR) must be required. These determinations and, where required, the preparation of EIRs shall be in compliance with the City's CEQA Guidelines.

17.40.080 - Staff Report and Recommendations

A. **Staff evaluation.** The Director shall review all applications filed in compliance with this Chapter to determine whether they comply and are consistent with the provisions of this Zoning Code, other applicable provisions of the Municipal Code, and the General Plan, and shall provide a recommendation to the Commission and/or Council (as applicable) on whether the application should be approved, approved subject to conditions, or disapproved.

B. **Staff report preparation.** A staff report shall be prepared by the Director that describes their conclusions about the proposed land use and any development as to its compliance and consistency with the provisions of this Zoning Code, other applicable provisions of the Municipal Code, applicable Specific Plans, and the General Plan. The staff report shall include recommendations on the approval, approval with conditions, or disapproval of the application, based on the evaluation and consideration of information provided by an initial study or environmental impact report.

C. **Report distribution.** Staff reports shall be furnished to applicants at the same time as they are provided to members of the Commission and/or Council prior to a hearing on the application.

CHAPTER 17.42 - PERMIT APPROVAL OR DISAPPROVAL

Sections:

17.42.010 - Purpose of Chapter
17.42.020 - Zoning Clearance
17.42.030 - Site Plan and Architectural Review
17.42.040 - Temporary Use Permits
17.42.050 - Conditional Use Permits and Minor Use Permits
17.42.060 - Planned Development Permits
17.42.070 - Variances

17.42.010 - Purpose of Chapter

This Chapter provides procedures for the final review, and approval or disapproval of the land use permit applications established by this Zoning Code. Procedures and standards for the review and approval of subdivision maps are found in Title 16 of the Municipal Code (Subdivisions). Where applicable, the procedures of this Chapter are carried out after those described in Chapter 17.40 (Applications - Filing and Processing), for each application.

17.42.020 - Zoning Clearance

A. **Purpose.** Zoning Clearance is the procedure used by the City to verify that a proposed structure or land use complies with the permitted list of activities allowed in the applicable zoning district, and the development standards applicable to the type of use. Where Article II (Zoning Districts and Allowable Land Uses) requires a zoning clearance as a prerequisite to establishing a land use, the Director shall evaluate the proposed use to determine whether the clearance may be granted in compliance with this Section.

B. **Applicability.** A Zoning Clearance shall be required at the time of Planning Division review of any building, grading or other construction permit, or other authorization required by this Zoning Code for the proposed use. Where no other authorization is required, a request for Zoning Clearance shall be filed with, and use the forms provided by the Department.

C. **Criteria for clearance.** The Director may issue the Zoning Clearance after determining that the request complies with all Zoning Code provisions applicable to the proposed use.

D. **Notice of non-appealable development.** A land use permit proposing a development within the Coastal Zone that is not appealable to the Coastal Commission is subject to the public notice requirements of Section 17.58.040 (Notice of Non-Appealable Development).

17.42.030 - Site Plan and Architectural Review

A. **Purpose.** Site Plan and Architectural Review is required to review proposed site design including the location of structures, landscaping, ingress/egress, parking and loading, grading, and architectural design, for compliance with the standards in Article III (Site Planning and General Development Standards) and the design guidelines established for each land use category in Article II (Zoning Districts and Allowable Land Uses).

B. **Applicability.** Site Plan and Architectural Review approval is required for:

1. Any new construction of any use permitted in Article II (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards);

2. The intensification of existing permitted uses in all zoning districts, including any increased parking; or

3. Architectural modifications to nonresidential structures including changes in exterior materials, the addition of, or changes to awnings, etc.

C. **Application filing and processing.** An application for Site Plan and Architectural Review shall be filed and processed in compliance with Chapter 17.40 (Applications - Filing and Processing).

D. **Notice of non-appealable development.** A land use permit proposing a development within the Coastal Zone that is not appealable to the Coastal Commission is subject to the public notice requirements of Section 17.58.040 (Notice of Non-Appealable Development).

E. **Project review, notice and hearing.** When applications for Site Plan and Architectural Review propose development in the RSL or RSM zoning districts, public noticing or hearings are not required unless the project is within the -CA (Coastal Appeal) zoning district. The Director will review and determine if the application is in compliance with site planning standards and land uses allowed. Applications proposed for new construction or land use intensification in all other zoning districts are subject to approval by the Planning Commission and a public hearing shall be set, noticed, and held by the Planning Commission, in compliance with Chapter 17.58 (Public Hearings).

F. **Findings, decision, conditions.** Following the review by the Director or Commission, as appropriate, the Director or Commission shall record the decision and the findings upon which the decision is based. The Director or the Commission may approve an application for Site Plan and Architectural Review with or without conditions, if all of the following findings are made:

1. The proposed use is permitted within the subject zoning district and complies with all of the applicable provisions of this Zoning Code;

2. The proposed use is consistent with the General Plan and any applicable Specific Plan;

3. The approval of the Site Plan and Architectural Review for the proposed project is in compliance with the California Environmental Quality Act (CEQA); and

4. The location, and operating characteristics of the proposed use are compatible with the existing and anticipated future land uses in the vicinity.

G. **Expiration.** A project authorized through Site Plan and Architectural Review shall be commenced within two years from the date of approval or the permit shall become void, unless an extension is approved in compliance with Chapter 17.44 (Permit Implementation, Time Limits, Extensions).

H. **Performance guarantees.** The applicant/owner may be required to provide adequate performance security in compliance with Section 17.44.040, to guarantee proper compliance with conditions of approval.

17.42.040 - Temporary Use Permits

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

B. **Permitted temporary uses.** The following temporary uses may be permitted subject to the issuance of a Temporary Use Permit. Uses that do not fall within the categories defined below shall instead comply with the use and development restrictions and permit requirements that otherwise apply to the property, in compliance with Article II (Zoning Districts and Allowable Land Uses).

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

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

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

4. **Temporary offices and work trailers.** A trailer, coach or mobile home as a temporary office facility, or work site for employees of a business:

   a. During construction or remodeling of a permanent commercial or industrial structure when a valid building permit is in force; or

   b. Upon demonstration by the applicant that this temporary facility is a short-term necessity while a permanent facility is being obtained or constructed.

   The permit may be granted for up to one year. An extension may be authorized by the Planning Commission through Conditional Use Permit approval.

5 **Similar temporary uses.** Similar temporary uses which, in the opinion of the Director, are compatible with the zoning district and surrounding land uses.

C. **Temporary uses regulated by other Municipal Code provisions.** The following temporary uses are subject to the referenced Municipal Code provisions instead of the requirements of this Section:

1. **Art and craft fairs.** Art and craft fairs are subject to the provisions of Chapter 5.05 of the Municipal Code.

2. **Location filming.** Location filming is subject to the provisions of Chapter 5.44 of the Municipal Code.

D. **Development standards.** Standards for structure setbacks, heights, floor areas, parking and landscaping areas and other structure and property development standards that apply to the type of use or the zoning district of the site shall apply to temporary uses.

E. **Application.** A Temporary Use Permit application shall be filed with the Department. The application shall be accompanied by the following:

1. **Illustrations.** Sketches or drawings of sufficient size and clarity to show without further explanation the following: size and location of the property, location of the adjacent street, location and size of all structures on the site, location of structures on adjacent lots, location and number of parking spaces, and location of any temporary fences, signs, or structures to be installed as part of the temporary use;

2. **Statement of operations.** A letter describing the hours of operation, days that the temporary use will be on the site, number of people staffing the use during operation, anticipated number of people using the facility during commercial operation, and other information about the operation of the use that pertains to the impact of the use on the community or on adjacent uses; and

3. **Letters from abutting property owners.** For uses proposed to last more than 35 consecutive days per calendar year (where listed as allowable uses in the applicable zoning district by Article II (Zoning Districts and Allowable Land Uses) letters signed by the property owners of each lot abutting the site on which the temporary use is proposed to be located. The letters shall acknowledge the proposed use, and

dates and times of operation, and state the abutting property owner's agreement to the operation of the temporary use as described. Applications for which the applicant is unable to obtain these letters may be converted to a standard Conditional Use Permit where the use is allowed with Conditional Use Permit approval by the applicable zoning district.

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

The review authority may approve or conditionally approve a Temporary Use Permit application, only if all the following findings are made:

1. That the establishment, maintenance or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use; and

2. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

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

G. **Conditions of approval.** In approving an application for a Temporary Use Permit, the review authority may impose conditions deemed necessary to ensure that the permit will be in compliance with the findings required by Subsection F.

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

17.42.050 - Conditional Use Permits and Minor Use Permits

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

B. **Applicability.** A Conditional Use Permit or Minor Use Permit is required to authorize proposed land uses and activities identified by Article II (Zoning Districts and Allowable Land Uses) as being allowable in the applicable zoning district subject to the approval of a Conditional or Minor Use Permit.

C. **Application filing and processing.** An application for a Conditional Use Permit or Minor Use Permit shall be filed and processed in compliance with Chapter 17.40 (Applications - Filing and Processing).

D. **Notice of non-appealable development.** A land use permit proposing a development within the Coastal Zone that is not appealable to the Coastal Commission is subject to the public notice requirements of Section 17.58.040 (Notice of Non-Appealable Development).

E. **Project review, notice and hearing.** Each Conditional and Minor Use Permit application shall be analyzed by the Director to ensure that the application is consistent with the purpose and intent of this Section. The Director shall conduct a public hearing on an application for a Minor Use Permit; the Commission shall conduct a public hearing on an application for a Conditional Use Permit. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 17.58 (Public Hearings).

F. **Referral of Minor Use Permit.** At the discretion of the Director, any Minor Use Permit application may be referred to the Planning Commission for a hearing in compliance with Subsection C. above, and a decision in compliance with Subsection E. below.

G. **Decision and findings.** Following a public hearing, the Director may approve or disapprove an application for a Minor Use Permit and the Commission may approve or disapprove an application for a Conditional Use Permit. The review authority shall record the decision and the findings upon which the decision is based. The review authority may approve a Conditional Use Permit or a Minor Use Permit only if all of the following findings are first made:

1. The proposed use is allowed with a Conditional Use Permit or Minor Use Permit within the subject zoning district and complies with all applicable provisions of this Zoning Code;

2. The proposed use is consistent with the General Plan and any Specific Plan;

3. The approval of the Conditional or Minor Use Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA);

4. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity; and

5. The proposed use will not impair the architectural integrity and character of the zoning district in which it is to be located.

H. **Conditions of approval.** In approving a Conditional or Minor Use Permit, the review authority may adopt any conditions of approval deemed necessary to achieve consistency with the General Plan and any applicable Specific Plan, compliance with the provisions and purposes of this Zoning Code, and the protection of the public health, safety, and welfare.

I. **Performance guarantee.** The review authority may require the applicant/owner to provide adequate performance security in compliance with Section 17.44.040, to guarantee proper compliance with conditions of approval.

J. **Expiration.** A Conditional or Minor Use Permit shall be exercised within two years from the date of approval or the permit shall become void, unless an extension is approved in compliance with Chapter 17.44 (Permit Implementation, Time Limits, Extensions).

L. **Revocation.** A Conditional or Minor Use Permit may be revoked in compliance with Section 17.60.090 (Permit Revocation or Modification).

17.42.060 - Planned Development Permit

A. **Purpose.** The Planned Development Permit is intended to provide a process for allowing greater flexibility in site planning and design than afforded by the general development standards of this Zoning Code, to encourage more innovative and desirable projects, and efficient use of land than may be possible through strict application of conventional zoning regulations.

B. **Applicability.** Planned Development Permits may be requested for any development project in any residential or commercial zoning district. Flexibility in the application of development standards may only be authorized with regard to the following requirements of Articles II and III:

1. Structure location and setbacks, yard areas, and open spaces;
2. Building height;
3. Parking and loading requirements, ingress and egress location;
4. Sign area, type, and height allowed;
5. Fences, walls and screening; and
6. Landscaping requirements.

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

E. **Notice and hearings.** The Commission shall hold a public hearing in compliance with Chapter 17.58 (Public Hearings), and shall make a recommendation to the City Council, also in compliance with Chapter 17.58. The Council may approve or disapprove the Planned Development Permit in compliance with this Section.

F. **Findings, decision, conditions.** Following a public hearing, the Council shall record the decision and the findings upon which the decision is based. The Council may approve a Planned Development Permit application with or without conditions, if all of the following findings are made:

1. The proposed use is listed by Article II as a permitted or conditional use within the applicable zoning district and complies with all applicable provisions of this Zoning Code;

2. The proposed use is consistent with the General Plan and any applicable Specific Plan;

3. The approval of the Planned Development Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA); and

4. The location, and operating characteristics of the proposed use are compatible with the existing and anticipated future land uses in the vicinity.

G. **Expiration.** A Planned Development Permit shall be exercised within one year from the date of approval or the permit shall become void, unless an extension is approved by the Director in compliance with Chapter 17.44 (Permit Implementation, Time Limits, Extensions).

17.42.070 - Variances

A. **Purpose.** The provisions of this Section allow for Variances from the development standards of this Zoning Code only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Zoning Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts.

B. **Applicability.** The Commission may grant a Variance from the requirements of this Zoning Code governing only the following development standards:

1. Dimensional standards (i.e., distance between structures, parcel area, building coverage, landscape and paving requirements, parcel dimensions, setbacks, and structure heights);

2. Sign regulations (other than prohibited signs); and

3. Number and dimensions of parking areas, loading spaces, landscaping or lighting requirements, except as otherwise provided in this Zoning Code.

The power to grant Variances does not include allowed land uses, or residential density regulations.

C. **Application requirements.** An application for a Variance shall be filed in compliance with Section 17.40.040 (Application Preparation and Filing). It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection E. (Findings).

D. **Project review, notice and hearing.** Each Variance application shall be reviewed by the Director to ensure that the application is consistent with the purpose and intent of this Section. The Director provide the Commission with a recommendation whether the application should be approved, approved subject to conditions, or disapproved. The Commission shall hold a public hearing in compliance with Chapter 17.58 (Public Hearings), and may approve or disapprove the Variance in compliance with this Section.

E. **Findings, decision.** Following a public hearing, the Commission may approve, approve subject to conditions, or disapprove the Variance, and shall record the decision in writing with the findings upon which the decision is based, in compliance with State law (Government Code Section 65906). The Commission may approve an application, with or without conditions, only if the Commission first finds that:

1. There are special circumstances applicable to the property (i.e., size, shape, topography, location or surroundings), such that the strict application of the requirements of this Zoning Code deprives the property owner of privileges enjoyed by other property owners in the vicinity and within the same zoning district;

2. Granting the Variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the property owner for which the Variance is sought;

3. The adjustment authorized by the Variance will not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district;

4. Granting the Variance will not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and in the same zoning district; and

5. The adjustment authorized by the Variance is consistent with the General Plan and any applicable Specific Plan.

F. **Conditions.** Any Variance granted shall be subject to conditions that will ensure that the Variance does not grant special privilege(s) inconsistent with the limitations upon other properties in the vicinity and same zoning district.

G. **Expiration.** A Variance shall be exercised within two years from the date of approval, or the Variance shall become void, unless an extension is approved by the Director, in compliance with Chapter 17.44 (Permit Implementation, Time Limits, Extensions).

CHAPTER 17.44 - PERMIT IMPLEMENTATION, TIME LIMITS, EXTENSIONS

Sections:

17.44.010 - Purpose of Chapter
17.44.020 - Effective Date of Permits
17.44.030 - Final City Action on Land Use Permits
17.44.040 - Performance Guarantees
17.44.050 - Time Limits and Extensions
17.44.060 - Changes to an Approved Project
17.44.070 - Permits to Run with the Land

17.44.010 - Purpose of Chapter

This Chapter provides requirements for the implementation or "exercising" of the permits required by this Zoning Code, including time limits, and procedures for extensions of time.

17.44.020 - Effective Date of Permits

A. **Non-appealable development.** The approval of a land use permit that is not for a project located within the -CA overlay district shall become effective on the 11th day following the date of application approval by the appropriate review authority, where no appeal of the review authority's action has been filed in compliance with Chapter 17.54 (Appeals).

B. **Appealable development.** The approval of a land use permit for a project located within the -CA overlay district shall become effective on the 11th day after the receipt by the Central Coast office of the California Coastal Commission of the notice of final action required by following Section 17.44.030, where no appeal of the review authority's action has been filed by two Coastal Commissioners in compliance with the Coastal Act, and where no local appeal has been filed within 10 days of the date of the decision by the review authority in compliance with Chapter 17.54 (Appeals).

17.44.030 - Final City Action on Land Use Permits

The requirements of this Section apply after the review authority has acted on a land use permit application within the Coastal Zone after a public hearing.

A. **Notice of final City action.** Within five calendar days of the review authority decision on a land use permit and meeting the requirements of Subsection B., following, the City shall notify the following of its action by first class mail:

1. The Coastal Commission; and

2. Any persons who specifically requested notice of the action by submitting a self-addressed, stamped envelope to the City (or, where required, who paid the fee established by the City fee resolution to receive the notice).

The notice shall include any conditions of approval and written findings and the procedures for appeal of the City decision to the Coastal Commission.

B. Notice of failure to act:

1. **Notification by Applicant.** If the City has failed to act on an application within the time limits set forth in Government Code Sections 65950-65957.1, thereby approving the development by operation of law, the person claiming a right to proceed in compliance with Government Code Sections 65950-65957.1 shall notify, in writing, the City and the Coastal Commission of his or her claim that the development has been approved by operation of law. The notice shall specify the application which is claimed to be approved.

2. **Notification by City.** When the City determines that the time limits established by Government Code Sections 65950-65937.1 have expired, the City shall, within seven calendar days of the determination, notify any person entitled to receive notice in compliance with Subsection B.1, above, that the application has been approved by operation of law in compliance with Government Code Sections 65950-65957.1, and the application may be appealed to the Coastal Commission in compliance with California Code of Regulations Sections 13110 et seq. This section shall apply equally to a 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.

C. **Finality of City action.** A City decision on a land use permit application for a development shall not be deemed final until:

1. The City 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 City rights of appeal have been exhausted in compliance with Section 17.54.050.B (Exhaustion of City Appeals Required).

17.44.040 - Performance Guarantees

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

A. **Form and amount of security.** The required security shall be in a form approved by the City Manager and the Director. The amount of security shall be as determined by the Director to be necessary to ensure proper completion of the work and/or compliance with conditions of approval.

B. **Security for maintenance.** In addition to any improvement security required to guarantee proper completion of work, the Director may require security for maintenance of the work, in an amount determined by the Director to be sufficient to ensure the proper maintenance and functioning of improvements.

C. **Duration of security.** Required improvement security shall remain in effect until final inspections have been made and all work has been accepted by the Director, or until any warranty period required by the Director has elapsed. Maintenance security shall remain in effect for one year after the date of final inspection.

D. **Release or forfeit of security.** Upon satisfactory completion of work and the approval of a final inspection (or after the end of the required time for maintenance security), the improvement and/or maintenance deposits or bonds shall be released. However, upon failure to complete the work, failure to comply with all of the terms of any applicable permit, or failure of the completed improvements to function properly, the City may do the required work or cause it to be done, and collect from the permittee or surety all the costs incurred by the City, including the costs of the work, and all administrative and inspection costs. Any unused portion of the security shall be refunded to the funding source after deduction of the cost of the work by the City.

17.44.050 - Time Limits and Extensions

A. **Time limits.** Unless conditions of approval or other provisions of this Zoning Code establish a different time limit, any permit or approval not exercised within two years of approval shall expire and become void. The permit shall not be deemed "exercised" until the permittee has actually obtained a building permit and commenced construction, or has actually commenced the permitted use on the subject property in compliance with the conditions of approval.

B. **Extensions of time.** Upon request by the applicant, the Director may extend the time for an approved permit to be exercised for any permit approved by the Director, and the Commission may grant an extension for any permit approved by the Commission.

1. The applicant shall file a written request for an extension of time with the Department at least 10 days before the expiration of the permit, together with the filing fee required by the City Fee Resolution.

2. The review authority shall then determine whether the permittee has attempted to comply with the conditions of the permit. The burden of proof is on the permittee to establish with substantial evidence that the permit should not expire.

3. If the review authority determines that the permittee has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner, the review authority may renew the permit for up to an additional two years from the date of the decision.

C. **Hearing on expiration.** At the request of the applicant, the Director may hold a hearing on any proposed expiration of a permit, in compliance with Chapter 17.58 (Public Hearings).

17.44.060 - Changes to an Approved Project

Development or a new land use authorized through a permit granted in compliance with this Zoning Code shall be established only as approved by the review authority and subject to any conditions of approval, except where changes to the project are approved in compliance with this Section.

A. An applicant shall request desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request. Changes may be requested either before or after construction or establishment and operation of the approved use.

B. The Director may approve one request for changes to an approved site plan, architecture, or the nature of the approved use if the changes:

1. Are consistent with all applicable provisions of this Zoning Code;

2. Do not involve a feature of the project that was specifically addressed in, or was a basis for findings in a negative declaration or environmental impact report for the project;

3. Do not involve a feature of the project that was specifically addressed in, or was a basis for conditions of approval for the project or that was a specific consideration by the review authority in the approval of the permit;

4. Do not expand the approved floor area or any outdoor activity area by 10 percent or more over the life of the project; and

C. Changes to the project involving features described in Subsections B.2 and B.3 above, or changes other than those described in Subsection B., shall only be approved by the review authority through a new permit application processed in compliance with this Zoning Code.

17.44.070 - Permits to Run with the Land

A land use permit granted in compliance with Chapter 17.42 (Permit Approval or Disapproval) shall continue to be valid upon a change of ownership of the site, business, service, use or structure that was the subject of the permit application.

CHAPTER 17.46 - SPECIFIC PLANS

Sections:

17.46.010 - Purpose of Chapter
17.46.020 - Pre-Application Conference
17.46.030 - Specific Plan Preparation and Content
17.46.040 - Specific Plan Filing and Processing
17.46.050 - Adoption of Specific Plan
17.46.060 - Implementation, Amendments

17.46.010 - Purpose of Chapter

When required by the General Plan, this Zoning Code, or by State law to systematically implement the General Plan for any part of the City, a Specific Plan shall be prepared, processed, approved or disapproved, and implemented in compliance with this Chapter.

17.46.020 - Pre-Application Review

Before preparing a draft Specific Plan in compliance with this Chapter, the applicant shall request a pre-application review. The Director shall refer all materials submitted with a request for pre-application review to affected City departments. The reviewing departments will inform the applicant of City requirements as they apply to the proposed development project, provide a preliminary list of issues that will likely be of concern during formal application review, suggest possible alternatives or modifications to the project, and identify any technical studies that may be necessary for the environmental review process when a formal application is filed.

17.46.030 - Specific Plan Preparation and Content

A draft Specific Plan shall include the following detailed information in the form of text and diagrams, organized according to an outline furnished by the Department:

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

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

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

D. **Implementation measures.** A program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry

out the proposed land uses, infrastructure, and development and conservation standards and criteria;

E. **Relationship to General Plan.** A statement of the relationship of the Specific Plan to the General Plan;

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

17.46.040 - Specific Plan Filing and Processing

A draft Specific Plan shall be filed with the Department, and shall be accompanied by the fee required by the City Fee Resolution. The draft plan shall be processed in the same manner as required for General Plans by Government Code Sections 65350 et seq., and as follows:

A. **Director evaluation.** After the filing of a draft Specific Plan, the Director shall review the draft Specific Plan to determine whether it conforms with the provisions of this Section. If the draft plan is not in compliance, it shall be returned to the applicant with a written specification as to why it does not comply, and with suggested revisions to ensure compliance. When a draft plan is returned by the applicant to the Department and the Director determines it is complete and in compliance with this Section, the plan shall be deemed to be accepted for processing.

B. **Environmental review.** The draft Specific Plan shall be subject to environmental review as specified in the City's CEQA Guidelines.

C. **Staff report.** A staff report shall be prepared in compliance with Section 17.40.080 (Staff Report and Recommendations) which shall include detailed recommendations for changes to the text and diagrams of the Specific Plan to make it acceptable for adoption.

D. **Public hearings.** A draft Specific Plan shall be subject to public hearings before both the Commission and Council before its adoption, as follows:

1. **Commission.** The Director shall schedule a public hearing on the proposed Specific Plan after completion of a staff report and any required environmental documents, but not before the expiration of any public review periods for environmental documents required by CEQA. The hearing shall receive public notice and be conducted in compliance with Chapter 17.58 (Public Hearings). After the hearing, the Commission shall forward a written recommendation to the Council.

2. **Council.** After receipt of the Commission recommendation, a public hearing on the Specific Plan shall be scheduled by the Council. The hearing shall be noticed and conducted in compliance with Chapter 17.58 (Public Hearings). After the hearing, the Council may adopt the Specific Plan, may disapprove the plan, or may adopt the plan with changes, provided that any substantial changes to the plan that were not considered by the Commission shall be referred to the Commission for its recommendation. Failure of the Commission to report within 45 days after the

referral, or any longer period set by the Council, shall be deemed a recommendation for the approval of the changes.

17.46.050 - Adoption of Specific Plan

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

A. Is consistent with the General Plan; and

B. Will not have a significant effect on the environment, or is subject to the overriding findings specified in the City's CEQA Guidelines.

The Specific Plan shall be adopted by ordinance, or by resolution of the Council.

17.46.060 - Implementation, Amendments

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

B. **Amendments.** An adopted Specific Plan may be amended through the same procedure specified by this Chapter for the adoption of a Specific Plan.

CHAPTER 17.48 - DEVELOPMENT AGREEMENTS

Sections:

17.48.010 - Purpose of Chapter
17.48.020 - Application
17.48.030 - Development Agreement Hearings
17.48.040 - Content of Development Agreement
17.48.050 - Execution and Recordation
17.48.060 - Periodic Review
17.48.070 - Effect of Development Agreement
17.48.080 - Amendments or Extensions to Development Agreements

17.48.010 - Purpose of Chapter

This Chapter outlines the procedures and requirements for the review and approval of Development Agreements. The provisions of this Chapter are fully consistent with the provisions of State law governing Development Agreements (Article 2.5 of Section 4 of Division 1 of Title 7, commencing with Section 65864 of the California Government Code).

17.48.020 - Application

A. **Filing.** Any owner of real property may request and apply through the Director to enter into a Development Agreement provided the following:

1. The status of the applicant as the owner or long-term lessee of the property is established to the satisfaction of the Director; and

2. The application is made on forms approved, and contains all information required, by the Director.

B. **Processing.** The Director is hereby empowered to receive, review, process and prepare, together with recommendations for Commission and Council consideration, all applications for Development Agreements.

C. **Fees.** Processing fees, shall be collected for any application for a Development Agreement made in compliance with the provisions of this Chapter.

17.48.030 - Development Agreement Hearings

A. **Commission review.** Upon finding the application for a Development Agreement complete, the Director shall set the application and draft agreement, together with staff recommendations, for a public hearing before the Commission in compliance with Chapter 17.58 (Public Hearings). Following conclusion of the public hearing, the Commission shall make a written recommendation to the Council.

B. Council consideration. Upon receipt of the Commission's recommendation, the City Clerk shall set the application, draft agreement, and written report for public hearing before the Council in compliance with Chapter 17.58 (Public Hearings). Following conclusion of the public hearing, the Council shall approve, conditionally approve or disapprove the application and draft agreement.

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

D. Ordinance content. The ordinance shall contain findings that the Development Agreement is consistent with this Chapter, the General Plan, and any applicable Specific Plans.

17.48.040 - Content of Development Agreement

A. Mandatory Contents. All Development Agreements shall contain the following provisions:

1. Duration of the agreement;
2. Permitted uses for the subject property;
3. Density or intensity of the permitted uses;
4. Approved site plans, elevations, floor plans, and sections;
5. Provisions, if any, for reservation or dedication of land for public purposes; and
6. Any other provisions required by State law.

B. Permissive contents. A Development Agreement may include the following:

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

satisfaction of the City, performance of all provisions of the agreement in a timely fashion by the applicant/contracting party.

17.48.050 - Execution and Recordation

A. **Effective date.** The City shall execute Development Agreements on or after the effective date of the ordinance approving the agreement.

B. **Recordation.** A Development Agreement shall be recorded in the office of the San Luis Obispo County Recorder no later than 10 days after it is executed.

17.48.060 - Periodic Review

A. **Review required.** Every Development Agreement approved and executed in compliance with this Section shall be subject to periodic City review, during the full term of the agreement. Appropriate fees to cover the City's costs to conduct the periodic reviews shall be collected from the applicant in compliance with Section 17.40.050 (Application Fees).

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

C. **Action based on non-compliance.** If, as a result of periodic review the Council finds and determines, on the basis of substantial evidence, that the applicant or its successor-in-interest has not complied in good faith with the terms or conditions of the agreement, the Council may order, after a noticed public hearing, that the agreement be terminated or modified.

17.48.070 - Effect of Development Agreement

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

B. **Additional requirements.** A Development Agreement does not prevent the City, in subsequent actions, from applying new rules, regulations and policies that do not conflict with those applicable to the property, nor does a Development Agreement prevent the City from conditionally approving or disapproving any subsequent development project application on the basis of existing or new rules, regulations and policies.

17.48.080 - Amendments or Extensions to Development Agreements

A. **Changes to approved development.** If any Development Agreement is amended during its term, any change in the overall intensity of development or revisions to approved land uses shall be consistent with the provisions of the General Plan. In any case where State law requires a finding of consistency with the General Plan in order to approve an amendment to a Development Agreement, the provisions of the amendment shall be made consistent with the General Plan.

B. **Extension of agreement.** If the term of a Development Agreement is extended, any development that occurs after the original expiration date shall be consistent with the provisions of the General Plan as of the adoption date of the amended Development Agreement.

ARTICLE V

Zoning Code Administration

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CHAPTER 17.50 - ADMINISTRATIVE RESPONSIBILITY

Sections:

17.50.010 - Purpose of Chapter
17.50.020 - Planning Agency Defined
17.50.030 - Director of Public Services
17.50.040 - Planning Commission

17.50.010 - Purpose of Chapter

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

17.50.020 - Planning Agency Defined

The functions of a Planning Agency shall be performed by the Pismo Beach City Council, Planning Commission, and Public Services Department, in compliance with State law (Government Code Section 65100.)

17.50.030 - Director of Public Services

A. **Appointment.** The Director of Public Services shall be appointed by the Council.

B. **Duties and authority.** The Director shall:

1. Have the responsibility to perform all of the functions designated by State law (Government Code Section 65103 - Planning Agency Functions);

2. Have the responsibility and authority to grant applications for all administrative permits and approvals issued by the Department;

3. Perform other responsibilities assigned by the Council; and

4. Perform the duties and functions prescribed in this Zoning Code, including the review of development projects, in compliance with State law (Government Code Section 65901 et seq.), Section 17.40.020 (Authority for Land Use and Zoning Decisions), Table IV-1 (Review Authority), the California Coastal Act, and the California Environmental Quality Act (CEQA).

17.50.040 - Planning Commission

A. **Establishment.** The Pismo Beach Planning Commission is established by Chapter 2.20 (Planning Commission) of the Municipal Code, which identifies the membership, terms of office, removal, and rules of order.

B. Duties and authority. The Commission shall perform the duties and functions prescribed in this Zoning Code, including:

1. The review of and determination on applications for development projects filed with the Department; and

2. The recommendation, to the Council for final determinations, on development agreements, General Plan Amendments, specific plans, Zoning Code Amendments, Zoning Map Amendments, environmental documents, and other applicable policy or ordinance matters related to the City's planning process.

The above listed duties and functions shall be performed in compliance with Section 17.40.020 (Authority for Land Use and Zoning Decisions), Table 4-1 (Review Authority), the California Coastal Act, and the California Environmental Quality Act (CEQA).

CHAPTER 17.52 - NONCONFORMING USES, STRUCTURES AND PARCELS

Sections:

17.52.010 - Purpose of Chapter
17.52.020 - Restrictions on Nonconforming Uses and Structures
17.52.030 - Loss of Nonconforming Use Status
17.52.040 - Nonconforming Signs
17.52.050 - Nonconforming Parcels

17.52.010 - Purpose of Chapter

This Chapter establishes uniform provisions for the regulation of nonconforming land uses, structures, and parcels. Within the zoning districts established by this Zoning Code, there exist land uses, structures, and parcels that were lawful before the adoption, or amendment of this Zoning Code, but which would be prohibited, regulated, or restricted differently under the terms of this Zoning Code or future amendments. It is the intent of this Zoning Code to discourage the long-term continuance of these nonconformities, but to permit them to exist under limited conditions.

17.52.020 - Restrictions on Nonconforming Uses and Structures

Nonconformities may be continued subject to the following provisions, except as otherwise provided by 17.52.030 (Loss of Nonconforming Status).

A. **Nonconforming uses of land.** A nonconforming use of land, or within a structure, may be continued, transferred, or sold, provided that:

1. The use shall not be enlarged, increased, or extended to occupy a greater floor area or portion of the site than it lawfully occupied before becoming a nonconforming use, except as otherwise provided by Subsection C., below; and

2. Additional uses on the site shall not be allowed unless the nonconforming use is first discontinued, and any replacement use complies with all applicable provisions of this Zoning Code.

B. **Nonconforming structures.** A nonconforming structure may continue to be used as follows.

1. **Changes to structure.** The enlargement, extension, reconstruction, or structural alteration of a nonconforming structure may be allowed with Conditional Use Permit approval if:

a. The additions or improvements conform to all other applicable provisions of this Zoning Code;

b. The exterior limits of new construction do not exceed the applicable height limit or encroach any further into the setbacks than the comparable portions of the existing structure;

c. Changes involving the replacement/reconstruction do not include the replacement of more than 50 percent of the original floor area, or more than 50 percent of the total length of all exterior walls of the original structure; and

d. The enlargement of the structure will not accommodate the expansion or enlargement of a nonconforming use of land.

2. **Maintenance and repair.** A nonconforming structure may undergo normal maintenance and repairs, provided no structural alterations are made (exception: see Subsection B.3, following), and the work does not exceed 50 percent of the appraised value of the structure determined by a qualified appraiser in any one year period, unless the Commission allows more extensive work through Conditional Use Permit approval after finding that the additional work will not prolong the duration of the nonconforming use.

3. **Seismic retrofitting/Building Code compliance.** Repairs or alterations otherwise required by law shall be allowed in the following circumstances:

a. **Unreinforced masonry structures.** Reconstruction required to reinforce unreinforced masonry structures shall be permitted without cost limitations, provided the retrofitting is limited exclusively to compliance with earthquake safety standards; and

b. **Building Code requirements.** Reconstruction required to comply with Building Code requirements shall be allowed without cost limitations, provided the retrofitting/Code compliance is limited exclusively to compliance with earthquake safety standards, as identified in Subsection B.3.a, above and other applicable Building Code requirements, including State law (e.g., Title 24, California Code of Regulations, etc).

C. **Nonconforming use of a conforming structure.** The nonconforming use of a structure that otherwise conforms with all applicable provisions of this Zoning Code may be continued, transferred, and sold, as follows:

1. **Expansion of use.** The nonconforming use of a portion of a structure may be extended throughout the structure with Conditional Use Permit approval.

2. **Substitution of use.** The nonconforming use of a conforming structure may be changed to another nonconforming use of the same or less intensive/more restricted nature, with Conditional Use Permit approval. However, the replacement use shall serve as the "new bench mark" in terms of establishing the acceptable level of non compliance.

D. **Destroyed structures.** A nonconforming structure that has been verified by the Director to have been involuntarily damaged or destroyed by fire or calamity may be reconstructed and reused only as follows.

1. **Nonresidential structures.** A nonconforming structure that has been damaged or destroyed to the extent of less than 50 percent of its appraised value as determined by a qualified appraiser, may be reconstructed and reused provided that the reconstruction and reuse:

   a. Is in compliance with the applicable provisions of the zoning district in which it is located;

   b. Shall occur within one year after the date of the damage/destruction; and

   c. Has no greater floor area than the one damaged/destroyed.

   A nonconforming structure that is damaged or destroyed to 50 percent or more of its appraised value shall only be reconstructed in compliance with all applicable provisions of this Zoning Code.

2. **Multi-family structures.** A nonconforming multi-family structure may be reconstructed and reused after damage or destruction, up to its predamage size and number of dwelling units, in compliance with Government Code Section 65852.25.

3. **Single-family dwellings.** A single-family dwelling may be rebuilt on its original foundation, to its original footprint, by only the owner-occupant at the time of destruction, within a period of one year from the time of destruction, regardless of the extent/percentage of destruction.

4. **Construction code compliance required.** All reconstruction after damage or destruction shall comply with current City building, electrical, mechanical, and plumbing codes, and all other applicable construction regulations.

17.52.030 - Loss of Nonconforming Use Status

If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of one year, it shall be presumed that the use has been abandoned. Without further action by the City, further use of the site or structure shall comply with all the regulations of the applicable zoning district and all other applicable provisions of this Zoning Code.

17.52.040 - Nonconforming Signs

Requirements for nonconforming signs are provided by Section 17.36.120 (Nonconforming Signs).

17.52.050 - Nonconforming Parcels

A. **Determination of nonconforming status.** A nonconforming parcel of record that was created in compliance with the Map Act but does not comply with the access, area, or width requirements of this Zoning Code for the zoning district in which it is located, shall be considered to be a legal building site if it meets one of the criteria specified by this Section. It shall be the responsibility of the applicant to produce sufficient evidence to establish the applicability of one or more of the following.

1. **Approved subdivision.** The parcel was created through a subdivision approved by the City or the County of San Luis Obispo.

2. **Individual parcel legally created by deed.** The parcel is under one ownership and of record, and was created at a time when the Map Act allowed the creation of a parcel by a recorded deed, before the effective date of the zoning amendment that made the parcel nonconforming.

3. **Lot line adjustment.** The parcel resulted from a lot line adjustment.

4. **Partial government acquisition.** The parcel was created in conformity with the provisions of this Zoning Code, but was made nonconforming when a portion of the parcel was acquired by a governmental entity so that the parcel size was decreased not more than 20 percent and the yard facing any road was decreased not more than 50 percent.

B. **Limitations on use of nonconforming parcels.** Nonconforming parcels shall be developed and used only as follows.

1. **Site Plan and Architectural Review required.** Site Plan and Architectural Review (Section 17.42.030) shall be required for any development proposed on nonconforming parcels.

2. **Use of contiguous parcels.** Until such time as contiguous nonconforming parcels are merged, no structure shall be constructed on any nonconforming contiguously owned, residentially-zoned parcels that are less than 30 feet wide, or less than 5,000 square feet in area, or on slopes more than 20 percent, if the current owner(s) acquired or were transferred the parcels after October 12, 1976.

3. **Further subdivision prohibited.** Where structures have been erected on a nonconforming parcel, the area where structures are located shall not be later subdivided, nor shall lot lines be altered through lot line adjustment, so as to reduce the building site area and/or frontage below the requirements of the applicable zoning district or other applicable provisions of this Zoning Code, or in any way that makes the use of the parcel more nonconforming.

CHAPTER 17.54 - APPEALS

Sections:

17.54.010 - Purpose of Chapter
17.54.020 - Appeal Subjects and Jurisdiction
17.54.030 - Filing of Appeals
17.54.040 - Processing of Appeals
17.54.050 - Appeals to the Coastal Commission

17.54.010 - Purpose of Chapter

Determinations or actions of the Director, Commission, or Council may be appealed as provided by this Chapter.

17.54.020 - Appeal Subjects and Jurisdiction

Determinations and actions that may be appealed, and the authority to act upon an appeal shall be as follows.

A. **Code administration and interpretation.** The following determinations and actions of the Director and Department staff may be appealed to the Commission and then to the Council:

1. Determinations on the meaning or applicability of the provisions of this Zoning Code that are believed to be in error, and cannot be resolved with staff;

2. Any determination that a permit application or information submitted with the application is incomplete, in compliance with State law (Government Code Section 65943); and

3. Any enforcement action in compliance with Chapter 17.60 (Enforcement of Zoning Code Provisions).

B. **Land use permit and hearing decisions.** Decisions of the Director on Zoning Clearances, Site Plan and Architectural Review, and Minor Use Permits may be appealed to the Commission. Decisions by the Commission may be appealed to the Council.

17.54.030 - Filing of Appeals

A. **Eligibility.** An appeal may be filed by:

1. Any person affected by an administrative determination or action by the Director, as described in Section 17.54.020.A, above;

2. In the case of a land use permit or hearing decision described in Section 17.54.020.B, above by anyone who, in person or through a representative, appeared at a public

hearing in connection with the decision being appealed, or who otherwise informed the City in writing of the nature of their concerns before the hearing.

B. **Timing and form of appeal.** All appeals shall be submitted in writing on a City application form, and shall specifically state the pertinent facts of the case and the basis for the appeal.

1. Appeals shall be filed in the office of the City Clerk within 10 days following the final date of the determination or action being appealed.

2. An appeal to a City decision on an appealable development within the Coastal Zone by two Coastal Commissioners shall be filed within 10 days of the Central Coast office of the Coastal Commission receiving the notice of final City action required by Section 17.44.030 (Notice of Final City Action on Land Use Permits).

C. **Fee.** Appeals shall be accompanied by the filing fee set by the Council's Fee Resolution.

D. **Scope of land use permit appeals.** An appeal of a decision by the Director or Commission on a land use permit shall be limited to issues raised at the public hearing, or in writing before the hearing, or information that was not known at the time of the decision that is being appealed.

17.54.040 - Processing of Appeals

A. **Scheduling of hearing.** After an appeal has been received in compliance with the procedures listed in Subsection B., above the appeal shall be transmitted to the Director who shall place the item on the next available Commission agenda, or the City Clerk shall schedule the matter for the next available Council agenda, as applicable to the appeal.

B. **Report.** After the appeal hearing has been scheduled, the Director shall prepare a report on the matter, and forward the report to the appropriate appeal body.

C. **Joining an appeal.** Only those persons who file an appeal within the 10-day appeal period in compliance with Subsection A., above, shall be considered the appellants of the subject permit. Any person who wishes to join an appeal shall follow the same procedures for an appellant in compliance with Subsection A., above. No person shall be allowed to join an appeal after the end of the 10-day appeal period.

D. **Action and findings.**

1. **General procedure.** The appeal body shall conduct a public hearing in compliance with Chapter 17.58 (Public Hearings). At the hearing, the appeal body may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for the appeal.

a. The appeal body may affirm, affirm in part, or reverse the action, decision, or determination that is the subject of the appeal, based upon findings of fact about the particular case. The findings shall identify the reasons for the action

on the appeal, and verify the compliance or non-compliance of the subject of the appeal with the provisions of this Zoning Code.

b. When reviewing a decision on a land use permit, the appeal body may adopt additional conditions of approval, that may address other issues or concerns than the subject of the appeal.

2. **Appeals to the Council.**

a. **By an appellant.** A decision by the Commission may be appealed to the Council as provided by Section 17.54.030 (Filing of Appeals), above.

b. **Council's decision is final.** The decision of the Council on an appeal shall be final.

E. **Effective date of appeal decision.** A decision by the Commission is effective on the 11th day after the decision, when no appeal to the decision has been filed with the Council. A decision by the Council is effective as of the date of the decision, except in the case of a development that is appealable to the Coastal Commission in compliance with Section 17.54.050 (Appeals to the Coastal Commission).

F. **Notice of final action on appeals within the Coastal Zone.** Where an appeal has been filed and decided on a project that is appealable to the Coastal Commission in compliance with Section 17.54.050 (Appeals to the Coastal Commission), the City shall provide Notice of Final Action in compliance with Section 17.44.030 (Final City Action on Land Use Permits).

17.54.050 - Appeals to the Coastal Commission

Decisions by the Director, Commission, and Council on developments within the Coastal Zone may be appealed to the California Coastal Commission in compliance with this Section.

A. **Status of appellant:**

1. **Who may appeal.** An appeal may be filed by an applicant, any aggrieved person, or two members of the Coastal Commission in compliance with Public Resources Code Section 30625.

2. **Aggrieved person defined:** In compliance with Public Resources Code Section 30801, an aggrieved person is: anyone who, either in person or through a representative who was explicitly identified as such, appeared at a public hearing before the Director, Commission or Council in connection with the decision or appeal of any development, or who by other appropriate means prior to a hearing, informed the City of the nature of his or her concerns, unless for good cause was unable to do either. Aggrieved person also includes the applicant for a permit.

B. **Exhaustion of City appeals required.** For developments that may be appealed to the Coastal Commission in compliance with Subsection C. below, an applicant or aggrieved party may appeal a City decision on a land use permit to the Coastal Commission only

after all appeals to the Commission and Council have been exhausted in compliance with this Chapter. This limitation shall not apply to any circumstance identified in California Code of Regulations Section 13573, including:

1. A situation where an appellant was denied the right of appeal in compliance with this Chapter because City notice and hearing procedures the development did not comply with the provisions of Title 14, Division 5.5, Chapter 8, Subchapter 2 of the California Code of Regulations; or

2. An appeal of a City decision by two members of the Coastal Commission in compliance with Public Resources Code Section 30625. Provided, however, that notice of a Coastal Commissioners' appeal shall be transmitted to the Council in compliance with California Code of Regulations Section 13573(b). The appeal to the Coastal Commission by two Commissioners shall be suspended where the City decision has been appealed to the Council. If the decision on the appeal by the Council modifies or reverses the previous decision, the Coastal Commissioners shall be required to file a new appeal of that decision.

C. **Appealable development.** In compliance with Public Resources Code Section 30603(a), a decision by the City on a permit application for any of the following projects may be appealed to the Coastal Commission:

1. **Between the sea and the first public road.** Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or the mean high tide line of the sea where there is no beach, whichever is the greater distance;

2. **Public trust lands, submerged lands, or tidelands.** Developments not included within Subsection C.1., above, located on public trust lands, submerged lands, tidelands, or within 100 feet of any estuary, stream, or wetland;

3. **Sensitive coastal resource area.** Developments not included within Section C.2, above, located in a sensitive coastal resource area; or

4. **Public works/energy facility.** Any development which constitutes a major public works project or energy facility.

D. **Grounds for appeal to Coastal Commission.** As required by Public Resources Code Section 30603, the grounds for an appeal to the Coastal Commission of a City decision to either approve a land use permit, or to deny a land use permit for a major public works project or a major energy facility, shall be limited to an allegation that the development does not conform to the standards of the City's certified Local Coastal Program or the public access policies of the Coastal Act.

E. **Time for appeal to Coastal Commission.** An appeal of a Council decision on an appealable development shall be filed with the Coastal Commission within 10 working days of the date of the Council decision, in compliance with this Chapter and the Coastal Act.

F. **Notice to City of appeal to Coastal Commission.** An appellant shall notify the City when appealing to the Coastal Commission by providing the City a copy of the information required in California Code of Regulations Section 13111.

CHAPTER 17.56 - GENERAL PLAN, ZONING CODE/MAP, AND LOCAL COASTAL PROGRAM AMENDMENTS

Sections:

17.56.010 - Purpose of Chapter
17.56.020 - Applicability
17.56.030 - Initiation of Amendments
17.56.040 - Hearings and Notice
17.56.050 - Commission Action on Amendments
17.56.060 - Council Action on Amendments
17.56.070 - Findings
17.56.080 - Prezoning
17.56.090 - Amendments to the Local Coastal Program

17.56.010 - Purpose of Chapter

The following provisions allow for the amendment of the General Plan, this Zoning Code, the official Zoning Map, or the Local Coastal Program, whenever required by public necessity and general welfare.

17.56.020 - Applicability

A General Plan or Local Coastal Program Amendment may include revisions to text, goals, policies, actions, or land use designations. Amendments to this Zoning Code may modify any standards, requirements, or procedures applicable to the subdivision, development, and/or use of property within the City. Zoning Map amendments have the effect of rezoning property from one zoning district to another.

17.56.040 - Initiation of Amendments

An amendment to the General Plan, Local Coastal Program, or this Zoning Code shall be initiated in compliance with this Section.

A. Who may initiate an amendment. An amendment may be initiated by:

1. The filing with the Commission of a resolution of intention by the Council;

2. The passage of a resolution of intention by the Commission; or

3. The filing with the Commission of a petition or application by the record owners of property which is the subject of a proposed amendment or by their authorized agents.

B. **Application requirements.** An application for amendment shall be on the forms and accompanied by all information required by the Department, and shall also be accompanied by the filing fee established by the City's Fee Resolution.

17.56.040 - Hearings and Notice

Upon receipt of a complete application to amend the General Plan, this Zoning Code, the Zoning Map, or the Local Coastal Program, or upon initiation by the Director, Commission, or Council, and following Department review, public hearings shall be set before the Commission and Council. Notice of the hearings shall be given in compliance with Chapter 17.58 (Public Hearings).

17.56.050 - Commission Action on Amendments

The Commission shall make a written recommendation to the Council whether to approve, approve in modified form, or disapprove the proposed amendment, based upon the findings contained in Section 17.56.070 (Findings).

17.56.060 - Council Action on Amendments

Upon receipt of the Commission's recommendation, the Council shall, approve, approve in modified form, or disapprove the proposed amendment based upon the findings in Section 17.56.070 (Findings).

If the Council proposes to adopt any substantial modification(s) to the amendment not previously considered by the Commission during its hearings, the proposed modification shall be first referred back to the Commission for its recommendation. Failure of the Commission to report back to the Council within 45 days after the referral, or within any longer time set by the Council, shall be deemed a recommendation for approval of the modification(s).

17.56.070 - Findings

A. **Findings for General Plan amendments.** An amendment to the General Plan may be approved only if all of the following findings of fact can be made in a positive manner:

1. The proposed amendment is internally consistent with the General Plan;

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;

3. The site is physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested/ anticipated land use development(s); and

4. The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).

B. **Findings for Zoning Code/Map amendments.** An amendment to the text of this Zoning Code or the Official Zoning Map may be approved only if all of the following findings of fact can be made in a positive manner, as applicable to the type of amendment.

1. **Findings required for all Zoning Code/ Map amendments:**

   a. The proposed amendment is consistent with the goals, policies, and actions of the General Plan;

   b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and

   c. The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).

2. **Additional finding for Zoning Code amendments:** The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

3. **Additional finding for Zoning Map amendments:** The site is physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land use(s)/development(s).

17.56.080 - Prezoning

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

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

B. **Commission action on prezoning.** The Commission shall make a written recommendation to the Council whether to approve, approve in modified form, or disapprove the proposed prezoning, based on the findings contained in 17.56.080.D (Findings for prezoning), below.

C. **Council action on prezoning.** Upon receipt of the Commission's recommendation, the Council shall approve, approve in modified form or disapprove the proposed prezoning based on the findings contained in 17.56.080.D (Findings for prezoning), below.

If the Council proposes to adopt any substantial modification(s) to the prezoning not previously considered by the Commission during its hearings, the proposed modification(s) may be first referred back to the Commission for its recommendation,

in compliance with State law (Government Code Section 65857) and Section 17.56.060 (Council Action on Amendments), above.

D. **Findings for prezoning.** A prezoning may be approved only if all of the following findings of fact can be made in a positive manner:

1. The proposed prezoning is consistent with the goals, policies, and actions of the General Plan;

2. The proposed prezoning would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and

3. The site is physically suitable (including access, provision of utilities, compatibility with adjoining land uses and absence of physical constraints) for the requested/ anticipated land use(s)/development(s).

17.56.090 - Amendments to the Local Coastal Program

The Certified Local Coastal Program (LCP) or any portion (Land Use Plan or relevant provisions of this Zoning Code) may be amended by the Council in compliance with the provisions of this Chapter for General Plan and Zoning Code/Map amendments; provided that an amendment to the LCP land use designations, or any Zoning Code provision applicable within the Coastal Zone shall not take effect until the amendment has been certified by the Coastal Commission, in compliance with the Coastal Act. Amendments to the LCP approved by the Council in compliance with this Chapter shall be prepared for submittal, filed with the Coastal Commission, processed and decided by the Coastal Commission in compliance with the Coastal Act.

CHAPTER 17.58 - PUBLIC HEARINGS

Sections:

17.58.010 - Purpose of Chapter
17.58.020 - Notice of Hearing
17.58.020 - Waiver of Hearing for Minor Development
17.58.040 - Notice of Non-Apppealable Development
17.58.050 - Scheduling of Hearing
17.58.060 - Hearing Procedure
17.58.070 - Recommendation by Commission
17.58.080 - Decision and Notice
17.58.090 - Effective Date of Decision

17.58.010 - Purpose of Chapter

This Chapter provides procedures for public hearings before the Commission and Council. When a public hearing is required by this Zoning Code, public notice shall be given and the hearing shall be conducted as provided by this Chapter.

17.58.020 - Notice of Hearing

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

A. **Contents of notice.** Notice of a public hearing shall include:

1. **Hearing information.** The date, time, and place of the hearing and the name of the hearing body; a brief description of the City's general procedure concerning the conduct of hearings and decisions; and the phone number and street address of the Department, where an interested person could call or visit to obtain additional information;

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

3. **Statement on environmental document.** If a proposed Negative Declaration or final Environmental Impact Report has been prepared for the project in compliance with the *Pismo Beach CEQA Guidelines*, the hearing notice shall include a statement that the hearing body will also consider approval of the proposed Negative Declaration or certification of the final Environmental Impact Report; and

4. **Coastal Zone information.** If the proposed development is within the Coastal Zone, the notice shall also include a statement that the development is within the Coastal Zone.

B. **Method of notice distribution.** Notice of a public hearing required by this Chapter for a land use permit, amendment, or appeal shall be given as follows, as required by State law (Government Code Sections 65090 and 65091).

1. **Publication.** Notice shall be published at least once in a newspaper of general circulation in the City at least 10 days before the hearing.

2. **Mailing.** Notice shall be mailed or delivered at least 10 days before the hearing to the following:

a. **Owner(s) of proposed site.** The owner(s) of the property being considered in the application, or the owner's agent, and the applicant;

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

c. **Affected owners.** All owners of real property as shown on the latest San Luis Obispo County equalized assessment roll, within a radius of 300 feet of the exterior boundaries of the parcel that is the subject of the hearing; and any other person whose property might, in the judgement of the Director, be affected by the proposed project;

d. **Nearby residents.** If the proposed development is within the Coastal Zone, each dwelling unit within 100 feet of the exterior boundaries of the parcel that is the subject of the hearing;

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

f. **Coastal Commission.** The Coastal Commission, if the proposed development is within the Coastal Zone.

3. **Alternative to mailing.** If the number of property owners to whom notice would be mailed in compliance with Subsection B.2 above is more than 1,000, the Director may choose to provide the alternative notice allowed by State law (Government Code Section 65091(a)(3)), except for developments within the Coastal Zone.

4. **Posting.** Notice shall be posted on the subject parcel in compliance with City standards.

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

17.58.030 - Waiver of Public Hearing for Minor Development

This Section provides for the waiver of a public hearing on a development that is appealable to the Coastal Commission, in compliance with Public Resources Code Section 30624.9.

A. **Applicability.** A public hearing that would otherwise be required prior to City action on a minor development that is appealable to the Coastal Commission may be waived only for a development which:

1. Is consistent with the certified Local Coastal Program;

2. Requires no discretionary approval other than Site Plan and Architectural review by the Director; and

3. Has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

Minor development shall include single family homes and additions to single family homes, and other development determined by the review authority to meet the above criteria.

B. **Criteria for waiver.** A public hearing may be waived for minor development if both of the following occur:

1. Notice that a public hearing shall be held upon request by any person is provided by the City to all persons who would otherwise be required to be notified of a public hearing by Section 17.58.020.B (Method of Notice Distribution), as well as any other persons known to be interested in receiving notice; and

2. No request for public hearing is received by the City within 15 working days from the date of the City sending the notice.

C. **Content of notice.** The notice shall all information required by Section 17.58.020.A (Contents of Notice), and shall also provide a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the City on a land use permit application.

17.58.040 - Notice of Non-Appealable Development

The California Code of Regulations, Title 14, Section 13568b, requires that all development within the Coastal Zone (except that which is categorically excluded) must receive public notice regardless of whether this Zoning Code requires a public hearing before the development can be approved or disapproved. Public notice requirements for projects requiring a public hearing are provided in Section 17.58.020. This Section provides notice requirements for projects requiring Zoning Clearance, or Site Plan and Architectural Review by the Director, which are not appealable to the Coastal Commission in compliance with Public Resources Code Section 30603, and which are not categorically excluded.

A. **Distribution of notice.** Within 10 days of accepting a land use permit application for a non-appealable development, or at least 10 days before the City's decision on the application, the City shall provide notice, by first-class mail, of the pending development approval, to:

1. All persons who have requested to be on the mailing list for the particular project or for decisions by the City within the Coastal Zone;

2. All owners of real property as shown on the latest San Luis Obispo County equalized assessment roll, and residents, within a radius of 100 feet of the exterior boundaries of the parcel involved in the application; and

3. The Coastal Commission.

B. **Content of notice.** The notice shall contain the information required for public notices by Section 17.58.020.A, and the following:

1. The date the application will be acted upon by the City's review authority;

2. The City's general procedure concerning the submission of public comments either in writing or orally before the decision is rendered; and

3. A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held before the decision is rendered.

17.58.050 - Scheduling of Hearing

After the completion of any environmental documents required by the California Environmental Quality Act (CEQA) and a Department staff report, the matter shall be scheduled for public hearing on the next available Commission or Council agenda (as applicable), but no sooner than 21 days after the posting of a proposed Negative Declaration.

17.58.060 - Hearing Procedure

Hearings shall be held at the date, time, and place described in the public notice required by this Chapter. Any hearing may be continued from time to time, provided that before the adjournment or recess of the hearing, a clear public announcement is made specifying the date, time, and place to which the hearing will be continued.

17.58.070 - Recommendation by Commission

At the conclusion of any public hearing on a proposed amendment to the General Plan/Local Coastal Plan, this Zoning Code, the Zoning Map, or other provision of the certified Local Coastal Program, a Development Agreement, or a Specific Plan, the Commission shall forward a recommendation, including all required findings, to the Council for final action.

Following the hearing, a copy of the Commission's recommendation shall be mailed to the applicant at the address shown on the application.

17.58.080 - Decision and Notice

A. **Decision.** The hearing body (Director, Commission, or Council, as applicable) may announce and record their decision on the matter being considered at the conclusion of a scheduled hearing, or defer action and continue the matter to a later meeting agenda in compliance with Section 17.58.060 (Hearing Procedure). At the conclusion of a hearing conducted by the Director, the Director may instead refer the matter to the Commission for determination. The decision of the Council on any matter except a Local Coastal Program amendment (see Section 17.56.090) shall be final.

B. **Notice of decision.** The notice of decision shall contain applicable findings, any conditions of approval, and reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the City. Following the hearing and decision, a notice of the decision and any conditions of approval shall be provided in compliance with Section 17.44.030 (Final City Action on Land Use Permits).

17.58.090 - Effective Date of Decision

The decision of the Director or Commission is final and effective on the 11th day following the decision unless an appeal is filed in compliance with Chapter 17.54 (Appeals), and except for Local Coastal Program amendments (Section 17.56.090).

CHAPTER 17.60 - ENFORCEMENT OF ZONING CODE PROVISIONS

Sections:

17.60.010 - Purpose of Chapter
17.60.020 - Building Permits and Business Licenses
17.60.030 - Official Duty to Enforce
17.60.040 - Violations
17.60.050 - Remedies are Cumulative
17.60.060 - Inspection
17.60.070 - Initial Enforcement Action
17.60.080 - Legal Remedies
17.60.090 - Permit Revocation or Modification
17.60.100 - Recovery of Costs
17.60.110 - Additional Permit Processing Fees

17.60.010 - Purpose of Chapter

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

17.60.020 - Building Permits and Business Licenses

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

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

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

17.60.030 - Official Duty to Enforce

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

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

17.60.040 - Violations

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

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

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

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

17.60.050 - Remedies are Cumulative

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

17.60.060 - Inspection

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

17.60.070 - Initial Enforcement Action

This Section describes the procedures for initiating enforcement action in cases where the Director has determined that real property within the City is being used, maintained, or allowed to exist in violation of the provisions of this Zoning Code. It is the objective of these provisions to encourage the voluntary cooperation of responsible parties in the prompt correction of violations, so that the other enforcement measures provided by this Chapter may be avoided.

A. **Notice to responsible parties.** The Director shall provide the record owner of the subject site and any person in possession or control of the site with a written Notice of Violation, which shall include the following information:

1. A time limit for correcting the violation in compliance with Subsection B, below;

2. A statement that the City intends to charge the property owner for all administrative costs associated with the abatement of the violation(s) in compliance with Section 17.60.100 (Recovery of Costs), and/or initiate legal action as described in Section 17.60.080 (Legal Remedies);

3. A statement that the property owner may request and be provided a meeting with the Director to discuss possible methods and time limits for the correction of the violations.

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

C. **Use of other enforcement procedures.** The enforcement procedures of Section 17.60.080 (Legal Remedies) may be employed by the Director after or instead of the provisions of this Section where the Director determines that this Section would be ineffective in securing the correction of the violation within a reasonable time.

17.60.080 - Legal Remedies

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

A. **Civil actions.**

1. **Injunction.** The City Attorney may apply to the Superior Court of San Luis Obispo County for injunctive relief to terminate a violation of this Zoning Code.

2. **Abatement proceedings.** Where any person, firm, or corporation fails to abate a violation after being provided a Notice of Violation in compliance with Section 17.60.070.A and the opportunity to correct or end the violation, the City Attorney may apply to the Superior Court of San Luis Obispo County for an order authorizing the City to undertake actions necessary to abate the violation and require the violator to pay for the cost of the actions.

3. **Nuisance abatement.** The City may pursue nuisance abatement in compliance with Chapter 8.20 of the Municipal Code (Nuisances).

B. Civil remedies and penalties.

1. **Civil penalties.** Any person who willfully violates the provisions of this Zoning Code or any permit issued in compliance with this Zoning Code, shall be liable for a civil penalty in compliance with the Council's Fee Resolution for each day that the violation continues to exist.

2. **Costs and damages.** Any person violating any provisions of this Zoning Code or any permit issued in compliance with this Zoning Code, shall be liable to the City for the costs incurred and the damages suffered by the City, its agents, and agencies as a direct result of the violations.

3. **Procedure.** In determining the amount of the civil penalty to impose, the Court should consider all relevant circumstances, including the extent of the harm caused by the conduct constituting a violation, the nature and persistence of the conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the defendant, whether corporate or individual, and any corrective action taken by defendant.

C. Criminal actions and penalties.

1. **Misdemeanor.** Any person, whether as agent, principal, or otherwise, violating or causing the violation of any of the provisions of this Zoning Code shall be guilty of a misdemeanor and upon conviction, shall be punishable by:

   a. **Fine.** A fine of not more than $500.00; or

   b. **Imprisonment.** Imprisonment in the County jail for up to six months; or

   c. **Both fine and imprisonment.** Both the fine and imprisonment.

2. **Separate offense.** Any violation of this Zoning Code which is committed and continues from day-to-day constitutes a separate offense for each and every day during which the violation is committed or continued.

17.60.090 - Permit Revocation or Modification

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

A. **Permit revocation or modification.** A permit may be revoked or modified by the review authority if any one of the following findings of fact can be made in a positive manner:

1. That circumstances have changed so that one or more of the findings contained in Sections 17.42.040 (Temporary Use Permits—Findings) or 17.42.050 (Conditional Use Permits—Findings) can no longer be made;

2. That the permit was obtained by misrepresentation or fraud;

3. That the improvement authorized in compliance with the permit had ceased or was suspended for 180 days or more;

4. That one or more of the conditions of the permit have not been met;

5. That the improvement authorized in compliance with the permit is in violation of any statute, ordinance, law, or regulation; or

6. That the improvement authorized in compliance with the permit is detrimental to the public health, safety, or welfare or constitutes a nuisance.

B. **Variance revocation or modification.** A Variance may be revoked or modified by the review authority if any one of the following findings of fact can be made in a positive manner, in addition to those outlined in Subsection A., above:

1. That circumstances have changed so that one or more of the findings contained in 17.42.070.E (Findings, Decision) can no longer be made, and the grantee has not substantially exercised the rights granted by the Variance; or

2. That one or more of the conditions of the Variance have not been met, and the grantee has not substantially exercised the rights granted by the Variance.

17.60.100 - Recovery of Costs

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

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

B. **Notice.** Upon investigation and a determination that a violation of any of the provisions of this Zoning Code is found to exist, the Director shall notify the record owner or any person having possession or control of the property by mail, of the existence of the violation, the Department's intent to charge the property owner for all administrative

costs associated with enforcement, and of the owner's right to a hearing on any objections they may have. The notice shall be in a form approved by the City Attorney.

C. Summary of costs and notice.

1. At the conclusion of the case, the Director shall send a summary of costs associated with enforcement to the owner and/or person having possession or control of the property by certified mail.

2. The summary shall include a notice in a form approved by the City Attorney, advising the responsible party of their right to request a hearing on the charges for City cost recovery within 10 days of the date of the notice, and that if no request for hearing is filed, the responsible party will be liable for the charges.

3. In the event that no request for hearing is timely filed or, after a hearing the Director affirms the validity of the costs, the property owner or person in control shall be liable to the City in the amount stated in the summary or any lesser amount as determined by the Director.

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

D. Request for hearing on costs. Any property owner, or other person having possession and control of the subject property, who receives a summary of costs shall have the right to a hearing before the Director on their objections to the proposed costs.

1. A request for hearing shall be filed with the Department within 10 days of the service by mail of the Department's summary of costs, on a form provided by the Department.

2. Within 30 days of the filing of the request, and on 10 days written notice to the owner, the Director shall hold a hearing on the owner's objections, and determine their validity.

3. In determining the validity of the costs, the Director shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include: whether the present owner created the violation; whether there is a present ability to correct the violation; whether the owner moved promptly to correct the violation; the degree of cooperation provided by the owner; and whether reasonable minds can differ as to whether a violation exists.

4. The Director's decision shall be appealable to the Council as provided by Chapter 17.54 (Appeals).

17.60.110 - Additional Permit Processing Fees

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

ARTICLE VI

Zoning Code Definitions

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Contents

CHAPTER 17.62 - DEFINITIONS

Sections:

17.62.010 - Purpose of Chapter
17.62.020 - Definitions of Specialized Terms and Phrases

17.62.010 - Purpose of Chapter

This Chapter provides definitions of terms and phrases used in this Zoning Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Zoning Code. If a word is not defined in this Chapter, or other provisions of the Municipal Code, the Director shall determine the appropriate definition.

17.62.020 - Definitions of Specialized Terms and Phrases

As used in this Zoning Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. The following definitions are in alphabetical order.

A. Definitions, "A."

Accessory Retail Uses (land use). The retail sales of various products (including food) in a store or similar facility that is located within a health care, hotel, office, or industrial complex for the purpose of serving employees or customers, and is not visible from public streets. These uses include pharmacies, gift shops, and food service establishments within hospitals; convenience stores and food service establishments within hotel, office and industrial complexes.

Accessory Structure. A structure that is physically detached from, secondary and incidental to, and commonly associated with the primary structure. For the purposes of this Zoning Code, accessory structures and uses include: detached garages, greenhouses, artist's studios, and workshops; hot tubs, jacuzzis, spas, and swimming pools, together with any enclosures; and any other open air enclosures, including gazebos and detached patio covers.

Adult Day Care Facilities (land use). State-licensed facilities that provide nonmedical care and supervision for more than six adults for periods of less than 24 hours.

Adult Businesses (land use). Any adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," but not including those uses or activities, the regulation of which is preempted by state law, or therapeutic massage services provided by licensed professionals, which are included under the definition of "Personal Services." Also includes tattoo parlors.

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contacts with City employees, committees, Commissions, and the Council, regarding matters regulated by this Zoning Code.

Alley. A public or private roadway, generally not more than 30 feet wide that provides vehicle access to the rear or side of parcels having other public street frontage, that is not intended for general traffic circulation.

Allowed Use. A use of land identified by Article II (Zoning Districts and Allowable Land uses) as a permitted or conditional use that may be established with land use permit and, where applicable, Building Permit approval, subject to compliance with all applicable provisions of this Zoning Code.

Alteration. Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

Antenna. A device used in communications which transmits or receives radio signals.

1. **Antenna, Dish.** A dish-like antennas used to link communication sites together by wireless transmissions of voice or data. Also called microwave dish antenna.

2. **Antenna, Panel.** An antenna or array of antennas that are flat and rectangular and are designed to concentrate a radio signal in a particular area. Also referred to as a directional antenna.

3. **Antenna, Satellite.** An antenna for the home, business, or institutional reception of television, data, and other telecommunications broadcasts from orbiting satellites.

4. **Antenna, Whip.** An antenna that transmits signals in 360 degrees. They are typically cylindrical in shape and are less than six inches in diameter. Also called omnidirectional, stick or pipe antennas.

Approval. Includes both approval and approval with conditions.

Art, Antique, Collectible and Gift Sales (land use). Retail sales uses including antique shops, art galleries, curio, gift, and souvenir shops, and the sales of collectible items including sports cards and comic books. Stores selling handcrafted items that are produced on the site are instead defined as "Artisan Shops."

Articulation. Horizontal and/or vertical variations in the plane of a building wall. See Figure 6-1.

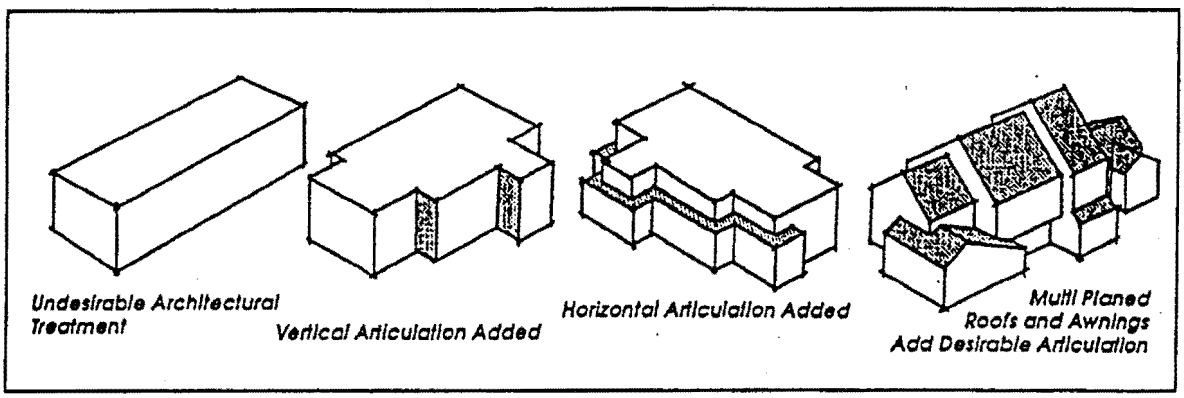


FIGURE 6-1
BUILDING ARTICULATION

Auditoriums, and Meeting Halls (land use). Indoor facilities for public assembly and group entertainment, other than sporting events, including:

civic theaters, meeting halls and facilities for "live" theater and concerts
exhibition and convention halls
meeting halls for rent
public and semi-public auditoriums
similar public assembly uses

Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events; see "Outdoor Recreation." Motion picture theaters are separately.

Auto and Vehicle Sales/Rental (land use). Retail establishments selling and/or renting automobiles, trucks and vans. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (see "Auto Parts Sales"); bicycle and moped sales (see "General Retail Stores"); tire recapping establishments (see "Repair and Maintenance - Vehicle"); businesses dealing exclusively in used parts, (see "Recycling - Scrap and Dismantling Yards"); or "Service Stations," which are separately defined.

Auto Parts Sales (land use). Stores that sell new automobile parts, tires, and accessories. May also include minor parts installation (see "Vehicle Services"). Does not include tire recapping establishments, which are found under "Vehicle Services" or businesses dealing exclusively in used parts, which are included under "Recycling - Scrap and Dismantling Yards."

Automated Teller Machines (ATM) (land use). Computerized, self-service machines used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations.

Automobile Repair (land use). See "Vehicle Services."

B. Definitions, "B."

Banks and Financial Services (land use). Financial institutions including:

banks and trust companies
credit agencies
holding (but not primarily operating) companies
lending and thrift institutions
other investment companies
securities/commodity contract brokers and dealers
security and commodity exchanges
vehicle finance (equity) leasing agencies

See also, "Automatic Teller Machine," above.

Bars and Night Clubs (land use). Businesses where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May include entertainment (e.g., live music and/or dancing, comedy, etc.). May also include beer brewing as part of a microbrewery, and other beverage tasting facilities.

Base Transreceiver Station (BTS). A ground-mounted metal cabinet that contains electronic radio equipment required by wireless communication facilities.

Bed and Breakfast Inns (land use). Residential structures with one family in permanent residence with up to five bedrooms rented for overnight lodging, where meals may be provided subject to Section 17.38.xxx (Bed and Breakfast Inns), and applicable Health Department regulations. A Bed and Breakfast Inn with more than five guest rooms is considered a hotel or motel, and is included under the definition of "Hotels and Motels." Does not include room rental, which is separately defined.

Best Management Practice (BMP). Schedules of activities, prohibitions of practices, general good housekeeping practices, maintenance procedures, education programs, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw materials storage. The California Storm Water Best Management Practice Handbooks for Municipal, Industrial/Commercial and Construction Activity provide a detailed discussion of BMPs.

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

Building. See "Structure."

Building Material and Hardware Stores (land use). Retail establishments selling lumber and other large building materials, where most display and sales occur indoors. Includes paint, wallpaper, glass, fixtures, nursery stock, lawn and garden supplies. Includes all these stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Warehousing, Wholesaling and Distribution."

Building-mounted. Mounted to the top or side of a building or to other structures.

Business Support Services (land use). Establishments primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc., also includes:

blueprinting
business equipment repair services (except vehicle repair, see "Vehicle Services")
commercial art and design (production)
computer-related services (rental, repair)
copying and quick printing services
equipment rental businesses within buildings (rental yards are under "Equipment Rental")
film processing laboratories
heavy equipment repair services where repair occurs on the client site
janitorial services
mail advertising services (reproduction and shipping)
outdoor advertising services
photofinishing
protective services (other than office related)
soils and materials testing laboratories
window cleaning

C. Definitions, "C."

Cabinet Shop (land use). See "Furniture and Fixtures Manufacturing."

California Environmental Quality Act (CEQA). State law (California Public Resources Code Sections 21000 et seq.) requiring public agencies to document and consider the environmental effects of a proposed action, prior to allowing the action to occur.

Car Washes (land use). Permanent, self-service and/or attended car washing establishments, including fully mechanized facilities. May include detailing services. Temporary car washes are fund-raising activities, typically conducted at a service station or other automotive-related business, where volunteers wash vehicles by hand, and the duration of the event is limited to one day. See Section 17.42.040 (Temporary Use Permits).

Caretaker and Employee Housing (land use). A temporary or permanent residence that is accessory to a nonresidential primary use of the site, where needed for security, or 24-hour care or supervision.

CC&Rs. Conditions, Covenants, and Restrictions recorded with a grant deed; also known as "deed restrictions."

Cell Site. A geographical area with a radius of two to eight miles that contains both transmitting and receiving antennas.

Cellular. An analog or digital wireless communication technology that is based on systems of interconnected neighboring cell sites, each of which contains antennas.

Child Day Care Facilities (land use). Facilities that provide nonmedical care and supervision of minor children for periods of less than 24 hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services:

1. **Child Day Care Center (land use).** Commercial or non-profit child day care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.

2. **Large Family Day Care Home (land use).** A day care facility located in a single-family residence where an occupant of the residence provides care and supervision for seven to 14 children. Children under the age of 10 years who reside in the home count as children served by the day care facility.

3. **Small Family Day Care Home (land use).** A day care facility located in a single-family residence where an occupant of the residence provides care and supervision for eight or fewer children. Children under the age of 10 years who reside in the home count as children served by the day care facility.

City. The City of Pismo Beach, State of California, referred to in this Zoning Code as the "City."

City Council. The City Council of the City of Pismo Beach, State of California, referred to in this Zoning Code as the "Council."

City Planner. The City of Pismo Beach employee designated as the City Planner.

Clubs, Lodges, and Private Meeting Halls (land use). Permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for:

- business associations
- civic, social and fraternal organizations
- labor unions and similar organizations
- political organizations
- professional membership organizations
- other membership organizations

Coastal Act. The California Coastal Act of 1976, California Public Resources Code Sections 30000 et seq.

Co-Location. The locating of wireless communications equipment from more than one provider on a single building-mounted, roof-mounted or ground-mounted wireless communication facility.

Commission. See "Planning Commission."

Community Centers (land use). Multi-purpose meeting and recreational facilities typically consisting of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

Condominium. As defined by Civil Code Section 951(f), a development where undivided interest in common in a portion of real property is coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map or parcel map. The area within the boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to any land except by easements for access and, if necessary, support.

Convenience/Liquor Stores (land use). Retail stores of 3,500 square feet or less in gross floor area, which carry a range of merchandise oriented to convenience and travelers' shopping needs. These stores may be part of a service station or an independent facility.

D. Definitions, "D."

Density. The number of dwelling units per net acre, unless otherwise stated, for residential uses.

Department. The City of Pismo Beach Public Services Department, referred to in this Zoning Code as the "Department."

Detached. Any structure that does not have a wall or roof in common with another structure.

Development. In compliance with Public Resources Code Section 30106, "development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including subdivision in compliance with the Map Act, and any other division of land, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use; change in the intensity of use of water, or of access to water; construction, reconstruction, demolition, or alteration in the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, and kelp harvesting. New development is any development after the effective date of this Zoning Code.

Development Agreement. A contract between the City and an applicant for a development project, in compliance with 17.48 (Development Agreements) of this Zoning Code and Government Code Sections 65864 et seq. A development agreement is intended to provide assurance to the applicant that an approved project may proceed subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of approval, regardless of any changes to City policies, rules, and regulations after project approval. In return, the City may be assured that the applicant will provide infrastructure and/or pay fees required by a new project.

Director. The City of Pismo Beach Public Services Director, or his/her designee.

District. See "Zoning District."

Drive-in and Drive-thru Sales (land use). Facilities where food or other products may be purchased by motorists without leaving their vehicles. These facilities include fast-food restaurants, drive-through coffee, dairy product, photo stores, etc.

Drive-in and Drive-thru Services (land use). Facilities where services may be obtained by motorists without leaving their vehicles. These facilities include drive-up bank teller windows, dry cleaners, etc. Does not include: automobile service stations, or car washes, which are separately defined.

Duplexes (land use). Detached residential structures under single ownership containing two dwellings.

Dwelling, Dwelling Unit. Any structure designed or used for the shelter or housing of one or more persons.

E. Definitions, "E."

Electronics, Equipment and Appliance Manufacturing (land use). Establishments engaged in manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation and use of electrical energy, including:

- appliances including stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines
- aviation instruments
- electrical transmission and distribution equipment
- electronic components and accessories, and semiconductors, integrated circuits, related devices
- electronic instruments, components and equipment including calculators and computers
- electrical welding apparatus
- lighting and wiring equipment including lamps and fixtures, wiring devices, vehicle lighting
- industrial apparatus
- industrial controls
- instruments for measurement, testing, analysis and control, associated sensors and accessories
- miscellaneous electrical machinery, equipment and supplies including batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines
- motors and generators
- optical instruments and lenses
- photographic equipment and supplies
- pre-recorded magnetic tape
- radio and television receiving equipment such as television and radio sets, phonograph records and surgical, medical and dental instruments, equipment, and supplies
- surveying and drafting instruments
- telephone and telegraph apparatus
- transformers, switch gear and switchboards
- watches and clocks

Does not include testing laboratories (soils, materials testing, etc.) (see "Business Support Services"), or research and development facilities separate from manufacturing (see "Research and Development").

Environmental Impact Report (EIR). An informational document used to assess the physical characteristics of an area and to determine what effects will result if the area is altered by a proposed action, prepared in compliance with the California Environmental Quality Act (CEQA).

Equestrian Facilities (land use). Commercial horse, donkey, and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), pack stations, and barns, stables, corrals and paddocks accessory and incidental to these uses.

Equipment Rental (land use). Service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental, including construction equipment.

Existing Grade. See "Grade."

F. Definitions, "F."

Fabric Product Manufacturing (land use). Manufacturing establishments fabricating clothing, draperies, and other products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics and furs. Custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store ("General Retail Stores") are instead included under "Personal Services." See also, "Textile and Leather Product Manufacturing."

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

Floor Area Ratio (FAR). The Floor Area Ratio (FAR) is the ratio of floor area to total lot area. FAR restrictions are used to limit the maximum floor area allowed on a site, including all structures on the site. The maximum floor area of all structures (measured from exterior wall to exterior wall) permitted on a site (including carports) shall be determined by multiplying the Floor Area Ratio (FAR) by the total net area of the site (FAR x Net Site Area = Maximum Allowable Floor Area).

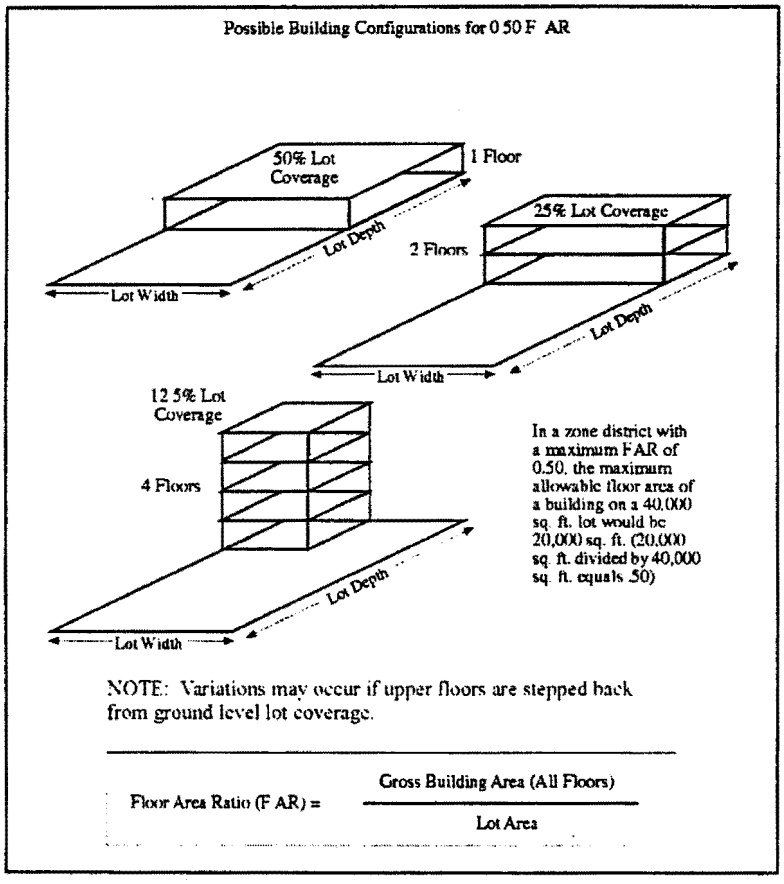


FIGURE 6-2
FLOOR AREA RATIO

Flower Tower. A structure that integrates a monopole antenna into a light pole or other utility pole.

Food and Beverage Product Manufacturing (land use). Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Includes:

bakeries
bottling plants
breweries
candy, sugar and confectionery products manufacturing
catering services separate from stores or restaurants
coffee roasting
dairy products manufacturing
fats and oil product manufacturing
fruit and vegetable canning, preserving, related processing
grain mill products and by-products
meat, poultry, and seafood canning, curing, byproduct processing
soft drink production
miscellaneous food item preparation from raw products

May include tasting and accessory retail sales of beverages produced on site. A tasting facility separate from the manufacturing facility is included under the definition of "Bars and Night Clubs" if alcoholic beverages are tasted, and under "Restaurant" if beverages are non-alcoholic.

Does not include: bakeries which sell all products on-site (listed in Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards) as "Bakeries;" beer brewing as part of a brew pub, bar or restaurant (see "Bars and Night Clubs"); the killing/slaughtering of animals, or rendering plants (see "Slaughterhouses and Rendering Plants").

Furniture and Fixtures Manufacturing (land use). Manufacturers which produce wood and metal: household furniture; bedsprings and mattresses; all types of office furniture, and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes wood and cabinet shops, but not sawmills or planing mills, which are instead included under "Lumber and Wood Product Manufacturing." The manufacture of household appliances in included under "Electronics and Equipment Manufacturing."

Furniture, Furnishings and Appliance Stores (land use). Stores engaged primarily in selling the following products and related services, including incidental repair services:

draperies
floor coverings
furniture
glass and chinaware
home appliances
home furnishings
home sound systems
interior decorating materials and services
large musical instruments
lawn furniture
movable spas and hot tubs
office furniture
other household electrical and gas appliances
outdoor furniture
refrigerators
stoves
televisions

G. Definitions, "G."

General Plan. The City of Pismo Beach General Plan, including all elements thereof and all amendments thereto, as adopted by the City Council under the provisions of Government Code Sections 65300 et seq., and referred to in this Zoning Code as the "General Plan."

General Retail Stores (land use). Stores and shops selling many lines of merchandise. These stores and lines of merchandise include:

artists' supplies
bakeries (retail only)
bicycles
books
cameras and photographic supplies
clothing and accessories
department stores
drug and discount stores
dry goods
fabrics and sewing supplies
florists and houseplant stores (indoor sales only—outdoor sales are "Plant Nurseries")
general stores
hardware
hobby materials
jewelry
luggage and leather goods
musical instruments, parts and accessories
newsstands
orthopedic supplies
pet stores
religious goods
small wares
specialty shops
sporting goods and equipment
stationery
toys and games
variety stores

Golf Courses/Country Clubs (land use). Golf courses, and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges; "pro shops" for on-site sales of golfing equipment; and golf cart storage and sales facilities.

Grade.

1. **Existing Grade.** The natural contour of the ground surface on an individual parcel before any grading, or the building pad elevation resulting from grading in compliance with approved subdivision improvement plans.

2. **Finished Grade.** The level of the finished surface of the ground at the completion of all approved grading by a subdivider or developer.

3. **Site Grade.** Site grade is determined as follows:

   a. For subdivided properties existing as of the time of adoption of the October 12, 1976 Zoning Ordinance, site grade shall be the existing topography of each parcel as of October 12, 1976.

   b. For unsubdivided properties, or parcels subdivided after October 12, 1976, site grade shall be established as being the precise topography of the parcel at the time of completion of finished grading, as approved by the City.

H. Definitions, "H."

Handcraft Industries, Small-Scale Manufacturing (land use). Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products. Also includes manufacturing establishments not classified in another major manufacturing group, including: brooms and brushes; buttons, costume novelties; jewelry; musical instruments; pens, pencils, and other office and artists' materials; sporting and athletic goods; toys; and other miscellaneous manufacturing industries.

Health/Fitness Facilities (land use). Fitness centers, gymnasiums, health and athletic clubs including indoor sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities. Also includes martial arts and dance instruction studios.

Height, Antenna. The distance from the existing grade at the base of the antenna or, in the case of a roof-mounted antenna, from the grade at the exterior base of the building to the highest point of the antenna and any associated support structure when fully extended.

Home Occupation (land use). The conduct of a business within a dwelling unit or residential site, employing occupants of the dwelling, with the business activity being subordinate to the residential use of the property.

Hospital. See "Medical Services - Hospitals."

Hotel or Motel (land use). Facilities with guest rooms or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or other temporary lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging. For example, restaurants, meeting facilities, personal services, etc.

Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities including swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

I. Definitions, "I."

Indoor Amusement/Entertainment Facilities (land use). Establishments providing indoor amusement/entertainment services for a fee or admission charge, including:

bowling alleys
card rooms
coin-operated amusement arcades
dance halls, clubs and ballrooms
electronic game arcades
ice skating and roller skating
pool and billiard rooms as primary uses (see also Chapter XX of the Municipal Code)

Four or more electronic games or coin-operated amusements in any establishment, or a premises where 50 percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above, three or less machines are not considered a land use separate from the primary use of the site.

J. **Definitions, "J."** No definitions beginning with the letter "J" are used at this time.

K. **Definitions, "K."** No definitions beginning with the letter "K" are used at this time.

L. **Definitions, "L."**

Land Use Permit. Authority granted by the City to use a specified site for a particular purpose, including Site Plan and Architectural Review, Use Permits and Minor Use Permits, Temporary Use Permits, Variances, and Zoning Clearances, as established by Article IV (Land Use and Development Permit Procedures) of this Zoning Code.

Large Family Day Care Home (land use). See "Child Day Care Facilities."

Laundries and Dry Cleaning Plants (land use). Service establishments engaged primarily in high volume laundry and garment services, including: power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment; see "Personal Services."

Libraries and Museums (land use). Public or quasi-public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums, which are generally non-commercial in nature. Facilities primarily devoted to meetings and/or public assembly are instead included under "Clubs, Lodges, and Private Meeting Halls," "Community Centers," "Religious Places of Worship," "Outdoor Commercial Recreation," and "Theaters."

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

Lot or Parcel. A recorded lot or parcel of real property under single ownership, lawfully created as required by the Subdivision Map Act and City ordinances, including this Zoning Code, including the following:

1. A parcel of real property shown on a subdivision or plat map, required by the Subdivision Map Act or Article 9, Chapter 1 (Subdivisions) of the Municipal Code to be recorded before sale of parcels shown on the map or plat, at the time the map was recorded;

2. A parcel of real property that has been issued a certificate of compliance as provided by Government Code Section 664917.35 and the Article 9, Chapter 2 (Subdivisions) of the Municipal Code; or

3. A parcel of real property not described in (1) or (2) above, provided the parcel resulted from a separate conveyance or from a decree of a court of competent jurisdiction which was of record before the requirement for the filing of the subdivision map by the Subdivision Map Act.

Types of lots include the following. See Figure 6-3 (Lot Types).

1. **Corner Lot.** A lot located at the intersection of two or more streets, where they intersect at an interior angle of not more than 135 degrees. If the intersection angle is more than 135 degrees, the lot is considered an interior lot.

2. **Flag Lot.** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.

3. **Interior Lot.** A lot abutting only one street.

4. **Key Lot.** An interior lot, the front of which adjoins the side property line of a corner lot.

5. **Reverse Corner Lot.** A corner lot, the rear of which abuts a key lot.

6. **Through Lot.** A lot with frontage on two generally parallel streets.

Lot Area. Gross lot area is the total area included within the lot lines of a lot, exclusive of adjacent dedicated street rights of way. Net lot area is exclusive of easements, including those for utilities or flood control channels, which limit the use of the lot.

Lot Coverage. See "Site Coverage."

Lot Depth. The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. See Figure 6-4 (Lot Features). The Director shall determine lot depth for parcels of irregular configuration.

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

Lot Line or Property Line. Any recorded boundary of a lot. Types of lot lines are as follows (see Figure 6-4 (Lot Features)):

1. **Front Lot Line.** On an interior lot, the property line separating the parcel from the street. The front lot line on a corner lot is the line with the shortest frontage. (If the lot lines of a corner lot are equal in length, the front lot line shall be determined by the Director.) On a through lot, both lot lines are front lot lines and the lot is considered to have no rear lot line.

2. **Interior Lot Line.** Any lot line not abutting a street.

3. **Rear Lot Line.** A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.

4. **Side Lot Line.** Any lot line that is not a front or rear lot line.

Lot Width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. See Figure 6-4 (Lot Features). The Director shall determine lot width for parcels of irregular shape.

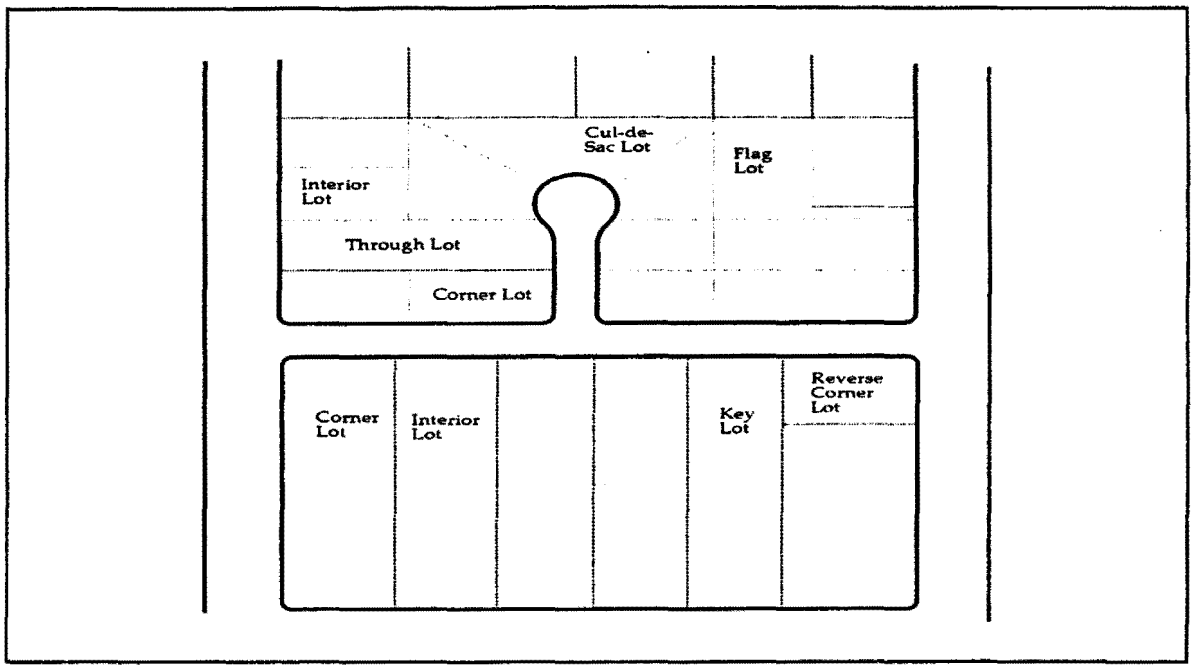


FIGURE 6-3
LOT TYPES

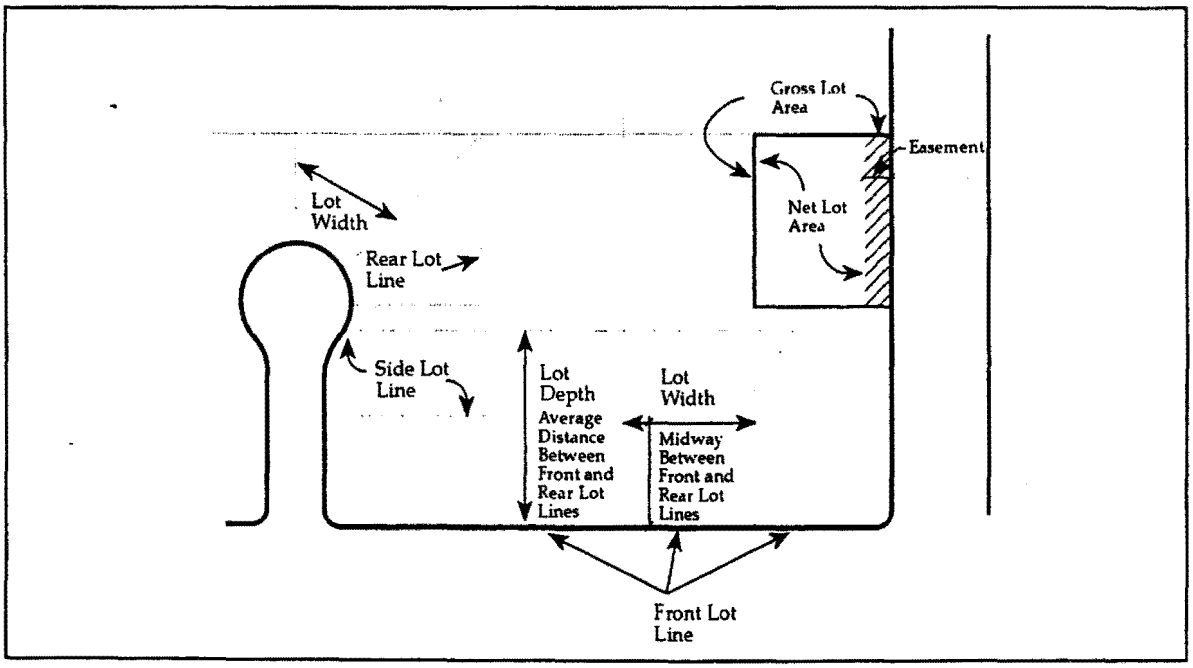


FIGURE 6-4
LOT FEATURES

M. Definitions, "M."

Major Wireless Communication Facility. A wireless communication facility that:

a. Is ground-mounted on property not within the public right-of-way; or

b. Is ground-mounted within the public right-of-way but does not qualify as a microcell facility; or

c. Is building or roof-mounted and exceeds 10 feet in height and/or exceeds the maximum height permitted in the zoning district in which the facility is located.

Map Act. See "Subdivision Map Act."

Medical Services (land use). Medical service establishments, including the following.

1. **Clinics and Laboratories.** Facilities primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services, but which are separate from hospitals, including:

   health management organizations (HMOs)
   medical and dental laboratories
   medical, dental and psychiatric offices
   out-patient care facilities
   other allied health services

   Counseling services by other than medical doctors or psychiatrists are included under "Offices."

2. **Extended Care.** Residential facilities providing nursing and health-related care as a primary use with in-patient beds, including: board and care homes; convalescent and rest homes; extended care facilities; skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care Homes."

3. **Hospitals.** Hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses and emergency heliports (see the separate definition of "Accessory Retail Uses").

4. **Medical, Dental, and Psychiatric Offices.** Facilities where individual medical professionals provide outpatient services. Includes administrative office space, examination rooms, and patient waiting areas.

Metal Products Fabrication, Machine and Welding Shops (land use). Establishments engaged primarily in the assembly of metal parts, including the following uses that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

blacksmith and welding shops
sheet metal shops
machine shops and boiler shops

Microcell. A wireless communication facility that:

a. Contains a maximum of four whip or panel antennas where each whip antenna does not exceed four inches in diameter and four feet in length and each panel antenna does not exceed two square feet in surface area;

b. Contains a maximum of one microwave antenna no larger than 10 square feet in surface area;

c. Has an array of antennas less than 10 feet in height;

d. Is building or roof-mounted or, if within the public right-of-way, is located on top of a light pole or telephone pole or a metal precast concrete monopole (similar in design to a street light pole or street tree); and

e. Has a total height, if building or roof-mounted, that does not exceed the maximum height permitted in the applicable zoning district in which the facility is located.

Minor Wireless Communication Facility. A wireless communication facility that:

a. Consists of a microcell; or

b. Is building or roof-mounted and is less than 10 feet in height and does not exceed the maximum height permitted in the zoning district in which the facility is located.

Mixed Use Residential (land use). The development and use of a site with a combination of residential and non-residential uses, where the ground floor street frontage of the structures is reserved for the non-residential uses.

Mobile Home (land use). A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. A mobile home on a permanent foundation is included under the definition of "Single-Family Dwellings."

Mobile Home, Recreational Vehicle, and Boat Sales (land use). Retail establishments selling and/or renting the following new or used vehicles and products:

boats	motor homes
campers/camper shells	motorcycles
golf carts	snowmobiles
jet skis	travel/recreational trailers
mobile homes	other recreational vehicles

May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: parts/accessory sales separate from a vehicle dealership (see "Auto Parts Sales"); or bicycle and moped sales (see "General Retail Stores").

Mobile Home Park (land use). Any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

Multi-Family Dwellings (land use). A building or a portion of a building used and/or designed as residences for three or more families living independently of each other. Includes: triplexes, fourplexes (buildings under one ownership with three or four dwelling units, respectively, in the same structure) and apartments (five or more units under one ownership in a single building); townhouse development (three or more attached single-family dwellings where no unit is located over another unit); senior citizen multi-family housing; and common ownership, attached unit projects including condominiums. Duplexes are separately defined.

Municipal Code. The City of Pismo Beach Municipal Code, as it may be amended from time to time by the Council.

N. Definitions, "N."

National Pollutant Discharge Elimination System (NPDES). The National Pollutant Discharge Elimination System established by Section 402 of the Clean Water Act, 33 USC Section 1342, as it may be amended from time to time.

Negative Declaration. A statement describing the reasoning that a proposed action will not have a significant adverse effect on the environment, in compliance with the California Environmental Quality Act (CEQA).

Night club. See "Bars and Night Clubs."

Nonconforming Parcel. A parcel that was legally created prior to the adoption of this Zoning Code and which does not conform to current Code provisions/standards (e.g.,access, area or width requirements, etc.) prescribed for the zoning district in which the parcel is located.

Nonconforming Structure. A structure that was legally constructed prior to the adoption of this Zoning Code and which does not conform to current Code provisions/standards (e.g., open space, distance between structures, etc.) prescribed for the zoning district in which the structure is located.

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

NPDES. See "National Pollutant Discharge Elimination System."

O. Definitions, "O."

Occupancy. All or a portion of a structure occupied by one tenant.

Offices (land use). Offices include the following types.

1. **Administrative/Business.** Establishments providing direct services to clients, including insurance agencies, real estate offices, post offices (not including bulk mailing distribution centers, which are included under "Vehicle and Freight Terminals."

2. **Production.** Office-type facilities occupied by businesses engaged in the production of intellectual property. These uses include:

advertising agencies
architectural, engineering, planning and surveying services
computer software production and programming services
educational, scientific and research organizations
media postproduction services
photography and commercial art studios
writers and artists offices

3. **Professional.** Professional or government offices including:

accounting, auditing and bookkeeping services
attorneys
counseling services
court reporting services
data processing services
detective agencies and similar services
employment, stenographic, secretarial and word processing services
government offices
literary and talent agencies
management and public relations services

4. **Temporary.** A mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.

5. **Temporary Real Estate.** The temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use.

The above do not include: medical offices (see "Medical Services - Clinics and Laboratories") or offices that are incidental and accessory to another business or sales activity that is the primary use. Incidental offices that are customarily accessory to another use are allowed as part of an approved primary use.

Organizational Houses (land use). Residential lodging houses operated by educational institutions and/or membership organizations for their members and not open to the general public. Includes convents, dormitories, fraternity and sorority houses, monasteries, and religious residential retreats.

Outdoor Commercial Recreation Facilities (land use). Facilities for various outdoor participant sports and types of recreation where a fee is charged for use, including:

amphitheaters
amusement and theme parks
drive-in theaters
go-cart and miniature auto race tracks
golf driving ranges separate from golf courses
health and athletic club outdoor facilities
miniature golf courses
motorcycle racing and drag strips
race tracks
skateboard parks
stadiums and coliseums
swim and tennis clubs
tennis courts
water slides
zoos

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc.

Outdoor Retail Sales and Activities (land use). Permanent or repeating outdoor sales and rental establishments including lumber and other material sales yards, newsstands, outdoor facilities for the sale or rental of other vehicles/equipment, and other uses where the business is not conducted entirely within a structure.

Outdoor Retail Sales, Temporary (land use). Temporary outdoor retail operations including:

Christmas trees, pumpkins or the sale of other seasonal items
farmers' markets
semi-annual sales of art/handcrafted items in conjunction with community festivals or art shows
sidewalk or parking lot sales longer than one weekend
retail sales from individual vehicles in temporary locations outside the public right-of-way

P. Definitions, "P."

Parcel. See "Lot, or Parcel."

Parking Facilities/Vehicle Storage (land use). Service establishments in the business of storing operative cars, trucks, buses, recreational vehicles, and other motor vehicles for clients. Includes both day use and long-term public and commercial garages, parking lots and structures, except when accessory to a primary use. (All primary uses are considered to include any customer or public use off-street parking required by the Zoning Code.) Includes sites where vehicles are stored for rental or leasing. Does not include dismantling yards (classified in "Recycling Facilities - Scrap and Dismantling Yards").

Parks and Playgrounds (land use). Public parks, play lots, playgrounds, and athletic fields for non-commercial neighborhood or community use, including tennis courts. If privately-owned, the same facilities are included under the definition of "Private Residential Recreation Facilities."

Paseo. A pedestrian walkway, typically within a building or building complex, that is unroofed and open to the sky.

Person. Any individual, firm, co-partnership, corporation, company, association, joint stock association; city, county, state, or district; and includes any trustee, receiver, assignee, or other similar representative thereof.

Personal Services (land use). Establishments providing non-medical services to individuals as a primary use, including:

- acupressure
- clothing rental
- dry cleaning pick-up stores
- hair cutting/styling
- laundromats (self-service laundries)
- massage therapy
- nail salons
- shoe repair shops
- tailors
- tanning salons

These uses may also include accessory retail sales of products related to the services provided.

Pet Shops (land use). Retail stores selling birds, cats, dogs, fish, and other common household pets, including supplies for the care and feeding of the animals sold. This use may include pet grooming, but not the boarding of animals other than those for sale. See "Veterinarians, Animal Hospitals, Kennels."

Planning Commission. The Planning Commission of the City of Pismo Beach, appointed by the Pismo Beach City Council as provided by Government Code Section 65101, referred to throughout this Zoning Code as the "Commission."

Plant Nurseries and Garden Supply Stores (land use). Commercial agricultural establishments engaged in the production of ornamental plants and other nursery products, grown under cover or outdoors. Includes stores selling these products, and commercial scale greenhouses. The sale of house plants or other nursery products entirely within a building is also included under "General Retail Stores." Home greenhouses are included under "Residential Accessory Uses and Structures."

Plastics, Other Synthetics, and Rubber Product Manufacturing (land use). The manufacture of rubber products including: tires; rubber footwear; mechanical rubber goods; heels and soles; flooring; and other rubber products from natural, synthetic or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires. Also includes: establishments engaged in molding primary plastics for other manufacturers, and manufacturing miscellaneous finished plastics products; fiberglass manufacturing, and fiberglass application services. Establishments engaged primarily in recapping and retreading automobile tires are classified in "Vehicle Services - Major Repair/Body Work."

Primary Structure. A structure that accommodates the primary use of the site.

Primary Use. The main purpose for which a site is developed, including the activities that are conducted on the site during a majority of the hours during which activities occur, and which occupies more than 50% of floor area and/or site area.

Printing and Publishing (land use). Establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade including bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. "Quick printing" services are included in the definition of "Business Support Services."

Private Residential Recreation Facilities (land use). Privately-owned, non-commercial outdoor recreation facilities provided for members or project/neighborhood residents, including swim and tennis clubs, park and sport court facilities. Does not include golf courses/ country clubs, which are separately defined.

Public Safety Facilities (land use). Facilities operated by public agencies including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

Public Utility Facilities (land use). Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091:

corporation and maintenance yards.
electrical substations and switching stations
natural gas regulating and distribution facilities
public water system wells, treatment plants and storage
telephone switching facilities
wastewater treatment plants, settling ponds and disposal fields

These uses do not include office or customer service centers (classified in "Offices"), or equipment and material storage yards.

Q. Definitions, "Q." No definitions beginning with the letter "Q" are used at this time.

R. Definitions, "R."

Recreational Vehicle (RV). A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

1. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;

2. It contains 400 square feet or less of gross area measured at maximum horizontal projections;

3. It is built on a single chassis; and

4. It is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

Recreational Vehicle Park (land use). A site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tents. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

Recycling Facilities (land use). This land use type includes a variety of facilities involved with the collection, sorting and processing of recyclable materials.

1. **Collection Facility.** A center where the public may donate, redeem or sell recyclable materials, which may include the following:

   a. Reverse vending machine(s);

   b. Small collection facilities which occupy an area of 350 square feet or less and may include:

      (1) A mobile unit;

      (2) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet; and

      (3) Kiosk-type units which may include permanent structures.

   c. Large collection facilities which occupy an area of more than 350 square feet and/or include permanent structures.

2. **Mobile Recycling Unit.** An automobile, truck, trailer, or van used for the collection of recyclable materials, carrying bins, boxes, or other containers.

3. **Processing Facility.** A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by

such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding. Processing facilities include the following types, both of which are included under the definition of "Scrap and Dismantling Yards:"

a. Light processing facility occupies an area of under 45,000 square feet of collection, processing and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers; and

b. A heavy processing facility is any processing facility other than a light processing facility.

4. **Recycling Facility.** A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers located on a residentially, commercially or industrially designated site used solely for the recycling of material generated on the site. See "Collection Facility" above.

5. **Recycling or Recyclable Material.** Reusable domestic containers and other materials which can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.

6. **Reverse Vending Machine.** An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.

   A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.

7. **Scrap and Dismantling Yards.** Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include: places where these activities are conducted entirely within buildings; pawn shops, and other secondhand stores; the sale of operative used cars; or landfills or other waste disposal sites.

Religious Places of Worship (land use). Religious facilities operated by organizations for worship, or the promotion of religious activities, including churches, synagogues, mosques, etc., and religious schools; and accessory uses on the same site, including living quarters for

ministers and staff, and child day care facilities where authorized by the same type of land use permit required for the church itself. Other establishments maintained by religious organizations, including full-time educational institutions, hospitals and other potentially related operations (including a recreational camp) are classified according to their respective activities.

Repair Services - Non-Vehicular. Establishments which repair consumer electronics equipment, computers, appliances, and similar products.

Research and Development (land use). Indoor facilities for scientific research, and the design, development and testing of electrical, electronic, magnetic, optical and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Includes chemical and biotechnology research and development. Does not include computer software companies (see "Offices - Production"), soils and other materials testing laboratories (see "Business Support Services"), or medical laboratories (see "Medical Services - Clinics and Labs").

Residential Accessory Uses and Structures (land use). Any or use and/or structure that is customarily a part of, and clearly incidental and secondary to, a residence and does not change the character of the residential use. These uses include the following detached accessory structures, and other similar structures normally associated with a residential use of property:

garages
gazebos
greenhouses
spas and hot tubs
storage sheds
studios
swimming pools
tennis and other on-site sport courts
workshops

Also includes the indoor storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use. Does not include home satellite dish and other receiving antennas for earth-based TV and radio broadcasts; see "Communications Facilities."

Restaurant, Counter Service (land use). A retail business where customers are served prepared food from a walk-up ordering counter for either on- or off-premise consumption. A restaurant with drive-up or drive-through service is instead included under the definition of "Drive-in and Drive-Thru Sales."

Restaurant, Table Service (land use). A retail business selling food and beverages prepared on the site, where most customers are served food at tables for on-premise consumption. These restaurants may also provide food on a take-out basis where take-out is clearly secondary to table service.

Review Authority. The individual or official City body (the City Planner, Planning Commission, or City Council) identified by this Zoning Code as having the responsibility and authority to review, and approve or disapprove the permit applications described in Article IV (Administration).

S. Definitions, "S."

Schools (land use). Public and private educational institutions, including:

boarding schools
business, secretarial, and vocational schools
community colleges, colleges and universities
elementary, middle, and junior high schools
establishments providing courses by mail
high schools
military academies
professional schools (law, medicine, etc.)
seminaries/religious ministry training facilities

Also includes specialized non-degree granting schools offering instruction in:

art
ballet and other dance
computers and electronics
drama
driver education
language
music

Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, including fitness, environmental awareness, arts, communications, and management. Does not include pre-schools and child day care facilities (see "Child Day Care Facilities").

Secondary Residential Units (land use). A second permanent dwelling that is accessory to a primary dwelling on the same site. A secondary residential unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking.

Secondary Use. A land use which occurs on the same site with a primary use, where the secondary use occupies less than 50 percent of the floor area and/or site area, is accessory and incidental to the primary use, and is not the main purpose for which the site is developed.

Service Station (land use). A retail business selling gasoline or other motor vehicle fuels, which may also provide services which are incidental to fuel services. These secondary services may include vehicle engine maintenance and repair, towing and trailer rental services. Does not include the storage or repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces.

Setback. The distance by which a structure, parking area or other development feature must be separated from a lot line, other structure or development feature, or the edge of the coastal bluff. Setbacks from private streets are measured from the edge of the easement. See also "Yard." Figure 6-5 (Setbacks) shows the location of front, side, street side, rear, and interior setbacks.

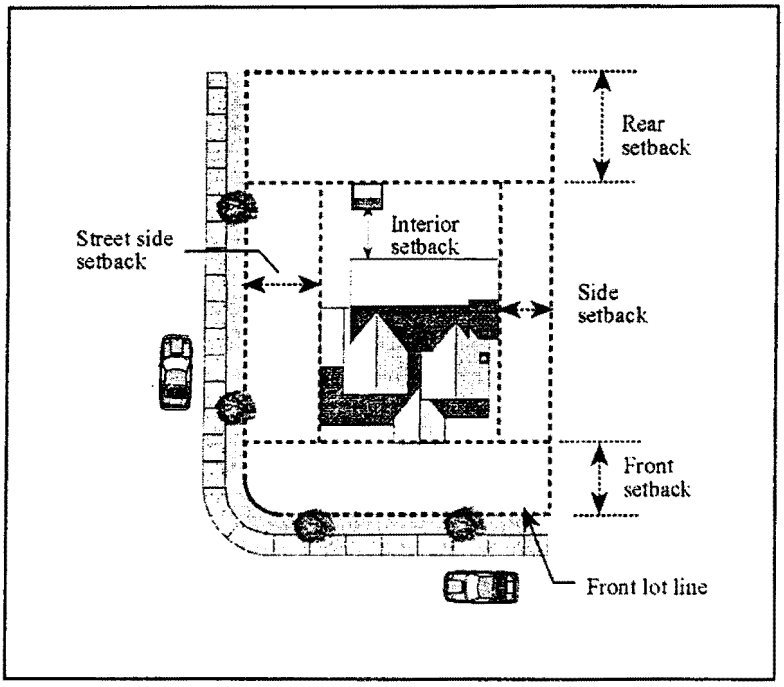


FIGURE 6-5
SETBACKS

Shopping Center (land use). Primarily retail commercial and/or mixed use sites with two or more separate businesses sharing common pedestrian and parking areas.

Sign. Any visual device or representation (written or pictorial) used to convey information, or to identify, announce, or otherwise direct attention to a premise, product, service, person, organization, business, or event, and placed on, suspended from, or in any way attached to, any structure, vehicle, or landscape feature. Types of signs include:

1. **Abandoned sign.** A sign that identifies a business, lessor, owner, product, service, or activity which has been discontinued on the premises for a period of six months or more.

2. **Address sign.** The numeric reference of a structure or use to a street, included as part of a wall or monument sign.

3. **Animated or moving sign.** Any sign which uses movement, lighting or special materials to depict action or create a special effect or scene.

4. **Awning, canopy, or marquee sign.** A nonelectric sign that is printed on, painted on, or attached to an awning, canopy, or marquee.

5. **Banner sign.** A frameless sign of fabric, vinyl, or similar material, designed and used for temporary display.

6. **Bench sign.** Copy painted on any portion of a bus stop bench.

7. **Billboard or off-site sign.** A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which the sign is located.

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

9. **Building-mounted, or wall sign.** A sign painted on or fastened to a building wall, and which does not project more than 12 inches from the wall.

10. **Civic event sign.** A temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.

11. **Construction sign.** A temporary sign erected on the parcel on which construction is taking place, limited to the duration of the construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owner, financial supporters, sponsors, and similar individuals or firms having a major role or interest with respect to the structure or project.

12. **Decorative graphics.** Any graphic symbol, logo, monogram, words treated as a graphic image or other symbolic device that identifies the specific business, products, or services offered on the premises, or which relates to the contents of the building-mounted sign.

13. **Directory sign.** A sign for listing the tenants or occupants and their suite numbers of a structure or center.

14. **Double-faced sign.** A single structure monument sign located perpendicular to the street.

15. **Exterior-illuminated sign.** Any part of a sign which is illuminated from an exterior artificial light source mounted on the sign, another structure, or the ground.

16. **Flag.** The official flag of a government, religious group or other organization.

17. **Flashing sign.** A sign that contains an intermittent or sequential flashing light source.

18. **Freestanding sign.** A sign with its own support structure, not attached to any other structure.

19. **Holiday decoration sign.** Temporary signs, in the nature of decorations, clearly incidental to and customarily associated with holidays.

20. **Identification sign.** A sign identifying an institution, occupant, apartment, residence, school, or church in a residential zone; or a sign identifying the name of a business in a commercial zone and not advertising any product or service.

21. **Illegal sign.** A sign that was not established or is not being maintained in compliance with the applicable provisions of the Los Angeles County Zoning Code or this Chapter that applied to the sign at the time it was installed.

22. **Illuminated sign.** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

23. **Institutional sign.** A sign identifying the premises of a church, school, hospital, rest home, or similar institutional facility.

24. **Interior-illuminated sign.** Any part of a sign which has text, graphics, or any portion of the sign face or its outline illuminated by a light source within the interior of the sign.

25. **Logo sign.** An established trademark identifying the use of a structure.

26. **Marquee.** A sign placed on the face of a permanent roofed structure projecting over the building entrance which is an integral part of the building (usually a hotel or theater) and is not a fascia extension of the roof or eave.

27. **Monument sign.** A sign structure detached from a building, with a solid base located on the ground, as opposed to being supported by poles or open braces, and generally less than six feet in height.

28. **Mural.** A painting including images or pictorial representations, applied directly to the exterior of a commercial building. If these paintings include advertising copy, trademarks, or business logos, they are instead considered to be signs.

29. **Non-appurtenant sign.** Any sign which does not relate to, or which relates only incidentally to, the occupant of the site or the principal business conducted within the structure.

30. **Open/closed sign.** An "open" or "closed" window sign.

31. **Open house sign.** A temporary sign posted to indicate a salesperson is available to represent the property subject to sale, lease, or rent.

32. **Pedestrian sign.** An identification and/or directional sign designed and located primarily to inform pedestrians. These signs are usually mounted or suspended from the underside of an eave or canopy, perpendicular to an adjacent store front.

33. **Pole or pylon sign.** A sign with its message area elevated above the ground by a single pole, or multiple supports, with a total height of more than six feet.

34. **Political sign.** A sign intended to draw attention to, or communicate a position on any issue, candidate, or measure, that is associated with any national, state, or local elections, or that is the subject of general public discussion or debate.

35. **Price sign.** A sign limited to the name or identification of items or products for sale on the premises, and the price of the items or products.

36. **Projecting or cantilevered sign.** A sign which extends outward from a building face or wall so that the sign face is perpendicular or at an angle to the building face or wall.

37. **Promotional sign.** A temporary sign which serves to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.

38. **Reader board sign.** A sign that is designed so that message elements or sign copy may be readily changed through the use of individual letters or characters, separate panels, or electrical messages.

39. **Roof sign.** A sign located on or attached to and extending above the roof covering of a building.

40. **Temporary sign.** A sign intended or required to be displayed for a limited period of time.

41. **Wall sign.** See "Sign - Building-mounted or wall sign."

42. **Window sign.** A sign displayed within or attached to the interior of a window, door, or similar opening for the primary purpose of visibility from the exterior of the building.

Sign Area. The area in square feet of the smallest simple geometric shape within which a single sign face can be enclosed. The area of a sign with more than one face shall be the greatest area of sign faces visible from any one point. See Chapter 17.30 (Signs).

Sign Copy. The information content of a sign, including text, illustrations, logos and trademarks.

Sign Face. The visible portions of a sign including all characters and symbols, but not supporting structures.

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

Single-Family Dwellings (land use). A building designed for and/or occupied exclusively by one family. Also includes factory-built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing on permanent foundations. May include the rental of rooms within a dwelling also occupied by the property owner or a primary tenant.

Site. A parcel or adjoining parcels under single ownership or single control, considered a unit for the purposes of development or other use.

Site coverage. The percentage of total site area occupied by structures, and paving for vehicle use. Structure/building coverage includes the primary structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, etc.) and architectural features (e.g., chimneys, balconies, decks above the first floor, porches, stairs, etc.). Structure/building coverage is measured from exterior wall to exterior wall. Pavement coverage includes areas necessary for the ingress, egress, outdoor parking, and

circulation of motor vehicles, but does not include paved areas exclusively for pedestrian use that are unroofed/open to the sky. See Figure 6-6 (Site Coverage).

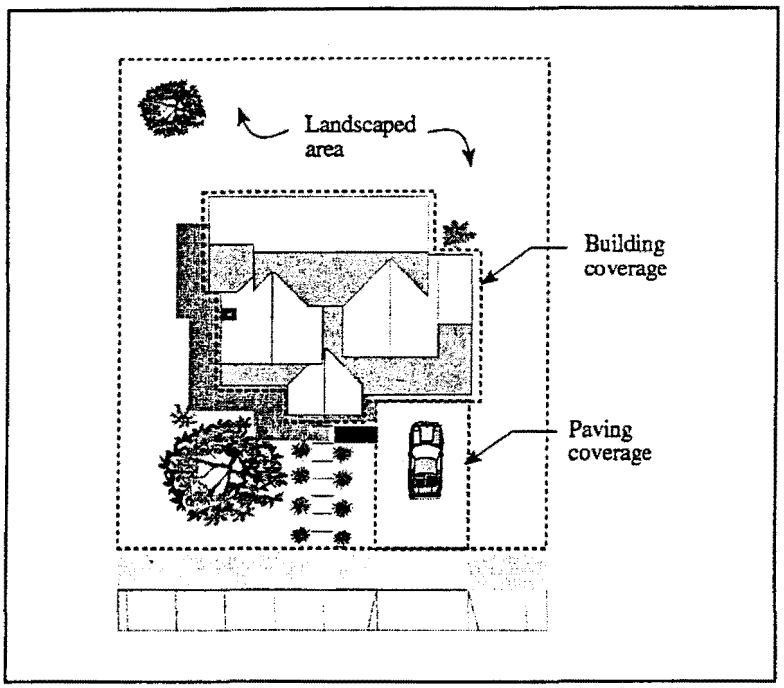


FIGURE 6-6
SITE COVERAGE

Slope. The average slope of a lot expressed as a percent, which is calculated as follows:

$$S = (L \times I \times 100) / A$$

Where:

S = The average slope of natural ground expressed as a percent.
I = The topographic contour interval in feet (i.e., 2-foot contour intervals, 5-foot contour intervals, etc.).
L = The sum of the length of the contour lines expressed in feet.
A = The area of the lot expressed in square feet.

This definition assumes that slope calculations are based on accurate topographic survey maps drawn to a scale of not less than one inch equals 100 feet, with contour lines at maximum 10-foot intervals for ground slope over 15 percent, and at five-foot intervals for ground slope of 15 percent or less.

Small Family Day Care Homes (land use). See "Child Day Care Facilities."

Specified anatomical areas. Specified anatomical areas shall mean and include any of the following:

1. Less than completely and opaquely covered human genitals or pubic region, buttocks, and female breast below a point immediately above the top of the areola;

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; and

3. Any device, costume or covering that simulates any of the body parts included in paragraphs 1. or 2. above.

Specified sexual activities. Specified sexual activities shall mean and include any of the following, whether performed directly or indirectly through clothing or other covering:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;

2. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;

3. Masturbation, actual or simulated; and

4. Excretory functions as part of or in connection with any of the other activities described in paragraphs 1. through 3. above.

Stealth Facility. Any communication facility which is designed to blend into the surrounding environment, typically one that is architecturally integrated into a building or other concealing structure. Also, referred to as concealed antennas.

Storage Yards (land use). The outdoor storage of various materials and/or equipment, as the primary use of the site. Includes contractor's storage yards, equipment storage yards, etc. Does not include recycling facilities, auto wrecking, etc., which are instead included in "Recycling Facilities - Scrap and Dismantling Yards."

Storage, Accessory. The storage of various materials as part of another land use, where the storage activity and areas are clearly subordinate to the primary non-storage use of the site.

Storage, Personal Storage Facility (Mini-Storage) (land use). A structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

Street. A public thoroughfare accepted by the City, which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley as defined in this Subsection.

Street Line. The boundary between a street right-of-way and property.

Structure. Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of this Zoning Code, the term "structure" includes "buildings."

Structure, Primary. See "Primary Structure."

Studios for Art, Photography, etc. (land use). Facilities for: individual and group instruction and training in painting, sculpture, photography, and other graphic arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities.

Subdivision. The division, by any subdivider, of any unit or portion of land shown on the latest equalized San Luis Obispo County assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. Subdivision includes a condominium project, as defined in Section 950 of the Civil Code, a community apartment project, as defined in Section 11004 of the Business and Professions Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code.

Subdivision Map Act, or Map Act. Article II, Title 7 of the California Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions.

T. Definitions, "T."

Tattoo Parlors (land use). Commercial establishments which provide tattooing services.

Telecommunications Facilities (land use). Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, cellular telephone, and data network communications; including commercial earth stations for satellite-based communications. Includes antennas, towers, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections (see "Pipelines and Utility Lines").

Theaters, Motion Picture (land use). Single- and multi-screen theaters where motion pictures are shown.

Top of Bluff. See "Blufftop."

U. Definitions, "U."

Unit. See "Dwelling unit."

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

V. Definitions, "V."

Vacation Club. A vacation club is a transient visitor lodging use that is intended or principally available for occupancy by its membership rather than the general public, where members do not have an ownership interest in a specific unit.

Variance. A discretionary entitlement that may waive or relax the development standards of this Zoning Code, in compliance with 17.42.070 (Variances).

Vehicle Services (land use). The repair, alteration, restoration, towing, painting, cleaning (including self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories.

1. **Major Repair/Body Work.** Repair facilities dealing with entire vehicles. These establishments provide towing, collision repair, other body work, and painting services; and also include tire recapping establishments.

2. **Maintenance/Minor Repair.** Minor facilities specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, tire sales and installation, quick-lube, etc.).

Does not include automobile parking (see "Parking Facilities/Vehicle Storage"), repair shops that are part of a vehicle dealership on the same site (see "Auto and Vehicle Sales," and "Mobile Home and Recreational Vehicle Sales"); automobile service stations, which are

separately defined; or automobile dismantling yards, which are included under "Recycling - Scrap and Dismantling Yards."

Veterinary Clinics, Animal Hospitals, Kennels, Boarding (land use). Office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. Also includes commercial facilities for the keeping, grooming, boarding or maintaining of four or more dogs four months of age or older, or four or more cats for commercial purposes, except for dogs or cats in pet shops.

W. Definitions, "W."

Warehouse Retail Stores (land use). Retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may or may not be required to pay membership fees.

Warehousing, Wholesaling and Distribution (land use). These facilities include the following.

1. **Warehousing.** Facilities for the storage of farm products, furniture, household goods, or other commercial goods of any nature. Includes cold storage.

   Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public (see "Storage, Personal Storage Facilities"); warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see "Wholesaling and Distribution"); or terminal facilities for handling freight (see "Vehicle and Freight Terminals").

2. **Wholesaling and Distribution.** Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as:

   agents, merchandise or commodity brokers, and commission merchants
   assemblers, buyers and associations engaged in the cooperative marketing of farm products
   merchant wholesalers
   stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

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

X. Definitions, "X." No definitions beginning with the letter "X" are used at this time.

Y. Definitions, "Y."

Yard. An area between a lot line and a setback, unobstructed and unoccupied from the ground upward, except for projections permitted by this Zoning Code. See Chapter 17.22 (Setback Requirements and Exceptions) and Figure 6-5 (Setbacks).

1. **Front yard.** An area extending across the full width of the lot between the front lot line and the required setback.

2. **Rear yard.** An area extending the full width of the lot between a rear lot line and the required setback.

3. **Side yard.** An area extending from the front yard to the rear yard between the nearest side lot line and the required setback.

Z. Definitions, "Z."

Zoning Code. The City of Pismo Beach Zoning Code, Title 17 of the Pismo Beach Municipal Code, referred to herein as "this Zoning Code."

Zoning District. Any of the residential, commercial, industrial, special-purpose, or combining districts established by Article II of this Zoning Code (Zoning Districts and Allowable Land Uses), within which certain land uses are allowed or prohibited, and certain site planning and development standards are established (e.g., setbacks, height limits, site coverage requirements, etc.).