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**Prepared July 25, 2014 (for August 15, 2014 Hearing)**

# F14b

**To:** Commissioners and Interested Persons

**From:** Madeline Cavalieri, Central Coast District Manager  
Kevin Kahn, Central Coast District Supervisor, LCP Planning

**Subject:** **City of Grover Beach LCP Amendment Number GRB-1-13 (Grover Beach LCP Update).** Proposed major amendment to the certified Grover Beach Local Coastal Program to be presented for public hearing and Commission action at the California Coastal Commission's August 2014 meeting in San Diego. The amendment updates portions of the LCP's Land Use Plan and land use maps, and comprehensively updates the Implementation Plan and zoning maps.

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## SUMMARY OF STAFF RECOMMENDATION

The City of Grover Beach is proposing to update its Local Coastal Program (LCP)'s Land Use Plan (LUP) and Implementation Plan (IP). Grover Beach is a small coastal city in southern San Luis Obispo County, just south of the City of Pismo Beach and north of the unincorporated community of Oceano. The City's coastal zone is roughly one-half square mile in size. The coastal zone is generally bisected by Highway 1, with the beach, dunes, and visitor-serving facilities of Pismo State Beach on the west side of the highway and the east side containing urbanized residential, commercial, and industrial neighborhoods. The current LCP was originally certified, with the City assuming coastal development permitting (CDP) authority, in January of 1982. The LCP was last comprehensively updated in January 2000.

The proposed Land Use Plan amendments result in three main changes to the existing LUP. First, the amendments update the General Plan policies that are part of the LUP, adding new policies related to protection of open space, requirements for biological resource studies, and the promotion of coastal zone tourism. Second, the amendments modify the LUP's table of land use designations and redesignate the land use category for several areas of the coastal zone. Specifically, the proposed LUP amendments condense the land use categories from eleven to six by combining similar designations and by deleting others. These land use category changes eliminate redundancies by combining similar designations, while also adding some new provisions to implement Coastal Act objectives, including that commercial areas be pedestrian-oriented and reserved for visitor-serving uses. The land use designation changes affect parcels within the urbanized coastal zone east of Highway 1 and generally provide for more visitor-serving commercial uses, including by reducing the amount of coastal zone land dedicated to industrial uses. Thus, as proposed, the revised land use tables and designations will help achieve two key Coastal Act objectives: protecting the coastal zone's natural habitats from development

and disturbance, and promoting walkable, visitor-serving development in already developed communities.

Third, the LUP amendments add new standards for coastal hazards, environmentally sensitive habitat areas (ESHA), and wetlands. The proposed hazards policies mirror Coastal Act Section 30253, with additional requirements for tsunami protection and hazard risk assumption. As proposed, the amendment improves the LUP's coastal hazard protection standards by ensuring that all development is sited outside of hazardous areas and will not require shoreline protective devices, consistent with the Coastal Act. The amendment also adds ESHA and wetland protection policies mirroring the requirements of Coastal Act Sections 30240 and 30233, respectively. These new standards for wetlands and ESHA protection ensure that the coastal zone's impressive swath of coastal dunes, creeks, wetlands, and other sensitive habitats have necessary protections, consistent with the Coastal Act.

The proposed IP amendment modifies the zoning districts and the zoning designations for specific parts of the coastal zone to correspond with the proposed LUP amendments, slightly modifies certain development standards for those zoning districts, and adds new coastal resource protection standards to implement the new policy language added in the LUP. The proposed IP amendments strengthen the coastal resource protections of the existing LCP, and as proposed, they are consistent with and adequate to carry out the proposed LUP.

In conclusion, Commission staff have worked very closely with City staff to develop an LCP that meets applicable Coastal Act requirements and the specific circumstances and needs of the city. The end result of this close collaboration is a robust LCP update that, as submitted, should serve to ably protect the city's coastal resources. Thus, staff believes that the LUP as proposed is in conformity with the Chapter 3 policies of the Coastal Act, and the IP as proposed is consistent with and adequate to carry out the amended LUP.

Staff recommends that the Commission hold a public hearing and **approve** both the LUP and IP as submitted. The motions to accomplish this are found on page 3 below.

**Staff Note:** The proposed LCP amendment was filed as complete on July 24, 2014. The proposed amendment affects the LUP and IP and the 90-day action deadline is October 22, 2014. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until October 22, 2014 to take a final action on this LCP amendment.

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### EXHIBITS

Exhibit 1: Existing LUP Text

Exhibit 2: Proposed LUP Text in Cross-through and Underline

Exhibit 3: Proposed IP Text

Exhibit 4: Coastal Zone Location Map

### I. MOTIONS AND RESOLUTIONS

Staff is recommending that the Commission approve the LCP amendment as submitted. The Commission needs to take two separate actions, one on the LUP amendment and a second on the IP amendment, to effect this recommendation.

#### 1. Approval of LUP Amendment as Submitted

Staff recommends a **YES** vote on the following motion. Passage of this motion will result in certification of the LUP amendment as submitted and adoption of the following resolution and findings. The motion to certify passes only by an affirmative vote of a majority of the appointed Commissioners.

Motion:

*I move that the Commission certify Land Use Plan Amendment GRB-1-13 as submitted by the City of Grover Beach. I recommend a yes vote.*

Resolution:

*The Commission hereby certifies Land Use Plan Amendment GRB-1-13 as submitted by the City of Grover Beach and adopts the findings set forth below on the grounds that the amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Land Use Plan.*

#### 2. Approval of IP Amendment as Submitted

Staff recommends a **NO** vote on the following motion. Following the staff recommended “no” vote will result in the certification of the IP amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion:

*I move that the Commission reject Implementation Plan Amendment GRB-1-13 as submitted by the City of Grover Beach. I recommend a no vote.*

Resolution:

*The Commission hereby certifies Implementation Plan Amendment GRB-1-13 as submitted by the City of Grover Beach and adopts the findings set forth in this staff report that, as submitted, the Implementation Plan amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Implementation Plan Amendment may have on the environment.*

## **II. FINDINGS AND DECLARATIONS**

### **A. DESCRIPTION OF PROPOSED LCP AMENDMENT**

The proposed LCP amendment updates both the LUP and IP. Specifically, and as discussed in more detail below, the LUP amendment updates General Plan policies that are included in the LUP; amends the land use designations by combining similar designations and deleting others; changes the land use designations of certain portions of the coastal zone, generally by allowing for more visitor-serving commercial development within the urbanized neighborhoods east of Highway 1; and adds new coastal resource protection standards related to the protection of ESHA, wetlands, and other sensitive habitats. For the IP, the amendment slightly modifies development standards (including those for height, setback, and density); adds new standards for specific land uses (including for telecommunications facilities and second units, for example); revises certain zoning designations and the zoning map to be consistent with the revised LUP land use designations; and updates sections related to coastal development permit (CDP) processing and procedures.

#### *Land Use Plan Amendment*

##### **General Plan Policies**

The amendment updates the existing General Plan policies that are included in the LUP. The current LUP consists of two documents, the “Local Coastal Program” and certain chapters of the 1992 General Plan’s Land Use Element (LUE):

- “Relationships of General Plan Elements” on Page 1-1 of the Introduction
- The Land Use Map



- Chapter Four – Growth Management
- Policies 6.4 – Commercial Environmental Policy and 6.5 – The Environment is Good Business Policy
- Policy 7.3 – Industrial Areas Environmental Goals Policy
- Chapter Eight – Resource Conservation and Development
- Policies 9.1 – Neighborhood Services and Facilities Policy and 9.2 – City-Wide Services and Facilities Policy
- The maps and text of the entire Beach Neighborhood Plan, and the maps and text of the portions of the Grand Corridor Plan, the Northwest Grover Beach Neighborhood Plan, the Northern Hillside Neighborhood Plan, the West Grover Beach neighborhood Plan, and the South Grover Beach Neighborhood Plan, as they apply to the coastal zone.

These 1992 LUE sections were added to the LUP in the last comprehensive LCP update in 2000. The proposed amendment would replace these sections with a series of General Plan policies from the updated 2010 General Plan. For example, the proposed LUP includes General Inland Resource Areas Section 2.1.5(B), which contain a series of new policies from the General Plan related to protection of open space, creeks and wetlands, and requirements for biological resource studies for projects that may impact sensitive habitats. This section also includes General Plan policies related to water quality protection, including requirements to implement Low Impact Development (LID) techniques and Best Management Practices (BMPs) for both new and redevelopment. Finally, other General Plan policies included within the LUP include requirements for hillside development (e.g. conform to the natural slopes by minimizing grading), promotion of tourism (by promoting the coastal zone's visitor-serving facilities and amenities), and working with adjacent communities on a regional trail system.

### **Land Use Categories and Designations**

The amendment proposes to modify the LUP's table of land use designations and redesignate the land use category for some areas of the coastal zone. The existing certified LUP contains eleven land use categories, including Low-Density Residential, Planned Commercial, Light Industrial, Flood Plain, and State Park. The proposed LUP condenses these categories from eleven to six by deleting some categories, including the Flood Plain category, and by combining certain similar designations. For example, the existing Open Space, State Park, and State Park-Golf Course categories, which apply to the mostly undeveloped areas west of Highway 1 within Pismo State Beach and along Meadow Creek in the northeast part of the coastal zone, have been combined into one Open Space/Resource Conservation category. The allowable uses and standards within this new, combined designation remain the same as those for the existing constituent designations, including a prohibition on structures except for those necessary to support recreational activities within Pismo State Beach. However, some of the land use categories include proposed new standards, including that development within the Visitor Serving Mixed-Use designation, which applies to the commercial blocks centered on West Grand Avenue, the coastal zone's primary commercial street leading from Highway 101 in the east to the entrance of Pismo State Beach on the west, be pedestrian-oriented and reserved for visitor-serving uses.

The amendment also proposes to change the land use designations of certain portions of the coastal zone. These changes affect the urbanized coastal zone east of Highway 1 and generally provide for more visitor-serving commercial uses. For example, two blocks along Ramona Avenue (which is one block north of West Grand Avenue and its commercial uses) that are

currently designated Medium-density Residential are now proposed to be Visitor-Serving Mixed Use, while one block along Rockaway Avenue (which is one block south of West Grand Avenue) that currently has an Industrial land use designation is also proposed to be Visitor-Serving Mixed Use.

### **Coastal Resource Protection Standards**

Finally, the Land Use Plan amendments add new coastal resource protection standards to address coastal hazards, including floods and tsunami; and new protections for sensitive habitats including ESHA, wetlands, and their buffers. The LUP proposes to delete the Flood Plain land use designation and replace it with flood protection standards that apply throughout the coastal zone. Specifically, the amendment adds Policy 2.1.5(A)(1), requiring all new development to minimize risks to life and property in areas of high geologic, flood, and fire hazard, assure structural integrity, neither create nor contribute to erosion or geologic instability, and not require protection from shoreline protective devices. Additionally, the amendment adds existing LUP policies related to tsunami protection and applicant assumption of hazard risk that are specific to and currently only apply for visitor-serving and recreational facilities west of Highway 1 and makes these policies apply to all proposed development in the coastal zone (see Policy 2.1.5(A)(3 and 4)). As proposed, the LUP's flood and hazard protection standards would be applicable throughout the coastal zone for any project that is potentially subject to flood, tsunami, and hazard risk.

The other primary change to the LUP's resource protection standards is the definition and protection of ESHA and wetlands. The existing certified LUP contains protective standards for specifically listed habitats, including:

- Coastal dunes: Sand Dune Policy 2.1.5(1) prohibits development within vegetated dune areas
- Creeks: Pismo Lake and Meadow Creek (Northeastern Branch) Policy 2.1.5(2) and Meadow Creek (Western Branch) Policy 2.1.5(5) state that the only allowed uses within Meadow Creek are those specified by Coastal Act Section 30236, with a required minimum 50 foot buffer north of Grand Avenue
- Sensitive Habitats: Pismo Lake and Meadow Creek (Northeastern Branch) Policy 2.1.5(9) prohibits removal of Coast Live Oaks and Shagbark Manzanita, requires 50 foot buffers around the dripline of a solid canopy oak woodland, and requires 25 foot buffers around Shagbark Manzanita

The proposed LUP adds Policies 2.5.1(B)(5 and 6), which require ESHA to be protected against any significant disruption of habitat values, allows only resource-dependent uses within it, and requires a minimum buffer of 50 feet. Development is allowed within the buffer only if it is compatible with and does not significantly degrade the protected ESHA. The LUP also proposes new protections for wetlands, including Policy 2.5.1(B)(3), which states that wetland resources shall be preserved and protected consistent with Coastal Act Section 30233, which lists the seven allowable uses within wetlands (e.g. for coastal-dependent industry, incidental public purposes, restoration, and nature study). Any allowable development within wetlands must also fully mitigate any adverse impacts.

### *Implementation Plan Amendment*

The proposed Implementation Plan amendment modifies the list of zoning districts and the zoning designations for specific parts of the coastal zone to implement the corresponding LUP land use designations changes, slightly modifies certain development standards for those zoning districts, adds new provisions specific to individual land uses, and also adds new coastal resource protection standards to implement the new policy language added in the LUP.

### **Zoning Districts and Designations**

The certified IP contains fourteen zoning districts, including Coastal Residential, Coastal Visitor Service, Coastal Industrial, and Coastal Open Space. The zoning districts are meant to implement the LUP's corresponding land use designations by ensuring, in general, that open space and low-intensity recreational uses are the solely allowed uses in the coastal zone's rural areas (including the dunes and beaches within Pismo State Beach and along the Meadow Creek corridor), whereas higher intensity residential, commercial, and industrial development is channeled into the established urbanized neighborhoods east of Highway 1. Specifically, the Coastal Open Space district applies to the dune and wetland area south of West Grand Avenue and west of Highway 1, while Coastal Planned Commercial and Coastal Golf Course applies to the area north of West Grand Avenue. These two designations allow for visitor-serving commercial recreational development within Pismo State Beach, including the future Grover Beach Lodge and the existing Le Sage Riviera Golf Course. East of Highway 1, with the exception of the area along Meadow Creek and Pismo Lake zoned Coastal Open Space, the zoning designations are all residential, commercial, or industrial. The blocks north and south of West Grand Avenue, the coastal zone's primary commercial street and main east-west thoroughfare, are zoned Coastal Visitor Service, allowing for tourist-oriented retail and service businesses. The blocks extending north and south of this commercial zone are residentially-zoned neighborhoods. The majority of the coastal zone's residentially zoned area is Coastal Low Density Residential (C-R-1) and Coastal Medium Density Residential (C-R-2), with a small portion zoned Coastal High Density Residential (C-R-3) and Coastal Planned Low Density Residential (C-P-R-1). Finally, the blocks east of and immediately paralleling the train tracks and Highway 1 are zoned either Coastal Industrial or Coastal Industrial Commercial, allowing for both light and heavy manufacturing and production uses.

The proposed IP modifies the zoning designations by condensing the fourteen districts to twelve, and also rezones some areas to implement the corresponding land use designation amendments. Two zoning districts are proposed for deletion (i.e. the Coastal Residential Agriculture zone, since there are currently no agricultural lands in the coastal zone; and the Flood Plain Combining District, since the corresponding Flood Plain land use designation has been deleted). The amendment also combines two similar zoning districts, the Coastal Planned Commercial zone and Coastal Visitor Service zone, into a new Coastal Visitor Serving district. This combined designation now applies to the area along the West Grand Avenue corridor and within the commercially-designated portion of Pismo State Beach, and allows for pedestrian-oriented commercial development that supports visitor needs. Finally, the amendment adds one new district, the Coastal Commercial zone, which allows a mix of visitor-serving commercial uses and light/artisan manufacturing. This new Coastal Commercial zoning designation is proposed for two portions of the coastal zone currently zoned for industrial uses: a three block area along Beckett Place/North First Street currently zoned Coastal Industrial Commercial, and a one block area south of West Grand Avenue along South Third Street. These zoning designation changes

correspond to land use designation changes, since, as described earlier, the LUP amendment seeks to change the land use designations for these two areas from Industrial to Visitor-Serving Mixed-Use. Other zoning designation changes also correspond to associated land use changes, including a new Coastal Visitor Serving zoning designation along the southern block of Ramona Avenue between North Second and North Fourth Streets (replacing its current Medium-Density Residential classification), a new Coastal Open Space designation for a small parcel containing oak woodlands near Pismo Lake (replacing its current Coastal Planned Low Density Residential designation), and a new Coastal Industrial designation for a parcel that currently contains and is surrounded by industrial uses (replacing its current Coastal Low Density Residential designation).

### **Zoning District Development Standards and Allowable Uses**

In addition to the minor restructuring of the zoning designations as describe above, the amendment modifies some of the designations' development standards and allowed land uses.

#### *Residential Zones*

Section 2.20.040 lists the Residential Zones Development Standards, which applies to the coastal zone's four residential zoning districts: Coastal Planned Low Density Residential (C-P-R-1), Coastal Low Density Residential (C-R-1), Coastal Medium Density Residential (C-R-2), and Coastal High Density Residential (C-R-3). While many of the development standards are retained from the certified IP, including for some of the districts' allowable building heights (e.g. 25' height limits in both the existing and proposed IP in the C-P-R-1 and C-R-1 low density residential neighborhood zones), minimum lot size (e.g. 6,000 square feet in the C-R-2 zone), and density (e.g. 20 dwelling units per acre in the C-R-3 zone), other standards have slight deviations. These deviations include requirements for maximum allowable lot coverage (e.g. increasing allowable coverage from 40% to 45% in C-P-R-1 and C-R-1), height (e.g. decreasing allowable heights in C-R-3 from 40 to 32 feet), and landscaping (e.g. increasing required landscaping from 35% to 40% in C-R-1 zone). While some of these building standards have been revised, the IP includes new language clarifying that all development standards are maximums, and may be reduced as necessary to achieve conformity with adopted LCP policies, including, for example, those for the protection of public views and for the protection of residential community character. IP Section 2.20.030 lists the table of allowed land uses for the residential districts. Consistent with the existing certified IP, single family dwellings are allowed in all four residential zoning districts, with multi-family dwellings allowed only in C-R-2 and C-R-3 districts. Newly allowable uses include single room occupancy facilities and senior housing in C-R-2 and C-R-3 zones, and transitional and supportive housing is allowed in all four districts. To allow for more visitor-serving uses, bed and breakfast facilities are now allowed in all residential zones, while other non-residential uses such as community gardens, parks/playgrounds, and public facilities are all retained from the certified IP as allowable land uses.

#### *Commercial Zones*

Section 2.30.040 lists the Commercial Zones Development Standards, applicable to the two coastal zone commercial zoning districts: Coastal Visitor Serving (CVS) and Coastal Commercial (CC). As previously discussed, the proposed IP combines the certified IP's two commercial zoning districts (Coastal Planned Commercial (CPC) and Coastal Visitor Service (CCV)) into one CVS district. The existing IP's CPC and CCV zoning districts generally have

the same development standards, including building heights of 40 feet and lot sizes of 10,000 square feet, with minor deviations in other standards such as lot coverage (50% in CPC and 60% in CCV). The new CVS designation retains some of the former zoning districts' development standards, including maximum density of 20 residential units per acre (and a prohibition on residential development west of the Union Pacific Railroad tracks), minimum lot sizes of 10,000 square feet, and requiring new development west of Highway 1 to provide public access to and along the shoreline. Other standards have been modified. For example, development east of Highway 1, including along West Grand Avenue, maintains the existing 40' height maximum, but now also includes a new allowance for a height increase of up to 50' at the intersection of West Grand Avenue and 4<sup>th</sup> Street. Additionally, allowable lot coverage in the district is increased to 100% from the currently allowed 50-60%. The IP also includes new design standards to implement new LUP provisions for coastal resource protection, including requirements that development be set back from ESHA a minimum of 50 feet. Section 2.30.030 lists the allowable land uses in both the CVS and CC districts. Both the existing CPC and CCV and the proposed CVS districts allow a broad range of visitor-serving commercial uses, including restaurants, lodging facilities, and retail stores. Mixed-use developments are allowed; however, residential uses are not allowed west of the Union Pacific Railroad tracks nor on the ground floor on primary street frontages so as to protect their visitor-serving pedestrian orientation.

#### *Industrial Zones*

The coastal zone contains two industrial zoning districts: Coastal Industrial (CI) and Coastal Industrial Commercial (CIC). The CI zone currently allows a broad range of uses, including manufacturing (breweries and metal manufacturing), service (equipment rentals and gas stations), office, and public uses (fire and police stations). Development standards include 35' height limits, 10,000 square foot minimum lot sizes, and 50% lot coverage. The CIC zone also currently allows a broad range of industrial uses, while prohibiting some heavy industrial uses such as petroleum distribution and cement plants so as to emphasize lighter industrial uses. Development standards in the CIC district are generally the same as for the CI district, including the aforementioned standards for height, lot size, and lot coverage. The proposed IP generally maintains the same development parameters as the existing certified IP for both industrial zoning districts, albeit with some modifications. For example, heavy manufacturing is now prohibited in both districts, while more commercial uses such as restaurants and retail are now allowed. Site coverage remains at 50%; however, coverage of up to 100% and/or a FAR of 1.5 may be allowed in the CI zone when a finding is made that the project will provide a substantial economic benefit to the city and coastal resources are protected consistent with the LCP.

#### *Open Space Zones*

Both the existing and proposed IP include four open space zoning districts: Coastal Open Space (COS), Coastal Golf Course (CGC), Coastal Pedestrian Beach (CPB), and Coastal Vehicular Beach (CVB). These districts generally apply to the areas west of Highway 1 within Pismo State Beach and also along the Meadow Creek corridor near Pismo Lake in the northeast coastal zone, allowing for open space and low-intensity recreational uses. Allowable uses in both the existing and proposed IP for the COS district include scientific/educational wildlife preserves, undisturbed open space uses, and passive use facilities. The proposed IP now allows parking facilities outside of dune areas, and while telecommunications facilities are also newly allowed uses, they are not allowed west of Highway 1 unless they are not visible from public viewing

areas. Both the existing and proposed IP also require the same development standards, including compatibility with sensitive natural resources and wetlands. The Coastal Golf Course district applies in one location in the coastal zone: the Le Sage Riviera Golf Course west of Highway 1. Finally, the Coastal Pedestrian Beach and Coastal Vehicular Beach zones encompass the sandy beach areas of Pismo State Beach, with motor vehicles allowed south of West Grand Avenue. None of the allowed uses or development standards for these three zoning districts has changed in this proposed IP amendment.

### **Other Development Standards**

In addition to the development standards specific to particular zoning districts, both the existing and proposed IP include standards applicable for all development within the coastal zone, plus additional standards for specific land uses. The proposed IP both updates existing standards and also adds new standards in order to reflect best practices in coastal resource protection. Proposed IP Chapter 3 describes Standards for All Development and Land Uses, including requirements for fences, height and setback limits and exceptions, and reasonable accommodations; Chapter 4 lists Standards for Specific Development and Land Uses, describing requirements for accessory structures, bed and breakfast inns, large family day-care homes, mixed-use projects, second residential dwelling units, telecommunications facilities, and others; and Chapter 5 describes Site Development Standards, including for flood hazard control.

In general, these chapters retain existing IP provisions and provide additional development standards for more land uses. For example, while the existing IP doesn't address second residential units, the proposed IP requires that second units be only allowed within residential zoning districts (C-P-R-1, C-R-1, C-R-2, C-R-3), requires detached units to not exceed 1,000 square feet, requires up to two additional parking spaces, and states that applicable zoning district development standards (including for lot coverage, for example) must be considered on a cumulative basis with existing residences, among other requirements.

Furthermore, while the existing IP does address flood hazards, the proposed IP updates and strengthens its flood hazard provisions to meet today's best practices. The existing IP implements flood hazard protection through a zoning overlay district, the Flood Plain combining district. This overlay district applies to mapped areas within a 100 year storm, and requires structures' finished floor elevations to be elevated 18" above the base flood elevation. The proposed IP replaces the overlay district with standards prohibiting all development and land division in areas of special flood hazard, including areas subject to future flooding from sea level rise. If development cannot be built outside hazardous areas, then it must meet applicable FEMA flood hazard building requirements, including that all development be anchored to prevent flotation and use construction materials that are flood resistant. Residential structures must be elevated to at least the base flood elevation, or up to two feet above it depending on the flood risk classification zone, and nonresidential structures must either meet the same elevation requirements or be floodproofed with watertight walls certified by a registered civil engineer.

### **Other**

The IP also includes Chapters 6: Procedures, 7: Administration, 8: Subdivision, and 9: Definitions. These sections are for the most part carried over from the existing certified IP, and contain requirements for the processing and issuing of coastal development permits (including

required hearing and noticing procedures), procedures for subdivision applications (and clarification of how Subdivision Map Act requirements relate to coastal development permit requirements), and definitions, including definitions specific to the coastal zone that emanate from the Coastal Act and/or its implementing regulations.

## **B. CONSISTENCY ANALYSIS**

The proposed amendment affects the LUP and IP components of the City of Grover Beach LCP. The standard of review for the LUP amendments is that they must conform with the requirements of Chapter 3 of the Coastal Act; the standard of review for IP amendments is that they must conform with and be adequate to carry out the provisions of the LUP, as modified.

### **1. Land Use Plan**

As discussed previously, the proposed LUP amendments primarily address issues related to land use designations (including providing for additional visitor-serving uses and concentration of development), coastal hazards, ESHA, and water quality.

#### **a. Land Use Designations**

##### **Applicable Coastal Act Policies**

Coastal Act policies that address the type and location of new development include:

*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. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

The Coastal Act requires new residential, commercial, and industrial development to be located within, contiguous with, and in close proximity to existing development, or in other areas where it will not have significant adverse impacts, either individually or cumulatively, on coastal resources. For otherwise allowable development, Section 30222 of the Coastal Act gives priority to the use of land suitable for visitor-serving recreational facilities over private residential, general industrial, or general commercial development. Therefore, LUP policies must ensure that development is concentrated within already developed areas by promoting infill development, and ensuring that visitor-serving uses, such as restaurants, shops, and lodging, are encouraged.

### **Analysis**

As previously discussed, the amendment proposes to modify the LUP's table of land use designations and redesignate the land use category for some areas of the coastal zone. The

existing certified LUP contains eleven land use categories, including Low-Density Residential, Planned Commercial, Light Industrial, Flood Plain, and State Park. The proposed LUP condenses these categories from eleven to six by combining certain designations, including combining the Planned Commercial and Visitor Services categories into a new Visitor Serving Mixed-Use designation, and by deleting some categories, including the Flood Plain category. Additionally, the land use categories include some proposed new standards, including that development within the Visitor Serving Mixed-Use designation be pedestrian-oriented and reserved for visitor-serving uses.

As proposed, the revised land use tables condense redundant designations and offer additional standards for the protection of coastal resources. The land use category changes eliminate redundancies by combining similar designations. For example, the existing Open Space, State Park, and State Park-Golf Course categories, which apply to the mostly undeveloped areas west of Highway 1 within Pismo State Beach and along Meadow Creek in the northeast part of the coastal zone, have been combined into one Open Space/Resource Conservation category. Thus, instead of having three land use designations that contain similar requirements, the amendment combines the three into one, thereby more clearly delineating where development is restricted but for certain open space/recreational uses. Additionally, some land use categories have been deleted, including the Flood Plain designation. As discussed subsequently, deleting this category is appropriate because the amendment proposes to replace the designation and instead add flood hazard protections as regulatory standards required for all development potentially subject to those hazards, and not just for the small area within the coastal zone that currently contains the mapped Flood Plain designation. The proposed amendment therefore eliminates redundancies and replaces some designations with resource protection standards that apply to all development, thereby better implementing coastal resource protection requirements.

The standards for the land use designations protect the coastal zone's natural habitats from development and disturbance and promote dense, walkable, visitor-serving development in the coastal zone's already developed communities. For example, the allowable uses and standards within the Open Space/Resource Conservation designation prohibit structures except for those necessary to support recreational activities within Pismo State Beach. Conversely, the LUP funnels higher intensity residential, commercial, and industrial development into the coastal zone's existing developed areas east of Highway 1 by designating this area with land use designations that encourage urban development.

Furthermore, within the inland coastal zone areas designated for development, the designations prioritize visitor-serving commercial recreational development over other development types. For example, the Visitor Serving Mixed-Use designation, which applies to the commercial blocks centered on West Grand Avenue, the coastal zone's primary commercial street leading from Highway 101 in the east to the entrance of Pismo State Beach on the west, accommodates a range of hotels, motels, bed and breakfast accommodations, restaurants, and retail facilities for the convenience of visitors. To ensure that there is adequate space for visitor-serving uses, the designation states that general retail should not be allowed, and that ground floor development should be reserved for visitor-serving development, and not for residential or other non-visitor-serving uses. Therefore, the LUP's proposed table of land use designations strictly limit the types of allowable development within the coastal zone's rural areas to only that which fosters recreational activity, while channeling urban development to the coastal zone's already



developed communities east of Highway 1, consistent with the requirements of Coastal Act Section 30250. Within the areas designated for urban development, the designations prioritize visitor-serving development over other types, with the goal of creating a pedestrian-oriented commercial zone that provides services for Grover Beach visitors and residents, consistent with Coastal Act Section 30222. The designations are therefore consistent with the Coastal Act, as submitted.

The LUP amendment also proposes to amend the land use designations for certain parts of the coastal zone. The changes affect the urbanized coastal zone east of Highway 1 and generally provide for more visitor-serving commercial uses. For example, two blocks along Ramona Avenue (which is one block north of West Grand Avenue and its commercial uses) that are currently designated Medium-density Residential are now proposed to be Visitor-Serving Mixed Use, while one block along Rockaway Avenue (which is one block south of West Grand Avenue) that currently has an Industrial land use designation is also proposed to be Visitor-Serving Mixed Use. The amendment thus redesignates areas of the coastal zone that are immediately adjacent to an existing commercial corridor from non-Coastal Act priority residential and industrial uses to priority visitor-serving commercial uses. These land use designation changes are meant to help implement the city's and LUP's vision of an active, pedestrian-oriented commercial node centered along the Grover Beach Amtrak Station, West Grand Avenue, the future Grover Beach Lodge, and Pismo State Beach. Any allowed development within these areas must still meet all other applicable LUP policies, including protection of sensitive habitats, public views, and findings that adequate public services, including water supply, wastewater treatment, and transportation, are available to serve the development. Therefore, the land use changes are consistent with Coastal Act Section 30222 because they allow for additional visitor-serving commercial development, a Coastal Act priority use, within existing developed areas, and can be approved as submitted.

#### b. Coastal Hazards

##### **Applicable Coastal Act Policies**

Coastal Act hazard policies include:

###### ***Section 30235:***

*Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.*

###### ***Section 30253:***

*New development shall do all of the following:*

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would*

*substantially alter natural landforms along bluffs and cliffs. ...*

Coastal Act Section 30235 acknowledges that certain types of development (such as seawalls, revetments, retaining walls, groins and other such structural or “hard” methods designed to forestall erosion) alter natural shoreline processes. Thus, with the exception of new coastal-dependent uses, Section 30235 limits such construction to that which is “required to protect existing structures or public beaches in danger from erosion.” The Coastal Act provides this limitation because shoreline protective devices and similar development can have a variety of negative impacts on coastal resources, including adverse effects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on- and off-site. Accordingly, Coastal Act Section 30253 requires that risks be minimized, long-term stability and structural integrity be provided, and that new development be sited, designed, and built to allow for natural shoreline processes to occur without shoreline-altering protective devices. Thus, these Coastal Act policies require that the proposed LUP address both existing development that may need shoreline protection, as well as new development that must be sited and designed to avoid the need for shoreline protection at any point in the future.

### **Analysis**

As with most of coastal California, Grover Beach’s coastal zone is subject to hazards including flooding, tsunami, and coastal erosion. The coastal zone includes a half-mile stretch of beach frontage, with coastal dunes, wetlands, Meadow Creek, and Highway 1 separating the beach area from the urbanized city to the east. The beach area is within Pismo State Beach and consists of undeveloped sand dunes, some 20 feet high, and wetlands south of West Grand Avenue. These natural features serve as buffers against shoreline hazards, protecting the urbanized city to the east from the ocean’s forces. However, there is some structural development that is located within areas potentially subject to coastal hazards, including the beach area north of West Grand Avenue. This area contains some visitor-serving recreational development including the future Grover Beach Lodge, Le Sage Riviera Golf Course, and Le Sage Riviera RV Park, as well as the Le Sage Mobile Home Park. Parts of the coastal zone are also within the 100-year floodplain of Meadow Creek, which generally traverses the coastal zone in a north-south fashion, and the San Luis Obispo County Tsunami Inundation Area map shows that the potential tsunami inundation area extends beyond Highway 1 and into parts of the coastal zone’s urbanized communities.

As previously discussed, the existing LUP implements Coastal Act hazard protection policies primarily through three means: the Flood Plain land use designation, which applies to a small area in the northeast part of the coastal zone along Meadow Creek; Visitor-Serving and Recreational Facilities Policies 5.7(F)(1)(a-c) addressing shoreline armoring, tsunami protection, and hazard risk assumption for development within a specifically mapped area in Pismo State Beach west of Highway 1; and Subtidal Zone Policy 2.1.5(A)(1), which only allows shoreline protective devices for existing structures or public beaches in danger of erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Thus, the existing certified LUP addresses hazards protection for existing development (i.e. the aforementioned Subtidal Zone Policy 2.1.5(A)(1), which mirrors the requirements specified in Coastal Act Section 30235), but doesn’t address hazards protection for all new development. Specifically, the Flood Plain land use designation does not clearly require avoidance of development within flood-prone areas, nor does it apply throughout the coastal zone. Only a small segment of the coastal zone along Meadow Creek contains this land use designation,

thereby minimizing the designation's utility to ensure development is located outside of flood-prone areas.

Furthermore, while Visitor-Serving and Recreational Facilities Policies 5.7(F)(1)(a-c) provide strong hazards protection policies for new development<sup>1</sup>, these policies are specific to and only applicable for development within LUP Figure 3, which maps the area north of West Grand Avenue and west of Highway 1. These policies emanate from LCP Amendment GRB-1-12 Part 1, approved by the Commission in April 2013, which amended the LUP to allow for development of the Grover Beach Lodge. As such, these coastal hazard policies are project specific and not applicable to the entire coastal zone, meaning that other areas potentially subject to flooding, tsunami, and other coastal hazards are not required to adhere to them.

To strengthen the existing LUP's coastal hazard policies, the proposed LUP includes new hazard protections that apply throughout the coastal zone. Specifically, the amendment deletes the Flood Plain land use designation and adds Policy 2.1.5(A)(1), requiring all new development to minimize risks to life and property in areas of high geologic, flood, and fire hazard, assure structural integrity, neither create nor contribute to erosion or geologic instability, and not require protection from shoreline protective devices. Additionally, the amendment adds Policies 2.1.5(A)(3-4), which mirror the existing LUP policies for tsunami protection and hazard risk assumption that are currently only applicable for development within mapped Figure 3, to the Coastal Resources Component chapter of the LUP, thereby making them applicable to all proposed development within the coastal zone. These new policies will ensure that all development within Grover Beach, and not just that within specifically mapped areas, is sited outside of flood hazard areas and will not require shoreline protection. These hazards policies work in concert with other LUP policies that prohibit development within coastal dunes and that strictly limit the types of development within Meadow Creek and wetlands, thereby ensuring that development is sited outside of hazardous areas. Therefore, the LUP as proposed adds new coastal hazard protections for new development, and is consistent with Coastal Act Sections 30253 and 30235.

#### c. ESHA, Wetlands, and Water Quality Protection

##### **Applicable Coastal Act Policies**

Coastal Act policies pertaining to the protection of ESHA, wetlands, and water quality include:

***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.*

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<sup>1</sup> Including conditioning new development to require property owners to record a deed restriction against the property that ensures no future shoreline protection will be proposed or constructed to protect the development; requiring a condition for all development that expressly waives any future right to construct armoring that may exist pursuant to Coastal Act Section 30235 and the Grover Beach LCP; requiring new development to submit a tsunami safety plan; and conditioning new development to acknowledge and assume all risks from coastal hazards and indemnify the permitting agency against any liability from hazards.

**Section 30233.**

*(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

*(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*

*(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*

*(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreation.*

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

*(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*

*(6) Restoration purposes.*

*(7) Nature study, aquaculture, or similar resource dependent activities.*

*(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.*

*(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. ...*

**Section 30236:** *Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.*

**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 wastewater discharges and entertainment, controlling runoff, preventing depletion of ground water*

*supplies and substantial interference with surface waterflow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Coastal Act Section 30231 mandates the protection of the biological productivity and quality of coastal waters, including through both direct discharge of wastewater and runoff and through maintaining natural vegetation buffer areas that protect coastal waters and their riparian habitats. With regard to sensitive habitats, Coastal Act Section 30240 requires that ESHA be protected against any significant disruption of habitat values, prohibits all but resource dependent uses, and requires areas adjacent to ESHA be sited and designed to prevent impacts that would significantly degrade ESHA. In addition to requiring protection to habitats designated as ESHA, Section 30236 limits channelizations, dams, or other substantial alterations of rivers and streams to only three purposes: necessary water supply; protection of existing structures where there is no feasible alternative; or improvement of fish and wildlife habitat. Finally, Section 30233 provides that the diking, filling, or dredging of open coastal waters, wetlands, or estuaries may only be permitted where there is no less environmentally damaging alternative and when such actions are only for those uses specifically listed, including new or expanded port facilities, boating facilities and public recreational piers, incidental public service purposes, and mineral extraction.

### **Analysis**

While the Grover Beach coastal zone is only one-half square mile in size, with the area east of Highway 1 consisting of urbanized residential, commercial, and industrial neighborhoods, it does contain an impressive array of habitat types. These habitats mostly are located west of Highway 1 and include Pismo State Beach's coastal dune complex, wetlands, and Meadow Creek. Additionally, the northeast corner of the coastal zone, which borders Pismo Lake Ecological Reserve (the Reserve itself is located within the city of Pismo Beach), contains open space with oak woodlands. As such, the existing certified LUP contains numerous protections for these habitats, including:

- Coastal dunes: Sand Dune Policy 2.1.5(1) prohibits development within vegetated dune areas
- Meadow Creek: Pismo Lake and Meadow Creek (Northeastern Branch) Policy 2.1.5(2) and Meadow Creek (Western Branch) Policy 2.1.5(5) state that the only allowed uses within the creek are those specified by Coastal Act Section 30236, with a required minimum 50 foot buffer north of Grand Avenue
- Oak woodlands and Shagbark Manzanita: Pismo Lake and Meadow Creek (Northeastern Branch) Policy 2.1.5(9) prohibits removal of Coast Live Oaks and Shagbark Manzanita, requires 50 foot buffers around the dripline of a solid canopy oak woodland, and requires 25 foot buffers around Shagbark Manzanita

While these existing policies help ensure that specific sensitive habitats have the required Coastal Act protections, the existing LUP does not contain an overarching policy for the general protection of all environmentally sensitive habitat areas (ESHA) nor for wetlands. LUP Map 3 shows the location and type of vegetation within the coastal zone. Riparian vegetation and fresh water marsh are present south of West Grand Avenue and immediately east of Highway 1, in a low-lying area adjacent to Meadow Creek. Additionally, the Commission has found in previous

actions<sup>2</sup> that the dune area south of West Grand Avenue is ESHA. The area consists of central dune scrub which is identified as rare by the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB) and the California Native Plant Society. Central dune scrub is globally and state imperiled with a high risk of extinction or elimination due to restricted range, few populations or occurrences, and other factors. Therefore, some habitat types that aren't specifically listed in the LUP for protection may not be protected against habitat destruction and disturbance.

To address these issues and strengthen the LUP's habitat protection policies, the proposed LUP adds Policies 2.5.1(B)(5 and 6), which require all ESHA to be protected against any significant disruption of habitat values, allows only resource-dependent uses within it, and requires a minimum buffer of 50 feet. Development is allowed within the buffer only if it is compatible with and does not significantly degrade the protected ESHA. The LUP also proposes new protections for wetlands, including Policy 2.5.1(B)(3), which states that wetland resources shall be preserved and protected consistent with Coastal Act Section 30233, which lists the seven allowable uses within wetlands (e.g. for coastal-dependent industry, incidental public purposes, restoration, and nature study). Any allowable development within wetlands must also fully mitigate any adverse impacts. As proposed, the LUP amendment adds additional resource protection standards for ESHA and wetlands, consistent with Coastal Act Sections 30240 and 30233.

For water quality protection, another key Coastal Act concern, the existing LUP contains policies that prohibit development on slopes greater than 25%, requirements for erosion control and grading, and a requirement that, prior to transmittal of a coastal development permit, the permittee is to submit a runoff control plan that assures no increase in peak stormwater runoff from the 100-year frequency storm. While these policies provide strong water quality protection standards, and complement other LUP policies that restrict development within creeks and waterways, the LUP amendment proposes additional water quality protections. These additional policies include requirements for low impact development (LID) techniques, Best Management Practices for all new development to control stormwater runoff, and policies that address long-term water quality/watershed planning with adjacent jurisdictions and the Central Coast Regional Water Quality Control Board. As previously discussed, these new policies emanate from the General Plan's Land Use Element, which itself was comprehensively updated in 2010. Instead of having applicable LUP standards in two separate documents, as in the current LUP, the amendment proposes to instead directly insert them into the LUP's Coastal Resources Component Chapter. The proposed policies add additional standards to ensure that water quality concerns are addressed in new development. Therefore, as proposed, the updated LUP will protect water quality consistent with the Coastal Act, including Section 30231.

#### *Other*

#### **General Plan Provisions**

The proposed amendments update the existing 1992 General Plan Land Use Element (LUE) policies that are currently contained within the LUP. While these LUE sections are voluminous, they predominantly contain background information on citywide issues and non-regulatory guidance/ recommendations for potential city action. For example, Program 4.1.1 in the LUE's

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<sup>2</sup> Grover Beach LCP Amendment GRB-1-12 Part 1 (Grover Beach Lodge)

Growth Management chapter states that the city “could” regulate its housing supply so it grows at no more than 2.5 percent per year, and Program 8.5.1 in the Resource Conservation and Development chapter states that “Resources could be identified and categorized”. Furthermore, the background information reflects city conditions in 1992 when the General Plan was prepared. The statistics are therefore out-of-date, and also are not specific to the coastal zone since they describe citywide conditions. Therefore, in order to delete outdated information and non-regulatory guidance, and since the entire General Plan itself was comprehensively updated by the city in 2010, the amendment proposes to delete all LUE sections and instead add some of the General Plan’s regulatory policies as they would apply in the coastal zone directly into the LUP. For example, the proposed LUP includes General Inland Resources Policies 2.1.5(B), which contain a series of new policies from the General Plan related to protection of open space, water quality protection, development on steep slopes, and requirements for biological resource studies for projects that may impact sensitive habitats. These additional standards complement existing certified LUP habitat protection provisions, and are consistent with the Coastal Act, including policies protecting coastal resources, such as ESHA, wetlands and water quality.

## **2. Implementation Plan**

The Implementation Plan amendments modify certain zoning district development standards, rezone certain parts of the coastal zone to implement corresponding land use designation amendments, and add new coastal resource protection standards for both specific land uses for all development throughout the coastal zone.

### **a. Zoning Designations**

#### **Applicable Land Use Plan Policies**

The amended LUP contains six land use designations, described in LUP Section 7.1:

***Low density residential:*** This designation allows for single-family detached and attached homes, secondary residential units, public and quasi-public uses, and similar and compatible uses. Residential densities shall be in the range of 2 to 5 units per gross acre.

***Medium density residential:*** This designation allows for small lot single-family attached or detached homes, duplexes, multi-family residential units, public and quasi-public uses and similar and compatible uses. Residential densities shall be in the range of 6 to 9 units per gross acre.

***High density residential:*** This designation provides for single-family attached homes, multi-family residential, mobile home parks, public and quasi-public uses and similar and compatible uses. Residential densities shall be in the range of 10 to 20 units per gross acre.

***Visitor Serving-Mixed Use:*** This designation accommodates a complementary range of hotels and motels, bed and breakfast accommodations, convention facilities, restaurants, recreational uses and retail sales primarily for the convenience of visitors. This category is intended to foster the establishment of a pedestrian-oriented area near the beachfront, the train station, and the entrance to the Oceano Dunes State Vehicular Recreation Area, and Pismo State Beach that provides convenience goods and services for visitors to Grover Beach and the surrounding neighborhood areas. Opportunities to provide family oriented businesses within this area should be explored. The Visitor Serving-Mixed Use category

*allows for both vertical (different uses stacked above one another) and horizontal (different ground level uses on a single parcel) mixed use opportunities.*

*In general, ground floor development within the Visitor Serving-Mixed-Use designation should be reserved for retail shops, eating and drinking establishments, and visitor accommodations, with the upper floors reserved for additional visitor accommodations, offices and dwellings. To assure adequate space for visitor-serving uses, properties within this designation should not include general retail stores unless oriented to visitors, auto repair, or business services. Although mixed-use development is encouraged, it is not required.*

...

***Industrial:*** *The Industrial designation allows for planned industrial parks, warehouses, retail uses when accessory to a warehouse or industrial use, light manufacturing and assembly, and similar and compatible uses. In addition, the Industrial designation accommodates smaller service businesses such as contractor's yards and car storage. This designation also allows for automobile service and repair shops, wholesalers and commercial uses related to building and mechanical material sales and supply.*

*The ratio of floor area to site area shall not exceed 0.50. The Zoning Regulations will establish maximum building height and lot coverage, and minimum setbacks from streets and other property lines, as well as procedures for exceptions to such standards in special circumstances. Development review will determine a project's realized building intensity, to reflect existing or desired architectural character in a neighborhood.*

...

***Open Space/Resource Conservation:*** *This designation is applied to areas intended for active and passive recreation (including the Pismo Beach State Park and golf course), to preserve sensitive habitat for special status plant or animal species, in areas subject to flood hazard, in areas for watershed protection, and on land subject to steep slopes.*

*In general, structures are not allowed within this designation; however, structures necessary to support recreation activities at the State Park may be considered. The commercial extraction of natural resources is prohibited under this designation.*

The LUP, through the land use designations, essentially divides the coastal zone into two distinct areas: an undeveloped beach area with protected dunes and wetlands west of Highway 1; and more intensely developed residential, commercial, and industrial neighborhoods east of Highway 1. The land use designations thus ensure that a broad range of uses are allowed in the existing urbanized coastal zone, including prioritizing pedestrian-oriented visitor-serving commercial recreational development along West Grand Avenue and around the Grover Beach Amtrak Station near the entrance to Pismo State Beach; while restricting development to only that which supports recreational activities in the undeveloped coastal zone. Such recreational development



is only allowed when sited and designed to protect the sensitive dunes, wetlands, creeks, and oak woodlands that flank the western and northern coastal zone borders.

### **Analysis**

The proposed Implementation Plan implements the LUP's development vision through twelve zoning districts: four residential zones, two commercial zones, two industrial zones, and four open space zones. The zones provide more specific details on the types of uses allowed, including by prohibiting non-residential uses in residential neighborhoods (with the exception of some in-home commercial uses such as bed and breakfasts and home occupations), while allowing for a broad range of commercial uses within commercial districts, including by fostering active commercial areas by prioritizing restaurants and retail establishments and relegating residential and office/general commercial uses to spaces above or behind the ground floor along West Grand Avenue.

The areas of the coastal zone proposed with new zoning designations implement their corresponding new land use designation. For example, the two blocks along Ramona Avenue between North Second and North Fourth Streets (proposed zoning designation of Coastal Visitor Serving), and the block at South Third Street between Rockaway and Longbranch Avenues (proposed zoning designation of Coastal Commercial), both implement their new Visitor-Serving Mixed-Use land use designation by allowing for a broad range of commercial uses, but tailored to meet the specific characteristics of the particular neighborhoods. For example, the Ramona Avenue parcels are proposed for a Coastal Visitor Serving zoning designation, reflecting its adjacency to West Grand Avenue and therefore its logical expansion of pedestrian-oriented commercial uses. Conversely, the Rockaway Avenue block, as well as the area along North First Street between Ramona and Atlantic City Avenue, is proposed for a Coastal Commercial zoning designation. This designation allows for visitor-serving commercial uses, but also a mix of light industrial uses such as artisan manufacturing, defined to include small-scale production and on-site sales of products ranging from jewelry to wine. Since both these areas are currently industrial, the Coastal Commercial designation will allow for a greater mix of uses that may be appropriate in a more industrial-type neighborhood but still allow for visitor-serving commercial development.

All uses must still meet all applicable LCP standards, including those for the zoning district (e.g. height, setback, density), those for the specific land use (e.g. design and location standards), and those that apply coastal zone-wide (e.g. ESHA, wetland, flood hazard, and public view requirements). Therefore, the zoning districts set forth a framework that mirrors and implements that set forth in the LUP: a restrictive list of potentially allowable uses for the open space and recreational zoning districts that are primarily located west of Highway 1, and a more broad, expansive list of allowable uses east of Highway 1, along with appropriate restrictions meant to implement LUP goals of protecting residential character and promoting commercial activity. Furthermore, the areas of the coastal zone proposed with new zoning districts implement their corresponding land use designations by increasing the amount of land zoned for Coastal Act priority commercial use. The IP's zoning districts and designations are therefore consistent with and adequate to carry out the Land Use Plan.

### **b. Resource Protection Standards**

### **Applicable Land Use Plan Policies**

The LUP includes policies meant to protect sensitive habitats including ESHA, wetlands, creeks, dunes, and open space; policies that address coastal hazards and flood risk; and policies that protect public views, among others:

#### ***Coastal Resources Component***

##### ***2.1 Part 1-Natural Resource Areas***

##### ***Section 2.1.5.A Marine Resource Areas***

###### ***Subtidal Zone***

*1) Policy: All new development shall minimize risks to life and property in areas of high geologic, flood and fire hazard and assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms.*

*4) No revetments, breakwaters, groins, channels or similar structures that might alter tidal and current action or wind action and thus effect replenishment of the beach and sand dunes shall be permitted except where necessary for the public safety, specifically for the protection of existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate impacts on local shoreline sand supply.*

###### ***Sand Dunes***

*1) Policy: No development shall be allowed in the vegetated dune areas; development adjacent to vegetated dunes shall be sited and designed to prevent impacts which would significantly degrade the vegetated dunes. Retaining fences, walls, or other structures or earth moving activities shall be allowed only to protect existing structures.*

##### ***Section 2.1.5.B Inland Resource Areas***

###### ***Water Resources: Pismo Lake and Meadow Creek (Northeastern Branch)***

*3) A natural buffer area shall be established between the riparian habitat area of Meadow Creek and the adjacent upland areas to the South. This buffer zone shall be of sufficient width to provide essential open space between the environmentally sensitive habitat area and any development....Development upland of the environmentally sensitive habitat area and its adjacent buffer shall be sited and designed to prevent impacts which would significantly degrade the Meadow Creek and downstream Pismo Lake environs, and shall be compatible with the continuance of those habitat areas.*

*8(b) Prior to the transmittal of a coastal development permit, the permittee shall submit a runoff control plan designed by a licensed engineer qualified in hydrology and hydraulics, which would assure no increase in peak runoff rate from developed site over the greatest discharge expected from the existing undeveloped site as a result of a 100 year frequency storm....*

###### ***Meadow Creek (Western Branch)***

*(5) Policy: That there shall be a minimum of 50 foot buffer, or other appropriate buffer established by a habitat restoration plan approved by the Department of Fish and Game, on both sides of the portion of Meadow Creek north of Grand Avenue....*

**General**

*(3) Policy: The City shall preserve and protect:*

*...*

*(b) Wetland resources including creeks and other seasonal wetland areas in conformance with Coastal Act Sections 30233 and 30236; all adverse impacts to riparian resources from any allowable development within wetlands or streams shall be fully mitigated.*

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

*(6) Policy: Environmentally sensitive habitat areas shall be buffered by a minimum of 50 feet. Development in areas adjacent to ESHA 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.*

**Water Quality**

*(19) Action: The City shall ensure the new development will maintain historic off-site storm flows unless improvements are in place or made with the development that will maintain historic downstream and upstream flows.*

**2.2 Part 2-Visual Resource Areas**

**2.2.4 Recommendations**

*Area 1 Policy 2: In the relatively small portion of Area 1 where development may occur, development shall be sited and designed to protect views to and along the shoreline and dunes. The scenic and visual quality of this area shall be considered, protected, and enhanced where feasible.*

*Area 3 Policy 4: As the areas east of Highway 1 in this area develop or redevelop, the scenic and visual qualities of the dunes, shoreline and ocean shall be addressed in the siting and designing of the projects. The viewshed over this area and to the shoreline environs are of major importance. Where feasible visually degraded areas shall be enhanced.*

*Area 5 Policy 1: Future developments along this commercial strip shall be limited to structures which are visually appealing to beach visitors and tourists. Design, material and landscaping requirements shall promote imaginative development compatible with the adopted City architectural guidelines.*

*Area 5 Policy 2: The existing slot view on Grand Avenue toward the dunes and shoreline shall be protected and enhanced where feasible.*

*Area 7 Policy 2: Future developments shall not be permitted to further obstruct views of the dunes from adjacent inland areas.*

The LUP requires development to meet applicable coastal resource protection requirements, including protections for sensitive habitats, water quality, and public views. For example, allowable development must be setback at least 50 feet from ESHA, must protect water quality by maintaining historic downstream and upstream stormwater flows, and must protect existing views of the dunes and shoreline.

### **Analysis**

The IP includes numerous detailed provisions that implement the LUP's broad policy goals and ensure the protection of coastal resources. The IP sets up a three-tiered structure that identifies progressively more specific development standards: 1) general standards for development within particular zoning districts; 2) additional site development standards that apply to all development within the entire coastal zone; and finally 3) additional standards specific to and applicable for particular land uses. First, the zoning district development standards specify maximum building heights, densities, and lot coverage for all development within the particular zoning district. These quantitative standards, however, are specifically stated as absolute maximums that are to be reduced in order to meet all applicable LCP policies such as the protection of visual resources (including required view protections of coastal dunes and the shoreline, as well as provisions addressing commercial district architectural design), sensitive habitats (such as required setbacks for ESHA and Meadow Creek), and water quality protection (including that all new development must maintain historic stormwater flows). Therefore, the zoning district standards set up a framework which specifies maximum design standards that must be tailored at the project review level in order to meet the LCP's performance standards, such as for visual, habitat, and water quality resources. Thus, as proposed, the IP's zoning district development standards appropriately implement the LUP's resource protection requirements.

In addition to the standards applicable for development within specific zoning districts, the IP includes general site development standards that apply to all land uses throughout the coastal zone. These standards include Chapter 5.10's Flood Hazard Area Use Control. The standards in this chapter prohibit development from being built within special flood hazard areas, including those areas susceptible to flooding from future sea level rise as determined using the best available science<sup>3</sup>. When development cannot be located outside of the flood hazard area, the development must be raised over the base flood elevation, mirroring FEMA building requirements for development within floodprone areas. Land divisions are also prohibited in these areas so as to eliminate new development within hazardous locations. The IP's flood control standards work in concert with zoning designations, including the Coastal Open Space Zone, and resource protection standards, such as the prohibition on development within coastal dunes. These standards impose strict limits on the types of development allowed within creeks

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<sup>3</sup> IP Section 5.10.030.B requires using the best available science to determine whether the area proposed for development may be inundated by sea level rise, including the 2012 National Research Council report *Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future*.

and wetlands, and limit allowable uses within areas of the coastal zone that are potentially susceptible to coastal hazards. As proposed, the IP's general development standards implement the LUP.

Finally, the IP also includes standards for individual land uses that address the potential issues and concerns particular to that land use. For example, IP Section 4.40 specifies the required standards and findings for telecommunications facilities, including that such facilities are not allowed west of Highway 1 unless they are not visible from public viewing areas, including public parks, roads, and trails. This standard is consistent with the LUP's policies that protect the public viewshed of the beach and shoreline area by ensuring that tall, visually obtrusive telecommunications structures are prohibited within this visually sensitive area.

Further, these land use standards are comprehensive and address a wide variety of uses, from signs to second residential dwelling units, and include policy language that is consistent with best practices in LCP planning. For example, IP Section 3.60.050 addresses public access issues related to signage by explicitly stating that a coastal development permit is required for any sign that could impact public recreational access, including parking opportunities near beach access points or parklands, including any changes in parking timing and availability, and any signage indicating no public parking, no trespassing, and/or no public coastal access allowed.

Additionally, IP Section 4.10.170 addresses second residential units and their potential impacts on residential community character by requiring all development standards, including lot coverage, to be met on a cumulative basis with the existing primary residential structure, while also requiring the second unit's design to match and complement that of the primary residence. Therefore, the IP's land use-specific standards add additional coastal resource protection standards to implement LUP policies.

In summary, the proposed IP implements the LUP's resource protection standards by requiring development to meet all applicable LCP requirements. The IP includes a series of standards that apply within the particular zoning district, the entire coastal zone, and additional standards applicable to each particular land use. The proposed IP is thus consistent with and adequate to carry out the proposed LUP, as submitted.

#### *CDP Procedures*

As previously discussed, the IP also includes Chapters 6-9, which address other LCP implementing tools such as the processing and issuance of coastal development permits, subdivision regulations, and definitions. Specifically, Chapters 6 and 7 address coastal development permit (CDP) procedures, including specifying the types of CDPs, required hearing and noticing requirements, and appeals procedures to the Coastal Commission. These provisions are largely carried over from the existing certified IP and mirror the statutory requirements of the Coastal Act and its implementing regulations in Title 14 of the California Code of Regulations.

IP Chapter 8 includes a new chapter on subdivisions. The standards address applicable provisions and requirements pertaining to the state Subdivision Map Act, including requirements for parcel and tract maps, lot line adjustments (LLAs), and certificates of compliance. The chapter also includes provisions to address Coastal Act requirements, including specifying how

subdivisions work in concert with CDP procedures. Specifically, the section clarifies that all land divisions, including LLAs and divisions made as part of a parcel or tract map, constitute development under the Coastal Act and require a CDP consistent with all applicable LCP policies. The language further clarifies that issuance of a certificate of compliance also constitutes development, unless the certificate of compliance is issued for a land division that occurred prior to the effective date of the Coastal Act and complied with all state laws and local ordinances in effect at the time.

Finally, Chapter 9 includes a list of definitions, including definitions emanating from the Coastal Act and its implementing regulations. This chapter is also largely carried over from the existing certified IP, but for the addition of one new term that defines “Coastal Resources”<sup>4</sup>. This term is particularly important since IP Section 6.20.040.H requires a finding for CDP approval that the proposed development “is in conformity with the City’s certified Local Coastal Program *and will not adversely affect coastal resources* (emphasis added).” Therefore, IP Chapters 6-9 ensure that LCP provisions related to CDP procedures and processing are implemented consistent with the Coastal Act, and can be approved as submitted.

### **C. 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. Local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake. In this case, the City adopted a Negative Declaration, concluding that the proposed amendments would not have a significant effect on the environment and no mitigation measures were required.

This report has discussed the relevant coastal resource issues with the proposal. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference. The amendment, as proposed, is not expected to result in any significant adverse effects on the environment. As such, there are no feasible alternatives or feasible mitigation measures required to substantially lessen any significant adverse environmental effects which approval of the amendment could have on the environment. Thus, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

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<sup>4</sup> Defined in IP Section 9.10.030: “Include, but are not limited to, public access and public access facilities and opportunities, recreation areas and recreational facilities and opportunities (including for recreational water-oriented activities), public views, natural landforms, marine resources, watercourses (e.g. rivers, streams, creeks, etc.) and their related corridors, waterbodies (e.g. wetlands, estuaries, lakes, etc.) and their related uplands, ground water resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources.”

# CITY OF GROVER BEACH

## LOCAL COASTAL PROGRAM

Approved by City Council Resolution 81-4 – January 12, 1981  
Amended by City Council Resolution 81-68 – June 1, 1981  
Amended by City Council Resolution 81-73 – June 15, 1981  
Amended by City Council Resolution 81-112 – September 21, 1981  
Certified by California Coastal Commission – October 7, 1981

Amended by City Council Resolution 81-127 – November 16, 1981  
Certified by California Coastal Commission – January 8, 1982

Amended by City Council Resolution 82-100 – September 7, 1982  
LCP 1-83 (Minor) Certified by California Coastal Commission – April 15, 1983

Amended by City Council Resolution 92-16 – March 2, 1992  
Amended by City Council Resolution 98-19 – April 6, 1998  
Amended by City Council Resolution 99-65 – November 1, 1999  
LCP 1-98 (Major) Certified by California Coastal Commission – January 12, 2000  
LCP 1-99 (Minor) Certified by California Coastal Commission – July 13, 2000

Amended by City Council Ordinance 02-08 – November 4, 2002  
LCP 1-02 (Major) Certified by California Coastal Commission – February 6, 2003

Amended by City Council Resolution 04-08 – January 20, 2004  
LCP 1-04 (Major) Certified by California Coastal Commission – April 15, 2004

Amended by City Council Resolution 08-72 – September 15, 2008  
LCP 1-08 (Major) Certified by California Coastal Commission – December 10, 2008

Amended by City Council Resolution 10-34 – June 21, 2010  
LCP 1-10 (Minor) Certified by California Coastal Commission – September 15, 2010

Amended by City Council Resolution 13-19 – May 20, 2013  
LCP 01-12 (Major) Certified by California Coastal Commission – June 14, 2013

This document references the City of Grover Beach Land Use Element of the General Plan and the Zoning Ordinance, which are on file in the Grover Beach Community Development Department.





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# 1.0 INTRODUCTION

## to the LOCAL COASTAL PROGRAM



### 1.1 COASTAL ZONE BOUNDARIES

Known as Grover City when its Local Coastal Program was originally adopted, the community of Grover Beach in 1992 changed its name to emphasize its greatest resource - the coast. The Coastal Zone in Grover Beach spans approximately 4,100 feet of coastline and extends inland to the east approximately 3,000 to 6,500 feet. The coast in Grover Beach is characterized by a sandy, flat beach with sand dunes lining the beach's eastern edge. A mixture of agricultural, residential, commercial, and industrial uses can be found east of the dunes. Map 1 shows the limits of the Coastal Zone within the City of Grover Beach.

### 1.2 RELATIONSHIP TO THE COASTAL ACT

The California Coastal Act of 1976 mandated that local governments prepare a land use plan and schedule of implementing actions to carry out the policies of the Coastal Act. Under the Coastal Act mandate, local governments are confronted with the need for implementing policies that are more specific and that address non-traditional issues not commonly associated with the normal role of a local governmental general plan. These Coastal Act policies address specific issues of shoreline access for the public, visitor-serving facilities, coastal-dependent industrial and energy-related facilities and activities, protection of sensitive habitats, and protection and preservation of visual and scenic resources.

### 1.3 RELATIONSHIP TO THE GENERAL PLAN AND ZONING ORDINANCE

The Grover Beach General Plan consists of the following elements: Land Use, Housing, Noise, Safety, Seismic Safety, Park and Recreation, Circulation, and Scenic Routes. The Land Use Element update in 1992 and Zoning Ordinance Update in 1996 were the impetus to update the Local Coastal Program. New or revised land use categories and Zoning Districts were adopted by the City that implement updated goals and policies regarding development. These documents are incorporated by reference into this Local Coastal Program.

The Land Use Element divides the city into 10 neighborhood planning areas. The neighborhood plans that are within the coastal zone boundaries include the entire Beach neighborhood and portions of the South Grover Beach, Northwest Grover Beach, Grand Corridor, West Grover Beach, and Northern Hillside neighborhoods. The boundaries of these neighborhood plans are shown on Map 2.

The Local Coastal Program provides more detailed background information, policies, and action programs than those included in the Land Use Element. This level of detail is required to address

the issues of the Coastal Act.

The City's Municipal Code now includes all coastal Zoning Districts and relevant regulations relating to coastal development permits.

## **1.4 LOCAL COASTAL PROGRAM UPDATE PROCESS**

The Grover City Local Coastal Program was originally certified by the State Coastal Commission in January 1982. Over ten years later, the Local Coastal Program was reviewed during and following the update of the Land Use Element and Zoning Ordinance. Background information in the Local Coastal Program that was obsolete or out-dated was removed or replaced with accurate information.

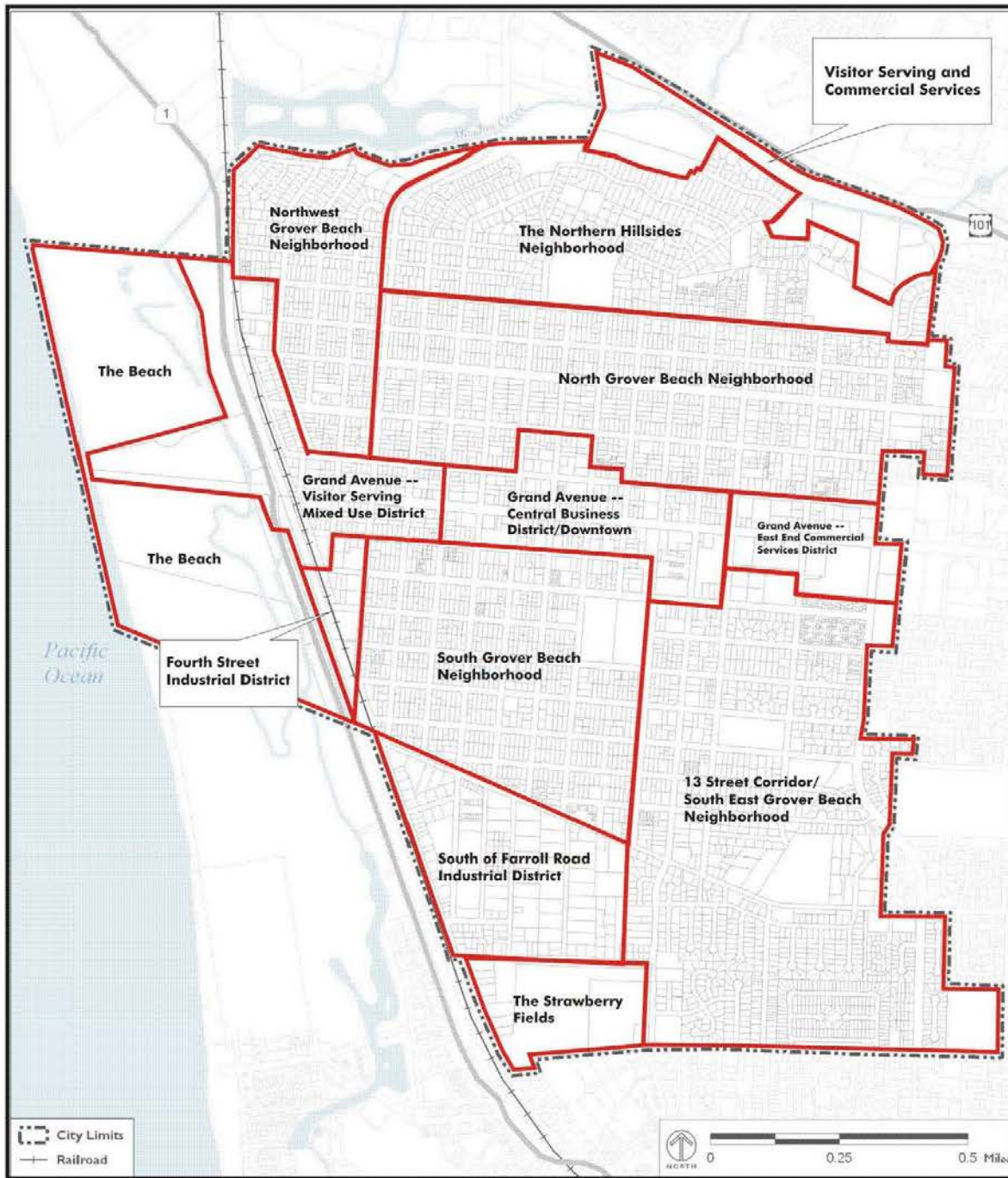
Policies and action programs were reviewed to determine if adjustments were needed to reflect past accomplishments or assist in further implementation.

## MAP 1 – Coastal Zone Boundaries





## Map 2 – Neighborhood Plans





## 2.0 COASTAL RESOURCES COMPONENT

### of the LOCAL COASTAL PROGRAM



## 2.1 PART I - NATURAL RESOURCE AREAS

### 2.1.1 INTRODUCTION

In establishing the Coastal Act of 1976, the California Legislature declared that:

*"The permanent protection of the State's natural and scenic resources is a paramount concern to present and future residents of the state and nation."*

This statement expresses a central theme of the Coastal Act: that preservation of the State's unique coastal resources is not merely desirable, but is essential to the long-term health, well being, and prosperity of California and the nation as a whole.

All policies of the Coastal Act are interrelated in a general way because of their common focus upon the Coastal Zone. Some of these policies, however, exhibit a degree of overlap not found among other policy groups because they address coastal concerns from a more obviously ecological perspective. From this ecological perspective any single resource area can serve not one but many impacts. For this reason most of the data presented in this report will be organized in terms of geographic areas rather than specific policy concerns.

### 2.1.2 MARINE RESOURCE AREAS

Marine resource areas within Grover Beach's portion of the Coastal Zone include not only the ocean itself, but also the ocean floor and the beach with which the ocean interacts. The sand dunes which line the beach's eastern edge should also be placed in this resource category since they are largely a product of the ocean's currents and tides. The dunes, part of the Nipomo Dunes system, are an area of transition between the marine and inland environments.

#### A. SUBTIDAL ZONE

##### OWNERSHIP

The subtidal or "photic" zone lies between the mean lower low tide line and the point at which the ocean reaches a depth of 100 feet. At present the subtidal land between the mean high tide line and the three mile limit which marks the boundary of federal waters is under the jurisdiction of the State Lands Commission. Federal jurisdiction extends outward from the three mile limit to national boundaries.

## **PRESENT AND POTENTIAL USES**

The sandy subtidal area within Grover Beach boundaries has limited value for intensive commercial deep sea fishing. Onshore or surf fishing is, however, a popular recreational activity, particularly among local residents. Strong and often unpredictable currents and tidal action limit the value of the area for swimming, surfing and boating.

The subtidal zone immediately south of Grover Beach, but subject to interaction with the Grover Beach subtidal zone, is the site of outfall discharge for the sewage treatment facilities serving Grover Beach, Pismo Beach, Oceano, and Arroyo Grande. The outfall line extends 4000 feet offshore and discharges treated effluent at a depth of sixty feet.

## **DESCRIPTION**

### **PHYSICAL FEATURES**

The subtidal zone within Grover Beach's boundaries is characterized by a sand or sand and mud bottom. No reefs or rocky areas have been found here. In deep areas (seventy to ninety feet) sediment was found, in a recent benthic study, to be extremely fine and silty. The substrate throughout the Pismo State Beach area is relatively level, the distance offshore to the fifty fathom contour being over ten miles (CDM, 1971).

Tidal action plays an important role in the subtidal zone. The waves which break along the shore near Grover Beach strike the beach at an almost perpendicular angle, causing sand eroded from the shoreline or carried by inland creeks to be deposited evenly along the length of the beach. The sand is carried further inland by wind and in this way contributes to the extensive sand dune system which characterizes this area.

The subtidal zone is also affected by the action of two major offshore currents. The California current carries cold, low-salinity water southward between March and November. Between December and February the Davidson current, which carries warmer, lower-salinity water north, predominates (Ecomar, 1975).

Inshore currents are affected by the wind and by tides. Currents move predominantly southeast during flood tides and northwest during ebb tides. The net movement is in a southeastern direction. Surface current movement varies in direction between west and northwest. Current speeds usually range between 0.1 and 0.45 knots.

Tidal heights are about the same along the entire County coastline. The mean range between high and low tides is about 3.5 feet, and the difference between mean higher high and mean lower low tides is approximately 5.2 feet. The highest tides, except those affected by storms are about seven feet above mean lower low water (CDM, 1971).

The waters in the vicinity of Pismo State Beach are generally colder than those farther south. Bottom temperatures show an average daily variation of 2.8°F. A maximum temperature of 63.8°F at a depth of thirty-three feet has been recorded for the month of October. A minimum temperature of 48.4°F at an eleven foot depth was recorded in May. (Ecomar, 1975)

## **FLORA AND FAUNA**

The relatively level sandy and sand-mud substrate of the ocean in the vicinity of Grover Beach acts as the primary constraint on biotic diversity in the area. In deeper waters, between seventy and ninety feet, the fine silty sediment supports only tube-dwelling worms such as the sabellid, *Eudistylia* sp. The tubes of these worms often provide the only surface to which growing organisms can attach on this rockless ocean floor. In addition to burrowing and tube-dwelling worms, the substrate of the photic zone provides habitat for a few other invertebrates including some species of crabs and starfish.

Common pelagic organisms in deeper offshore waters include several types of plankton and a variety of fish such as the sand dab and surf perch. Farther offshore sole, smelt, queenfish, white croaker, and staghorn sculpin have been found. Among the Cetaceans identified offshore are the endangered gray whale, the humpback whale, sperm whale, Pacific white whale, fin whale, North Pacific pilot whale, Dall porpoise and Pacific white-sided dolphins.

In shallower portions of the photic zone (thirty to fifty feet), a few attached life forms are found. The substrate is inhabited by starfish, sand dollars, flat fish and mollusks such as the razor clam and Pismo clam.

At the twenty foot depth, beyond the breaker line, are dense populations of larger Pismo clams. These nearly virgin stocks are extremely important to the annual recruitment necessary for the continued productivity of Pismo clam fisheries (Ecomar, 1975).

While birds that feed on subtidal inhabitants also forage farther inland, they are an especially important indicator of the biotic health of the subtidal zone. Concentrations of bait-feeding species of birds are an indicator of the presence of large, healthy marine populations. Bait-feeding birds in the Pismo State Beach area include sooty shearwaters, gulls, pelicans, and murre (Ecomar, 1975).

## **CONFLICTS**

There are at present no serious conflicts with the resource values of the subtidal zone. The treated effluent released from the Oceano outfall line has apparently not produced any major water quality problems.

There is some potential for future conflict if the Federal Government leases offshore land on the outer continental shelf (OCS) for exploratory or permanent drilling operations. Large, almost virgin populations of Pismo clams have been found beyond the breaker line at depths as great as twenty feet. Tidal and current action in the vicinity of Grover Beach would rapidly carry spilled crude oil shoreward, thus jeopardizing both recruitment clam stocks and inhabitants of the lower intertidal levels. Accidental tanker spills from an offshore tanker terminal sited in this area would also have adverse impacts upon these clam populations. Two additional potential adverse impacts of oil spills from offshore activity would be the degradation, at least temporarily, of the recreational value of the higher subtidal and the intertidal zones and the injury or destruction of marine birds and mammals.

## **B. INTERTIDAL ZONE**

### **OWNERSHIP**

The intertidal zone lies between the mean higher high water and mean lower low water lines. Within the boundaries of Grover Beach, this intertidal zone is owned by the California Department of Parks and Recreation. This Department at one time proposed to acquire jurisdiction over the portion of the subtidal zone which is presently owned by the State Lands Commission but currently is not pursuing this venture. The California Department of Fish and Game has jurisdiction over most matters concerning the area's wildlife populations, including the popular Pismo clam, although the Federal government is responsible for marine mammals such as the sea otter.

### **PRESENT AND POTENTIAL USES**

The intertidal zone is perhaps Grover Beach's most valuable recreational resource area. During low tides, it is used intensively by clammers. At high tides it is popular for surf fishing, and during all but the higher tides, the lower intertidal is used for beach touring in vehicles of all types. At all times the intertidal zone is a popular site for pleasure walking, jogging, bird watching, and horseback riding.

A clam preserve has been established in the intertidal zone north of Grand Avenue to the City's northern boundary. During the period of time in which this area has preserve status, no clams may be taken from this part of the beach.

The preserve, however, will be shifted from area to area over a period of years to allow clam populations in different portions of the intertidal to regenerate.

Vehicular access is presently permitted within the hard, sandy intertidal zone within Grover Beach boundaries. However, the area generally from the Grand Avenue ramp north to the City limits is restricted to pedestrian beach users.

### **DESCRIPTION**

#### **PHYSICAL FEATURES**

The beach's intertidal zone is covered and uncovered by water twice each day. As in the subtidal zone, the intertidal region of Pismo State Beach is characterized by a sandy, rockless substrate. Fine sand and constant, heavy tidal action has combined to produce an unusually hard beach which is so compacted that much of the intertidal zone can be driven on by vehicles. Because of its hardness and physical uniformity, the beach possesses very little habitat diversity (Thos. Reid & Assoc., 1977).

#### **FLORA AND FAUNA**

Those species which inhabit the sandy intertidal must adapt to a harsh environment. Continuous scouring and transport of sand by tidal action, the absence of protective rocks, and seasonal changes in beach morphology have allowed only a sparse and variable biotic community. Invertebrates of the sandy intertidal have evolved such adaptive features as thick shells, sand-filtering papillae and burrowing mechanisms rather than the strong attachment devices of rocky intertidal species (California Department of Parks and Recreation, 1975).

Two types of biotic communities are found in the sandy intertidal zone. These are the macroscopic community of burrowing organisms and the microscopic community of interstitial flora and fauna. The former community includes various species of crustaceans, mollusks, and polychaetes. The dominant invertebrate is the sand crab although this region's most familiar biotic resource is its population of Pismo clams (*Tivela stultorum*). The less common bean clam and razor clam, found here at the southern extremity of their ranges, have also been identified in the intertidal zone (Thos. Reid & Assoc., 1977).

Various specialized forms of flora and fauna live between sand grains in the surface layers of the intertidal zone. Members of this community, which is critical to the marine food chain, include varieties of microflagellates, chrysophytes, amphipods, isopods, kinorhyncha and nematodes (Ecomar, 1975).

A variety of avian species feed in the intertidal zone. Many of these birds are dependent, at least during some parts of their life cycle, upon habitat and food provided in the nearby coastal dunes and wetlands. Shorebirds observed in the intertidal zone, many of which are migratory, include the least sandpiper and the western snowy plover, which uses the area for breeding and wintering. Several species of loons, grebes, and gulls have also been observed feeding in the intertidal zone of near-shore waters.

The sea otter has recently become an inhabitant of the intertidal zone near Grover Beach. This endangered species has recovered its depleted numbers under federal protection to the extent that it now represents a serious threat to the clam populations upon which it preys. The sea otter has migrated south from northern California, where the last of these marine mammals first gained protection, leaving clam populations so reduced that it is unlikely this bivalve will ever again represent a significant recreational resource in areas inhabited by the otter.

## CONFLICTS

The most significant conflicts within the beach's intertidal zone are those which arise from the variety of recreational uses, not always compatible, which this resource area accommodates. In many cases conflicts between user groups over the question of appropriate uses for the Coastal Zone reflect a dichotomy between those who wish to drive on the beach and those who do not.

There is no documented evidence that vehicles driven on the hard beach of the intertidal zone seriously damage clam populations of the area. It has been suggested, but not demonstrated, by some researchers that vehicular beach use diminishes habitat values in the intertidal zone through excessive compaction of the sand (Ecomar, 1975).

While vehicular beach use may thus not represent a critical source of conflict with clam populations, it is felt by many to conflict with the value of the clamming experience as well as with those of surf fishing, jogging, pleasure walking, picnicking, and other similar beach activities. Conflicts between the values and objectives of different groups in relation to the use of the intertidal zone are expected to increase in the future.

The size of clam catches in the Pismo State Beach intertidal area has decreased significantly since the early days of Grover Beach. However, in relation to clam populations in other coastal areas, the populations in the vicinity of Grover Beach are considered to be of a "healthy" size and capable of reproducing adequately to meet future demands. However, it is probable that despite this fact, clam populations here will be critically impacted by the sea otter since the otter's migration has extended to Pismo State Beach. Populations of clams, significantly depleted in comparison to historical population sizes, may now be below the minimum size necessary to withstand the sea otter's predation.

## **C. SAND DUNES**

### **OWNERSHIP**

The sand dunes within Grover Beach's boundaries, like the adjacent beach, are owned by the California Department of Parks and Recreation. Portions of the same dunes system farther south, however, are under several different ownerships, including the County, Pacific Gas and Electric Company, Union Oil and several smaller property owners. The sand dunes are shown on Map 3.

Additionally, as noted earlier, the dunes are in an area of transition between the Californian and Oregonian ecological provinces, so that some types of vegetation found here are at the northern or southernmost limits of their ranges. The following plant communities can be found in the dunes within Grover Beach's limits:

Coastal Strand Community: The coastal strand community occupies the dunes nearest to the beach and primary dunes. The plants of this community are pioneers in dune stabilization, but are found throughout the dunes. Within Grover Beach's boundaries introduced species of European beach grass and ice plant are predominant although some native vegetation is also present. Plants of the coastal strand are usually low-growing or prostrate, and often succulent. They must be able to adapt to constantly shifting sands and have the ability to bind sand into stable hillocks. Plants of this type found in the coastal dunes include yellow sand verbena, purple sand verbena, dune dandelion, ice plant, sea rocket, beach morning glory, and beach burr. The fauna of this community is predominantly invertebrate, comprised of a variety of insects. Specially adapted mammals such as Heerman's kangaroo rat, a close relative of the endangered Morro Bay kangaroo rat, are also found in the relatively harsh environment of the coastal strand.

Coastal Sage Scrub Community: The next stage in dune stabilization is represented by this community. Coastal sage scrub habitat is found inland from the foredunes in the Grover Beach area and is adjacent to the riparian vegetation along Meadow Creek south of Grand Avenue. Plants in the coastal sage scrub community are usually low-growing and bushy. Native vegetation of this type includes California sagebrush, coyote brush, brush lupine, and sand verbena (California Department of Parks and Recreation, 1975).

This vegetation serves a variety of purposes. It stabilizes otherwise active dunes and reduces the erosion by wind of sand into Meadow Creek to the east or onto Grand Avenue. In addition it provides habitat for a number of wildlife species including a variety of birds such as thrushes, wrens, warblers, vireos, flycatchers, finches, sparrows and juncos. None of the bird species which frequent the dunes within Grover Beach are listed as rare or endangered, although the least tern, an endangered species, has been identified in the dunes farther

south. Small mammals including the Audubon cottontail rabbit and Heerman's kangaroo rat are also seen in the coastal sage scrub community along with numerous species of smaller reptiles and insects.

**Dune Scrub Community:** Plants of this type of community, although somewhat different from those of the coastal sage scrub, also grow on stabilized dunes. While found along the California coast from Sonoma County to Los Angeles County, this community is extensive only at Point Reyes in Marin County and in the Santa Maria River complex which extends from Morro Bay in San Luis Obispo County to Vandenberg Air Force Base in Santa Barbara County.

The dune scrub community is dominated by mock heather and dune lupine and provides habitat for wildlife similar to that of the coastal sage scrub community.

**Grassland Community:** Grassland communities are found in several of the hollows and low areas of the dunes within Grover Beach boundaries. Vegetation of this type requires the extra moisture and shelter from wind provided by these depressions. Plants found in the grassland community include filaree, plantain, toad flax, and bromegrass.

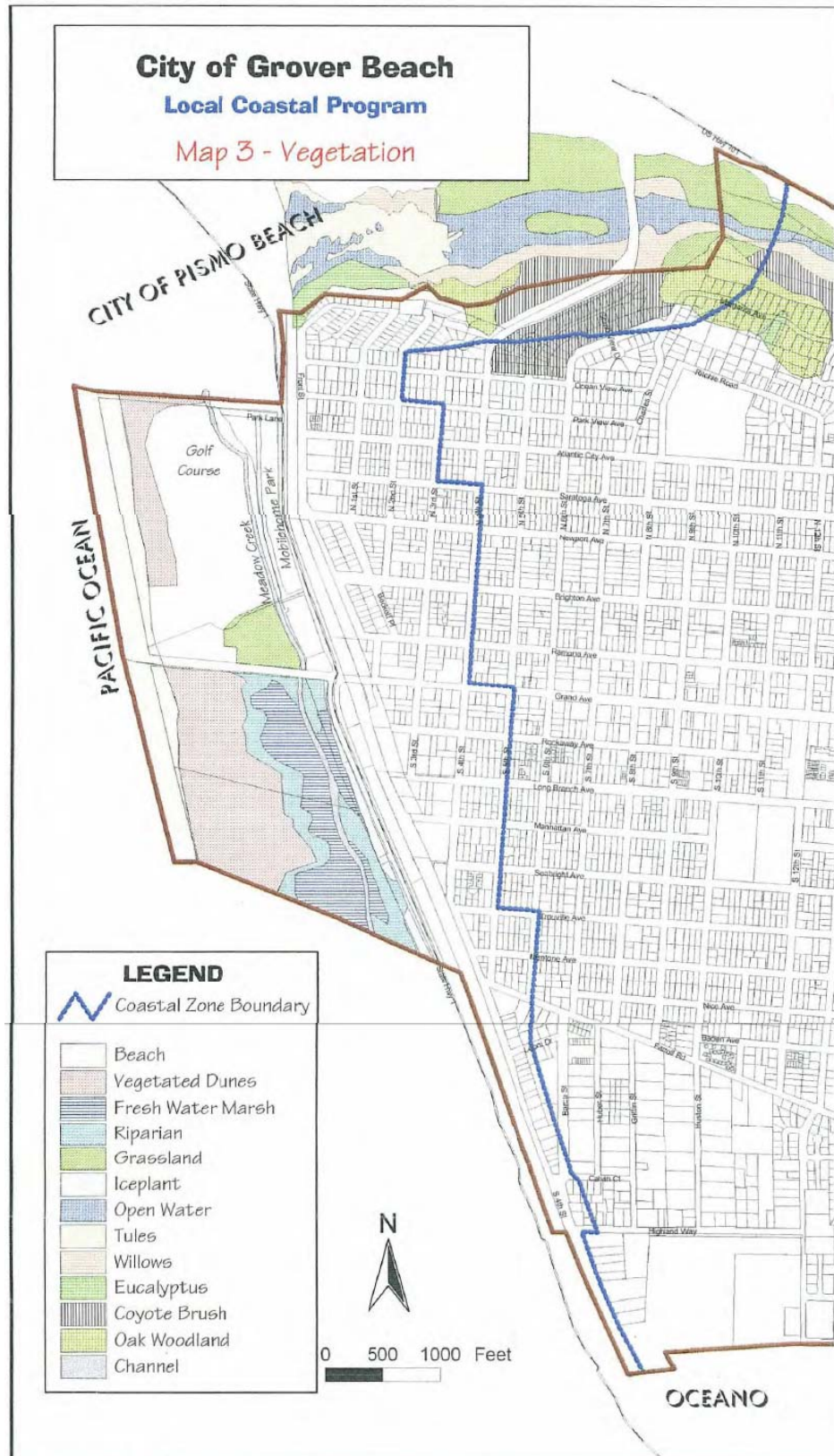
## **CONFLICTS**

The greatest source of present and potential conflict with resource protection in the dunes lies in damage done to dune vegetation by overuse. Recreational overuse by vehicles, which are prohibited by law from entering the dunes, is a particularly critical problem. Off-road vehicles in this area have destroyed wide swaths of vegetation in the foredunes, thus reducing their stability and habitat value. While not used intensively by pedestrian or equestrian visitors at present, it is probable that such activities will increase in the future and may then present a threat to the continuance of dune stabilizing vegetation.

In an effort to control the erosion by wind of sand from the dunes onto Grand Avenue, the California Department of Parks and Recreation has erected snow fences along the unstabilized dunes near Grand Avenue. In their present location these fences do not alter natural sand movement to any greater extent than do the street, restaurant and restrooms which are located partially in the foredunes. However, if additional retaining fences or other structures are erected on the foredunes farther north or south of Grand Avenue than those which exist at present, sand movement and dune formation may be altered.

The dune arboretum proposed for both the unstabilized and stabilized dunes south of Grand Avenue would, according to the State's development plan, include parking facilities, interpretive facilities and trails. The development proposed in the plan is inappropriately intensive relative to the low tolerance for disturbance which characterizes dune vegetation and natural sand movement processes. Implementation of such a proposal, unless modified substantially to reduce its impacts on the dunes, would conflict with preservation of this resource as it exists at present.

*City of Grover Beach  
Local Coastal Program*





## **2.1.3 INLAND RESOURCE AREAS**

Inland resource areas which are within or are impacted by the City's portion of the Coastal Zone include a variety of natural systems and habitats which derive much of their resource value directly or indirectly from their interrelationship with the ocean. Natural systems include an extensive groundwater basin and a coastal wetlands complex containing portions of a creek, marsh, and an open lagoon. Several sensitive habitat areas dependent upon these bodies of water also fall in the category of inland resource areas. Coastal habitats include riparian, freshwater marsh, coastal woodland, sage chaparral, and lagoon communities. All of these habitats interact with one another and are characteristic of an undisturbed coastal environment.

### **A. WATER RESOURCES**

#### **ARROYO GRANDE GROUNDWATER BASIN**

See Section 6.2 for discussion of groundwater resources.

#### **SURFACE WATERS**

The bodies of surface water in or near Grover Beach are part of a coastal wetlands system extending from the City of Pismo Beach to the Arroyo Grande Creek approximately 2 ½ miles south of Grand Avenue beyond Grover Beach's boundaries. This wetland system, which depends largely on domestic and agricultural runoff for water, is part of a drainage area of approximately 3,800 acres. The wetlands overlie the Arroyo Grande-Tri-Cities Mesa groundwater subbasin and provide it with several aquifer recharge areas. Three main wetland areas in the vicinity of Grover Beach play critical resource roles in facilitating aquifer recharge and drainage, and providing wildlife habitat. These areas are Meadow Creek, Pismo Lake and Oceano Lagoon.

### **PISMO LAKE**

#### **OWNERSHIP**

Pismo Lake, which lies within the City of Pismo Beach immediately adjacent to Grover Beach, is now owned almost entirely by the California Department of Fish and Game, and is managed as a State Ecological Reserve. A strip of approximately five acres of land immediately adjacent to the marsh's southern border within Grover Beach was acquired by the City in 1981 to be used as a natural buffer zone between development and the marsh.

A portion of Pismo Lake which lies east of North Fourth Street just beyond Grover Beach's northern boundary is privately owned. Land immediately adjacent to the marsh's southern edge here is also privately owned but lies within Grover Beach boundaries. All land along the marsh's northwestern, northeastern and northern borders is beyond City boundaries and is privately owned with the exception of Pismo Lake. As the area east of North Fourth Street developed, open space dedications were required.

## **PRESENT AND POTENTIAL USES**

Pismo Lake is now a State Ecological Reserve. The Reserve status of the marsh greatly restricts the kinds and intensity of uses permitted within its boundaries. The marsh must be preserved in its present undisturbed condition although limited removal of vegetation will be allowed to improve water circulation. The Reserve is open to the public, but no support services are or will be provided and the public will not be encouraged to use this fragile area intensively. A five-acre natural buffer zone bordering the southern edge of the marsh west of North Fourth Street was dedicated to Grover Beach as a condition of Coastal Commission approval of a four parcel subdivision. The buffer area must remain in an undisturbed natural condition and is subject to the same use restrictions applied to the Pismo Lake Ecological Reserve.

## **DESCRIPTION**

Physical Features: Pismo Lake is a coastal marsh approximately 3,000 feet in length, and with an average width of 660 feet. The area of submerged marsh is 45 acres. A small portion of the marsh is divided from the larger body of water by North Fourth Street. The northern branch of Meadow Creek widens to become this small part of the marsh immediately east of Fourth Street.

Because of the creek's close interaction with this part of the marsh, discussion of this branch of the channel will be incorporated into the discussion of the marsh itself and its environs.

The marsh lies at a low elevation at the foot of vegetated south facing slopes within Grover Beach boundaries. These slopes range from about 2% to 25% and are particularly steep nearest the marsh's edge west of North Fourth Street.

Much of Pismo Lake is bordered by urban development. North and east of the marsh, in the City of Pismo Beach, are a mobilehome park, a shopping center and other commercial activities. U.S. Highway 101 also lies near the marsh's northern border. The marsh is divided by North Fourth Street, a major freeway access route. Within Grover Beach limits to the south, residential development extends northward over the crest of the hills which slope down to the marsh. Above the portion of the marsh lying east of North Fourth Street, single family dwellings have been constructed below the ridge-line on the north-facing slopes. However, large portions of the slopes both east and west of North Fourth Street are presently undeveloped and densely vegetated.

Flora and Fauna: Pismo Lake and the remaining undeveloped lands adjacent to its borders provide a variety of native habitats. Because these habitats contain some rare and endangered species of plants, and because encroaching development now jeopardizes the ability of this natural area to withstand the impacts of urbanization, Pismo Lake and its environs must be considered a sensitive habitat area.

- Marsh Habitat: Like other freshwater marshes, Pismo Lake is characterized by the dense growth of plants such as tules, cattail, bulrush, and in shallow waters, by several species of grass. In the northern portion of the marsh, several "salt sinks" have developed, probably as the result of sedimentation caused by runoff from nearby development. In this area, vegetation is characteristic of a saltwater rather than a freshwater marsh, and includes perennial pickleweed, saltgrass, frankenia and other saltwater indicators (Nakata, 1974). Algae blooms are also found here and elsewhere in the marsh, indicating that excessive amounts of nitrogen and other nutrients are being deposited in the lake by runoff. Open-water species of vegetation include stonewort, duckweed, pond weed, and water milfoil.

- Disturbed Weedy Habitat: Weedy vegetation is found in disturbed, vacant lands immediately east of North Fourth Street between El Camino Road, adjacent to Highway 101, and the northern edge of the marsh. Plants of this type include sow-thistle, wild oats, and telegraph weed.
- Oak Woodland Community: This type of community is found in the vicinity of Pismo Lake within Grover Beach, both east and west of North Fourth Street. Map 3 shows the location of these wooded areas. The oak woodland community is dominated by coast live oak (*Quercus agrifolia*) and is the last woodland of this type in the entire region. East of North Fourth Street, the oaks form a dense canopy over the central portion of the area and grade into the riparian community along the marsh's edge. West of North Fourth Street, the woodland community begins at the top of a relatively steep slope and also extends, intermixed with riparian vegetation, to the marsh's shore. Vegetation found in the oak woodland community includes, in addition to coast live oak and pygmy oak, the wild blackberry, poison oak, coyote bush, wild cucumber, and coffeeberry.
- Riparian Woodland Community: West of North Fourth Street, adjacent to the marsh, the riparian community is really part of the oak woodland complex described above. Riparian vegetation associated with the coast live oak woodland, include elderberry, wild rose, poison oak, wild cucumber, nettle, berry and other herbaceous plants.

East of North Fourth Street vegetation near the marsh and creek is dominated by a well-developed grove of arroyo willows (*Salix lasiolepis*). Other trees and shrubs associated with the willow grove include coyote bush, wild blackberry, nettle, and various types of sedge and rushes.

- Chaparral and Coastal Sage Scrub: Chaparral and coastal sage scrub communities are found east of Fourth Street on the slopes between residential development and the marsh and creek. These two types of communities overlap at several points, but in general, the chaparral is found near the center of the slope or above the oak woodland, while the sage scrub lies on the southwestern portion of the area. Chaparral vegetation here includes the very rare and possibly endangered shagbark manzanita (*Arctostaphylos rudis*), which is known to occur on sandy soils between Grover Beach and Lompoc and nowhere else in the world. The shagbark manzanita found on this site is believed to be at the northernmost limit of the species' range, since the plant had never been found farther north than Oceano until its discovery here. Other species of chaparral vegetation include plants such as chamise and coffeeberry. Several live and pygmy oaks are also scattered throughout this area. Coastal sage scrub vegetation includes black sage, California sage brush, false heather, bush lupine and other herbaceous plants.
- Wildlife: Diverse plant communities, of course, provide habitat for diverse species of wildlife. The California Department of Fish and Game has estimated that as many as 59 species of birds, 24 species of mammals, and 4 species of reptiles and amphibians may be found in the relatively undisturbed habitats near Pismo Lake. While none of the animal species identified in areas adjacent to the marsh are known to be rare or endangered, several are unusual and not commonly seen so near urban areas. These species include birds such as the red-shouldered hawk, Cooper's hawk and turkey vulture, the great egret, the snowy egret, the great blue heron and a variety of ducks and geese. Among the many mammals found in the area are the opossum, raccoon and beaver. The only species of fish known to occupy the open water of the marsh is the mosquito fish, introduced to control mosquitoes.

## **CONFLICTS**

No part of the marsh (Pismo Lake) lies within the City's boundaries. However, the only relatively undisturbed, undeveloped land adjacent to all parts of the marsh lies on its southern border within Grover Beach's portion of the Coastal Zone.

At present, resource conflicts in this area are minimal. Some disturbance of vegetation and wildlife near the marsh has resulted from the use of motorcycles and other human activities in the area. Encroaching residential developments both east and west of North Fourth Street have, by causing the removal of vegetation, increased erosion problems and sedimentation of the marsh and creek. The amount of additional sedimentation which has been generated from this area has not been measured. However, in general, light development such as residential dwellings could result in approximately 16 tons per acre of eroded sediment annually as compared to less than 1/5 of a ton per acre annually from undisturbed vegetated land.

## **MEADOW CREEK**

### **OWNERSHIP**

The two natural drainage channels known as Meadow Creek flow through both publicly and privately owned lands. The northeastern branch of the Creek, which lies only partially within Grover Beach boundaries, has been discussed in the preceding section. The western branch of Meadow Creek, the larger of the two, lies entirely within land which is owned by the California Department of Parks and Recreation and is part of Pismo State Beach.

### **PRESENT AND POTENTIAL USES**

The primary function of the western branch of Meadow Creek is presently that of channeling runoff from urbanized portions of Grover Beach and adjacent communities into the Oceano Lagoon and Arroyo Grande Creek to the south. In 1963 the natural creek channel south of Grand Avenue was dredged to improve drainage blocked by sediment and vegetation. The portion of Meadow Creek north of Grand Avenue between the golf course and a mobilehome park has been channeled for flood control purposes and much of the original habitat value has been lost. A restoration and enhancement plan for this 0.5 mile portion of the creek could provide for planting of riparian and other native plants to help restore the resource value of the area. New development in the Beach Neighborhood shall incorporate restoration and enhancement of this portion of the creek.

The primary function of the northeastern branch of Meadow Creek is that of a natural drainage course for the large watershed of the Oak Park area. The potential uses of lands adjacent to the portion of the creek system which falls both within the City limits of Grover Beach and the Coastal Zone are limited due to concerns related to the preservation of the oak woodland and further sedimentation in parts to Pismo Lake. The underlying land use designation for much of the adjacent land is low density residential. Any development proposal would have to be accompanied by a specific plan which would be responsive to the above concerns.

## **DESCRIPTION**

Physical Features: The approximately three-mile long channel which this creek provides drains a small watershed area of about seven square miles and is dependent primarily upon runoff from this watershed for its seasonal flow. Natural runoff is rare in the summer and fall months. The creek bed begins north of Grover Beach's northern boundary line and winds south along Highway 1, then between a mobilehome park and golf course, and under Grand Avenue where it flows through open marsh to the lagoon. At several points along its course within Grover Beach, the creek receives storm drain discharge from the City's drainage system. At present, runoff is discharged into the creek from storm drains at Mentone Avenue, Manhattan Avenue, Grand Avenue, Margarita Avenue, North 2nd Street, and from Front Street near the City's northern boundary. A larger outfall line for Mentone Avenue has been proposed.

Flora and Fauna: South of Grand Avenue, where native vegetation has not been extensively disturbed, the creek and the wetlands through which it flows support diverse riparian and freshwater marsh habitats. Herbaceous vegetation, including wild rose, elderberry, wild cucumber, nettle, and poison oak as well as California wax myrtle and other small trees, are found near the creek and wetlands immediately south of Grand Avenue. North of Grand Avenue, native riparian vegetation has been almost entirely removed and replaced by ornamental grass or by weeds.

Wildlife found in the riparian habitat of the creek is often seen in freshwater marsh or woodland habitats as well since these three habitats overlap in this coastal wetlands system. This diversity of habitat is responsible for the diversity of wildlife found here. Avian species include a variety of water fowl, herons, egrets, hawks, and owls. Among the mammals identified here are opossums, raccoons and beavers. No rare or endangered species have been identified in the riparian or marsh habitats along the creek.

## **CONFLICTS**

Meadow Creek, like Pismo Lake, is fed primarily by runoff from the surrounding watershed. A large part of this runoff consists of water carried from streets in Grover Beach which is discharged through storm drain outfalls directly into the creek at several points. With the exception of Margarita Avenue, existing storm drain outfalls are not equipped with oil separators or with devices designed to filter sediment out of water discharged into the creek. The sediment and pollutants which enter the creek bed in this manner have contributed to flooding hazards in several places along the creek's west bank. Portions of the creek have become so clogged with sediment, overgrown vegetation, and algae "blooms" that they now represent a public nuisance as mosquito breeding grounds. The inability of runoff to flow through the creek bed freely has also reduced its habitat value for the plants and invertebrates upon which a variety of wildlife once fed in large numbers. Oil and other pollutants carried directly from City streets to the creek reduce water quality and the ability of the creek bed to function as an aquifer recharge area.

An additional source of sedimentation in the creek's western branch is the sand eroded by wind from nearby dunes. While this form of erosion is essentially a natural process, it is susceptible to acceleration when stabilizing dune vegetation is removed or destroyed. Destruction of vegetation on the dunes near Grand Avenue and along the beach by vehicles has already resulted in increased sand erosion problems.

The California Department of Parks and Recreation, in an attempt to alleviate mosquito control and flood hazard problems caused by sedimentation, dredged the southern portion of the creek channel south of Grand Avenue in 1963. The Department has no future plans to drain the wetlands south of Grand Avenue.

## **OCEANO LAGOON**

### **OWNERSHIP**

The body of water called Oceano Lagoon lies south of Grover Beach's southern boundary in the community of Oceano. However, this lagoon ultimately receives much of the runoff transported by Meadow Creek from within Grover Beach and is an integral part of the creek drainage system. Most of the lagoon is owned by the California Department of Parks and Recreation and is considered part of Pismo State Beach. A smaller portion of the lagoon and adjoining marsh land lie south of Pier Avenue under the jurisdiction of the County. The sewage treatment plant adjacent to the lagoon has recently purchased a small part of this marsh land for eventual use as an additional sludge drying bed.

### **PRESENT AND PROJECTED USES**

Presently the Oceano Lagoon serves chiefly as a natural settling basin for water which flows from Meadow Creek and either re-enters the aquifer beneath the lagoon or flows onto the mouth of Arroyo Grande Creek. Much of the vegetation in the vicinity of the lagoon is disturbed or introduced. The state campground adjacent to the lagoon and residential development at its southern extremity have replaced native vegetation in this area. Also located adjacent to the lagoon south of Pier Avenue is the South San Luis Obispo County Sanitation District plant which provides sewer service to Grover Beach.

### **DESCRIPTION**

Physical features of the lagoon are similar to those of Pismo Lake. Water quality is generally poor and high in nitrates. Stagnating water in portions of the lagoon creates mosquito control problems during the summer and fall months.

Vegetation adjacent to the Oceano Lagoon is significantly disturbed, although some native riparian and marsh species occur along portions of its banks. The riparian habitat provides one of the best areas along the central coast to view migrating and vagrant warblers, vireos, tanagers, and nut hatches.

### **CONFLICTS**

Although the Oceano Lagoon lies beyond Grover Beach boundaries, it is an important part of the wetlands system upon which Grover Beach has a substantial impact. As in the case of Pismo Lake and of Meadow Creek, the chief source of conflict with lagoon resource values are sedimentation and pollution. While neither of these processes has been monitored, siltation and the erosion of sand into the lagoon pose a threat to good drainage. Increases in growth of algae and duckweed, which indicate that an excess of nutrients in the water may be causing eutrophication, have also created drainage problems in the lagoon. It is probable that unclarified runoff from Grover Beach storm drains which is carried by Meadow Creek to the lagoon is contributing to its pollution and sedimentation.

## **B. AGRICULTURAL LAND**

The City of Grover Beach, once a primarily agricultural coastal community, is now predominantly residential. The amount of land within the City which is still in agricultural production comprises only about forty-eight acres. None of this land is classified as "prime." Productive or potentially productive agricultural land within the City's portion of the Coastal Zone comprises approximately two acres.

### **OWNERSHIP**

The agricultural land lying within Grover Beach's portion of the Coastal Zone is privately owned in holdings belonging to four separate private parties. Most of the agricultural land here is leased by the owners for small-scale agricultural operations. None of the parcels in this area are within an agricultural preserve.

### **PRESENT AND POTENTIAL USES**

The agricultural land within the City's portion of the Coastal Zone lies at the City's southern extremity adjacent to the large residential-agricultural (R-A) district which extends eastward over about fifty acres of land. At present, the two acres of Coastal Zone land within this district are in agricultural use. Most of these uses, however, are actually agricultural support uses including a warehouse, farm residences, and other similar structures. Crops grown on adjacent agricultural land are primarily strawberries and other specialized truck-farming crops.

The C-R-A designation permits agricultural activities (excluding the raising of cattle or swine), but also allows single-family residences on lots of at least 20,000 square feet. Rising land values and the rapid increase in new industrial and residential development on adjacent lands suggest that this small coastal agricultural area will soon be in transition to low-density residential uses.

### **DESCRIPTION**

#### **PHYSICAL FEATURES**

This two acre agricultural area of Class IV soil is considered best suited for intensive farming activities such as orchards, truck farms, and vineyards. As noted above, most of the parcels here, ranging from one-fifth of an acre to three acres, are presently used to support the adjacent production of strawberries and other similar crops.

This area is part of a much larger agricultural area to the east which is presently in intensive agricultural production. Immediately to the north of the area lies the C-R-1 and R-1 zones which are being developed into single-family dwellings. South of the area and beyond Grover Beach's boundaries lies the unincorporated community of Oceano. Here development is a mixture of residential and commercial uses, many of them deteriorated. Beyond this developed part of Oceano to the south and southeast lies a large alluvial plain of Class I and Class II soils presently in agricultural production. This prime land represents one of the County's most valuable agricultural resources.

## **CONFLICTS**

Because of small parcel sizes, and the relatively low quality of the soil here, this agricultural land is not considered to have great agricultural value. For this reason, the residential zoning designation does not conflict with the protection of resource values. Here, the land lying immediately east of this area may continue to be agriculturally productive for some time. An agricultural combining district overlay will protect agricultural uses as viable, conforming uses in the short-term, and provide opportunities for Transfers of Development Rights over the long-term. Residential development within the Coastal Zone here has not been incompatible with adjacent agricultural activities and has not jeopardized their continuance.

### **2.1.4 SUMMARY OF CONFLICTS**

#### **A. MARINE RESOURCE AREAS**

##### **SUBTIDAL ZONE**

1. Shoreline structures which alter tidal and current action could adversely affect the replenishment of the beach and dunes with sand from the ocean.
2. Offshore oil drilling or the construction of tanker terminal facilities could result in oil spills which would jeopardize the productivity of Pismo clam populations and diminish recreational values of the beach.
3. Sand mining offshore could disrupt habitat and alter natural shoreline processes if not mitigated.

##### **INTERTIDAL ZONE**

1. Unsegregated use of the intertidal zone by both pedestrians and vehicle operators diminishes the recreational resource value of the beach. Vehicular beach use may diminish habitat values in the intertidal zone.
2. Clamming activity has significantly reduced the intertidal clamming stocks. Reduction in the size of these clam populations may make them more susceptible to destruction by the sea otter which has recently migrated to Pismo State Beach.

##### **SAND DUNES**

1. Structures erected on the dunes could alter the natural movement of sand and interfere with the formation of the dunes.
2. Vehicles, although prohibited from using these dunes, have destroyed significant amounts of dune-stabilizing vegetation and increased erosion of sand from the dunes by wind. Destruction of vegetation here has also diminished dune habitat values.



3. While pedestrian and equestrian use of the dunes is not yet intensive, it is probable that such activity will increase in the future. Dune vegetation may be jeopardized by overuse from these sources.

## **B. INLAND RESOURCE AREAS**

### **MEADOW CREEK**

1. Runoff carried by storm drains and gutters to the creek is not cleansed of sediment and pollutants before it is discharged into the creek.
2. Dredging of Meadow Creek to improve drainage might temporarily result in the disturbance of low-growing riparian vegetation by dredging spoils deposited along the creek bed.

### **OCEANO LAGOON**

1. Runoff entering the lagoon via Meadow Creek contains sediment and pollutants which diminish the lagoon's value as an aquifer recharge area.

## **C. AGRICULTURAL RESOURCE AREAS**

1. An increased demand for urban services under the residential designation may jeopardize the continuance of adjacent agriculture.

## **2.1.5 RECOMMENDATIONS**

### **A. MARINE RESOURCE AREAS**

#### **SUBTIDAL ZONE**

1. Policy: No revetments, breakwaters, groins, channels or similar structures that might alter tidal and current action or wind action and thus effect replenishment of the beach and sand dunes shall be permitted except where necessary for the public safety, specifically for the protection of existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.
2. Policy: Offshore oil drilling or any other activity which creates the potential for oil spills that may endanger Pismo Clam populations or recreational value of the beach shall be prohibited within the City boundaries.
3. Policy: Sand mining in the Beach Neighborhood and offshore but within the City's jurisdiction shall be prohibited. (Section 30233 (a) (6))

## **INTERTIDAL AREA**

1. *Action: The segregation of incompatible recreational uses of the intertidal zone shall be implemented to ensure that maximum possible value is gained from these resources by all users. The area between Grand Avenue and the northerly City limits shall remain designated for pedestrian uses only, except for emergency, law enforcement, and maintenance vehicles. Also excepting the area between Grand Avenue and 400' to the north to provide an area for emergency turn around if the beach ramp is blocked by disabled vehicles. And furthermore, this 400' may be used by handicapped persons for on-beach parking and subsequent access to the pedestrian beach area. Enforcement of these provisions shall be made through appropriate signage and routine police patrol.*

## **SAND DUNES**

1. Policy: No development shall be allowed in the vegetated dune areas; development adjacent to vegetated dunes shall be sited and designed to prevent impacts which would significantly degrade the vegetated dunes. Retaining fences, walls, or other structures or earth moving activities shall be allowed only to protect existing structures.
2. *Action: With the cooperation of the California Department of Parks and Recreation, special precautions shall be taken to ensure that the vegetated dunes are not further damaged through overuse, either by vehicles or pedestrians. Precautions shall include the posting of additional signs along Grand Avenue and the beach which notify visitors of the prohibition against vehicular use of the dunes as well as the penalty for violating this prohibition (Section 30240(a)).*
3. *Action: To prevent overuse by walk-in visitors, provision of support facilities and services in the dunes shall be prohibited. Nature trails which utilize existing paths could be developed with the cooperation of the Department of Parks and Recreation to encourage pedestrians to avoid trampling dune vegetation.*

## **B. INLAND RESOURCE AREAS**

### **WATER RESOURCES**

#### **PISMO LAKE AND MEADOW CREEK (NORTHEASTERN BRANCH)**

1. Recommendation: The area of Pismo Lake and its immediate environs are within the jurisdiction of the City of Pismo Beach; and, as such, it can only be recommended that the City of Pismo Beach take steps to protect the Pismo Lake ecosystem while still providing public use such as photographic blinds, nature trails and other non-intensive facilities to support passive uses of the area.
2. *Action: Any dredging or removal of vegetation in or near Meadow Creek shall be limited to the removal of excessive sediment or vegetation only when (1) no feasibly less environmentally damaging alternative exists; (2) mitigation measures have been provided to minimize adverse environmental impacts; and (3) solely for the purpose of flood control to*

*protect existing structures within the Meadow Creek flood plain. (Section 30233(4) and 30236).*

3. *Action: A natural buffer area shall be established between the riparian habitat area of Meadow Creek and the adjacent upland areas to the South. This buffer zone shall be of sufficient width to provide essential open space between the environmentally sensitive habitat area and any development. The actual width of this buffer shall be determined by precise ecological studies which define and measure the functional capacity of the Meadow Creek ecosystem. Development upland of the environmentally sensitive habitat area and its adjacent buffer shall be sited and designed to prevent impacts which would significantly degrade the Meadow Creek and downstream Pismo Lake environs, and shall be compatible with the continuance of those habitat areas.*
4. *Action: Areas designated for development in the Meadow Creek uplands shall be at a density of 0-4 units per gross acre.*

*Any application for development must demonstrate the following:*

- (a) That the project does not significantly alter presently occurring plant and animal populations in the Meadow Creek ecosystem in a manner that would impair the long-term stability of the Meadow Creek ecosystem; i.e., natural species diversity, abundance and composition are essentially unchanged as a result of the project.*
- (b) That the project does not harm or destroy a species or habitat that is rare or endangered.*
- (c) That the project does not significantly harm a species or habitat that is essential to the natural biological functioning of the Meadow Creek ecosystem.*
- (d) That the project does not significantly reduce consumptive values of the Meadow Creek ecosystem.*
5. *Action: As the areas designated for low density development within the City limits in the Pismo Lake area actually develop, natural buffer areas and open space dedications shall be made for as much of the undeveloped land as feasible.*
6. Policy: The area generally known as the Meadow Creek Uplands shall be developed with clustered single family detached dwellings. The cluster design will aid in development which is sensitive to surrounding habitat areas. Development in this area shall be sited and designed to prevent impacts which would significantly degrade Pismo Lake and/or Meadow Creek habitat values. Please see approved development plan (Figure 1) at the end of this component. The number of dwelling units shown on this exhibit for areas within the Coastal Zone represent the maximum number allowed.

Access to development in the Meadow Creek upland area shall be via a 30' wide private residential street extension of North 5th Street ending in a cul-de-sac, and off of Charles Place connecting to Margarita Avenue. Parking shall be required as per existing City standards.

7. Policy: All materials used to cover any part of the ground within the proposed developable areas, other than residential structures, public roads, public street improvements, and

swimming pools shall be permeable. Permeable surfaces may consist of paving blocks, porous concrete, brick, or any other similar material which will permit percolation of precipitation and runoff into the ground. (Section 30231)

8. Policy:

- (a) Lands with a slope of 25% or greater shall not be developed. Lands with a slope between 10% and 25% may be developed if the development incorporates specific measures to minimize grading and drainage systems which limit the rate of runoff, including siltation and erosion, to that which occurs naturally on the undeveloped site. Applications for development on sites between 10% and 25% shall be accompanied by site specific professional engineering plans.
- (b) Prior to the transmittal of a coastal development permit, the permittee shall submit a runoff control plan designed by a licensed engineer qualified in hydrology and hydraulics, which would assure no increase in peak runoff rate from developed site over the greatest discharge expected from the existing undeveloped site as a result of a 100 year frequency storm. Runoff control shall be accomplished by such means as on-site detention/desiltation basins or other devices. Energy dissipating measures at the terminus of outflow drains shall be constructed. The runoff control plan including supporting calculations shall be in accordance with the latest adopted City Standards and shall be submitted to and determined adequate in writing by the Community Development Department.
- (c) All permanent erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities and shall be maintained. Periodic monitoring of said devices shall be carried out by the City and the Department of Fish and Game.
- (d) All grading activities for roads, future building pads, utilities and installation of erosion and sedimentation devices shall be prohibited during September 30 through May 1. Prior to commencement of any grading activity, the permittee shall submit a grading schedule which indicates that grading will be completed within the permitted time frame designated in this condition and that any variation from the schedule shall be promptly reported to the Community Development Department.
- (e) All areas disturbed by grading shall be planted prior to October 15th with temporary or permanent (as in the case of finished slopes) erosion control vegetation. Vegetative cover must be established by November 1 of each year. Said planting shall be accomplished under the supervision of a licensed landscape architect or landscape contractor and shall consist of seeding, mulching, fertilization and irrigation adequate to provide 90% coverage within 90 days. Planting shall be repeated if the required level of coverage is not established. This requirement shall apply to all disturbed soils including stockpiles, and to all building pads.
- (f) Prior to transmittal of a coastal development permit, a detailed landscape plan indicating the type, size, extent, and location of plant materials, the proposed irrigation system, and other landscape features shall be submitted, reviewed and determined to be adequate by the Community Development Department. Drought tolerant plant materials shall be utilized to the maximum extent feasible.

- (g) Moderate Soil Limitations: Cut and fill slopes on areas under 20% slope shall not be over 4:1 pitch and four feet high, compacted (if fill), with straw mulch broadcast and rolled at 3000 pounds per acre, and seeded with a grass and native shrub seed mixture generally having the following basic ratio of components:

Native woody shrubs--6 lbs/acre

Native herbaceous annuals and perennials--15 lbs/acre

Native grasses--60 lbs/acre

Wood fiber mulch with soil binder--1500 lbs/acre

Fertilizer--150 lbs/acre

Low Soil Limitations: Cut and fill slopes on areas under 10% slope shall not exceed 3:1 pitch and four feet in height. Disturbed soil shall be hydroseeded (no straw mulch needed) with the seed mixture as recommended above, except additional wood fiber shall be incorporated at a minimum of 2000 lbs/acre.

- (h) Temporary dust controls shall be employed during construction. Watering down methods used to control dust shall not erode the soil. Downhill cut or fill areas shall be lined with straw bales to control erosion from runoff. Where exposed soil conditions exist within the landscaped and irrigated portions of the sites near dwellings, slopes shall be planted with ground cover netting to retain soil. Plant materials shall be selected, sized and spaced to achieve total soil surface coverage in one year with irrigation provided. Trees and shrubs having fibrous root systems shall be used. Any of the mulch and seed mitigation measures described in 8 (g) above may be used instead of erosion control netting.
- (i) That the City and the State Department of Fish and Game be made "third party" to the project's CC and R's to the extent that the City and/or the Department of Fish and Game may come onto private property to inspect and if necessary perform maintenance on drainage and erosion control devices and place a lien on the subject properties to recover cost of said maintenance.

9. Policy:

- (a) The removal of Coast Live Oaks and of Shagbark Manzanita from the developable as well as undevelopable land in the vicinity of Pismo Lake shall be prohibited except for emergency situations. Removal of vegetation, grading and other earth-moving activities in developable areas shall be minimized. Impacts of such activities shall be shown in site and grading plans and shall meet with the approval of the City. Landscaping in developable areas here shall be comprised primarily of native vegetation and shall be compatible with surrounding native vegetation.
- (b) No development shall occur within 50 feet of the dripline of a solid canopy oak woodland.
- (c) Areas of Shagbark Manzanita shall be left intact with other associated shrubs undisturbed. A buffer of natural vegetation 25 feet thick shall be maintained around the area of Shagbark Manzanita.
- (d) As a condition of development approval lands below the 60 foot contour at a minimum in the Meadow Creek uplands areas shall be dedicated to the City or State

Department of Fish and Game as public open space as an integral portion of the Pismo Lake Ecological Reserve.

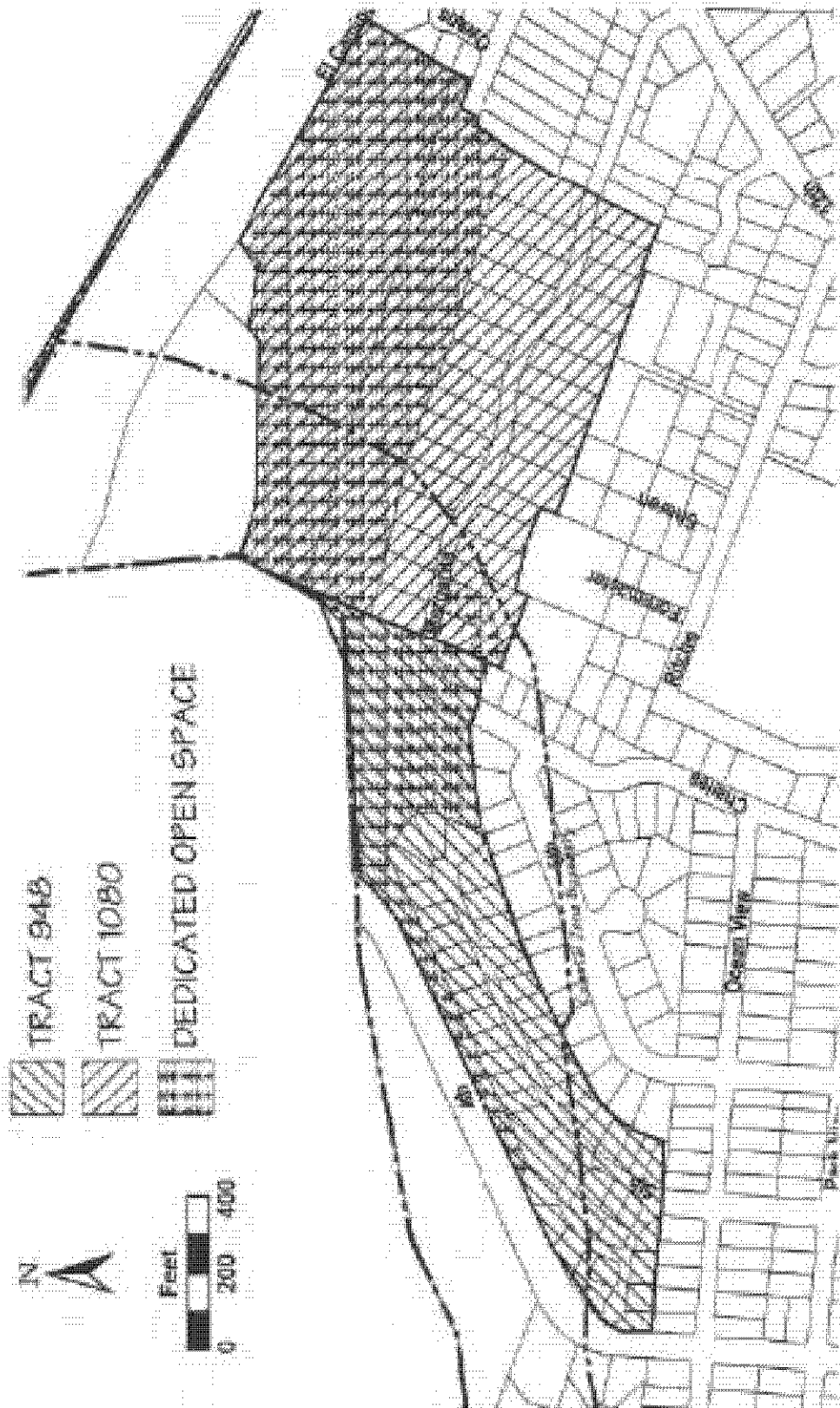
#### **MEADOW CREEK (WESTERN BRANCH)**

1. *Action: All present and proposed storm drain outfalls within the City's portion of the Coastal Zone and discharging into Meadow Creek shall be equipped with oil separators and devices designed to filter sediment from runoff (Section 30231).*
2. Policy: Approval of developments in areas draining into Meadow Creek shall be conditioned upon provision of on-site ponding basins or other means of regulating runoff water. Retention facilities should be capable of retaining the first two hours of a fifty-year frequency storm. (Section 30231)
3. *Action: Riparian and marsh vegetation either side of the creek channel south of Grand Avenue shall be permanently protected within an open space area.*
4. Policy: The existing sediment filtering capabilities of Meadow Creek as it passes through the Coastal Planned Commercial area shall be maintained and where feasible it shall be enhanced through the use of "stilling devices" to filter out additional oils and sediment.
5. Policy: That there shall be a minimum of a 50 foot buffer, or other appropriate buffer established by a habitat restoration plan approved by the Department of Fish and Game, on both sides of the portion of Meadow Creek north of Grand Avenue. The purpose of this buffer is to protect and enhance the habitat values and filtration capabilities of Meadow Creek while recognizing that for most of its length north of Grand Avenue there is existing development on both sides of the creek.

#### **GENERAL**

1. Policy: It is the general policy of the City to allow the State Coastal Conservancy to conduct restoration projects within the City subject to City approval and permit requirements.
2. Policy: Blown sand removed from Grand Avenue, Le Sage Drive, parking lots or other paved surfaces shall be disposed of either by spreading on the hard beach area of the intertidal zone or in the general area of the existing dirt vehicle ramp. In no instance shall blown sand be dumped or spread in the dunes area.
3. Policy: All new development shall include all applicable Best Management Practices (BMPs) for control of polluted runoff, including, but not necessarily limited to, those identified in the California Storm Water Best Management Practice Handbooks (March 1993), in order to prevent polluted runoff from reaching Meadow Creek and the ocean.

**FIGURE 1  
APPROVED DEVELOPMENT PLAN**



## 2.2 PART II - VISUAL RESOURCE AREAS

### 2.2.1 INTRODUCTION

One of the findings made in Chapter 1, Section 30001 of the Coastal Act states "that the permanent protection of the State's natural and scenic resources is a paramount concern to present and future residents of the State and Nation." Visual values of the Coastal Zone are also referred to in Section 30251 of the Coastal Act:

*"The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas ..."*

In order to analyze visual values, the City's portion of the Coastal Zone has been divided into nine geographic areas based either upon homogeneity of visual character or land use, or upon the presence of a shared visual resource problem. The nine visual resource areas are shown on Map 4 at the end of this section.

In order to establish visual values for each of the visual resource areas, specific criteria for determining such values were needed. Components of visual quality described in the federal Coastal Zone Management Guidelines (Roy Mann Associates, Inc., 1975) were selected and used to address the broader areas of concern which will be discussed in the following pages.

### 2.2.2 VISUAL RESOURCE AREAS

The areas of concern which will be addressed in relation to visual resources are as follows:

- Visual quality
- Visual fragility or sensitivity
- View quality
- Visual conflicts

#### A. AREA 1

##### DESCRIPTION

This area contains the portion of Pismo State Beach which lies within Grover Beach boundaries. With the exception of a restaurant, picnic area, parking lot, and public restroom facilities, the entire area is undeveloped. Visually significant features include a riparian corridor along Meadow Creek south of Grand Avenue, sand dunes which extend between and beyond the City's northern and southern boundaries, a wide, level beach, and a long and unobstructed shoreline.

##### VISUAL QUALITY

The area contains a variety of topographic forms. A flat sandy beach rises into a series of sloping foredunes which in turn give way, south of Grand Avenue, to the lower and more stabilized forms of the vegetated back dunes. The back dunes function as a buffer between the harsh climatic conditions near the shoreline and the sensitive, low-lying marsh lands and creek to the east. In



addition to a varied topography, the area displays a high degree of vegetative diversity and a range of habitat types which clearly illustrates succession from the pioneer plants of the foredunes to the complex vegetation along the creek and marsh. This area represents a unique visual resource for it is one of the few areas remaining along the California coast that still offers extensive unobstructed coastal vistas easily accessible to urbanized areas.

### **VISUAL SENSITIVITY**

Because of its value as a unique natural area and as a regional recreational resource, Pismo State Beach is visually sensitive to any significant alterations. The open beach will tolerate no development. The straight coastline and absence of any natural vertical rock formations make the shoreline extremely sensitive as well. Any shoreline or off-shore structure could be highly obtrusive and could detract from the visual quality of unobstructed expanses which are becoming increasingly rare on the California coast.

The foredunes cannot tolerate development of any type since any angular structure would conflict with the softer contours and light color of the unvegetated sand dunes. The vegetated back dunes and riparian corridor have natural scenic qualities which would be significantly diminished by any structures not subordinate to their natural features. The visual value of vegetative diversity in the backdunes and riparian corridor would be diminished by the alteration of land forms or removal of vegetation. Within the area designated for Coastal Planned Commercial a balance must be struck between natural visual quality and manmade visual quality.

### **VIEW QUALITY**

The foredunes block views of the beach and shoreline from all but the highest inland elevations. These dunes also obstruct views of the lower backdunes and riparian corridor from the shoreline. The dunes themselves are largely concealed by development or by vegetation south of Grand Avenue and by the mobilehome park north of Grand Avenue. Only glimpses of the dunes between structures and from higher elevations are available to most inland areas. Views from the dune tops, however, are excellent although these may be somewhat diminished in areas near Grand Avenue where structures are visible.

### **VISUAL CONFLICTS**

The existing structures in Area 1 are visually prominent but are located immediately adjacent to Grand Avenue and do not occupy large, undeveloped areas of the dunes. Fences used to control the erosion of sand onto Grand Avenue have been erected at several locations near Grand Avenue where they detract somewhat from visual quality. Destruction of vegetation in the dunes by vehicles has resulted in unattractive "scars" across vegetated dunes which can be viewed from Grand Avenue and the beach.

During peak recreation periods large numbers of vehicles, most of them moving in lines north or south near the shoreline, substantially diminish the visual quality of the beach and views of the beach from the dunes. Littering, particularly during peak use periods, presents serious visual resource problems throughout the area, but most noticeably in areas of high use along Grand Avenue west of Highway 1, and the beach and dunes near the Grand Avenue ramp.

Proposals by the California Department of Parks and Recreation to develop the backdunes and the area along Meadow Creek for more intensive recreational uses would diminish natural visual values in some portions of Area 1. For example, the parking area proposed for the backdunes south of Grand Avenue would conflict sharply with present natural visual qualities there. Other Department proposals, such as that of creating more open water in the lagoon south of Grand Avenue by removing sediment and debris, would not adversely impact upon visual quality of the lagoon.

## **B. AREA 2**

### **DESCRIPTION**

This area, which contains the City's highest elevations, lies between its northern boundary and Ocean View Avenue. The area is adjacent to Pismo Lake and to the branch of Meadow Creek which is located east of North Fourth Street. Residential development covers most of the southern half of this area, extending north from Ocean View Avenue on south-facing slopes to the undeveloped land which slopes north to Pismo Lake and Meadow Creek. The northeastern portion of this undeveloped land lies within a secondary floodplain. North Fourth Street, a major traffic arterial, bisects the area and links Highway 101 to Grand Avenue, and also to the beach and Highway 1 via Grand Avenue.

### **VISUAL QUALITY**

Visual quality in both the developed and undeveloped portions of this area is high. Unlike most of the City's streets, North Fourth Street and many of the residential streets near it follow natural contours rather than a superimposed grid pattern and appear compatible with the area's irregular topography. Most of the existing structures are newer single-family homes on relatively large lots. In size and design they are compatible with their surroundings and among the most attractive in the City. Landscaping here is well maintained, but utilizes non-native ornamental vegetation.

The undeveloped slopes above Pismo Lake and the Meadow Creek floodplain comprise one of the City's most significant visual resources. Native vegetation is dense and is comprised of several habitat types including chaparral, coastal sage scrub, riparian, fresh-water marsh, and oak woodland communities. The last includes one of the most extensive remaining coast live oak woodlands in the south county area. The shagbark manzanita, a rare and endangered plant species, reaches the northernmost limit of its range here. The diverse vegetation of these undeveloped slopes provides an excellent and unusual example of ecological transition from northern to southern habitat types.

### **VISUAL SENSITIVITY**

Because of its high visual quality, much of the area is extremely sensitive to the visual impacts of human activities. While only a few vacant lots remain within the developed portion, visual quality here could be adversely impacted by structures which, in size and design, are not compatible with surrounding development.

The land that is presently undeveloped is a particularly fragile scenic resource. The high visual quality of its diverse plant communities will not tolerate disruption or structures not subordinate to the character of predominantly low-growing vegetation. Grading and extensive earth-moving would also alter the character of this area and detract greatly from its scenic resource value.

### **VIEW QUALITY**

The slopes and ridge which comprise this area offer some of the finest views of the coast and inland areas in the City. Looking seaward from some portions of the developed land, an excellent shoreline view of dunes and ocean is often visible. Undeveloped areas north of Highway 101 and a portion of the City of Pismo Beach can be seen to the north. The quality of this inland view is marred by the presence of a large mobilehome park in Pismo Beach. The roofs of these mobilehomes are clearly visible from many parts of Area 2.

The largely undeveloped land in the area's northern half offers a view of high quality to travelers on North Fourth Street as they approach the entrance to Grover Beach. This view, predominantly one

of wooded and densely vegetated hillsides, is impaired to some extent by the presence of several houses below the ridge line east of North Fourth Street.

### **VISUAL CONFLICTS**

At present, the only significant conflict with the visual quality of this area is found in the obstructive appearance of the homes built below the ridge line and referred to above. The homes, while new and attractive, are designed primarily to exploit impressive inland views. The structures, most of which are two stories high, are elevated above the relatively low-growing vegetation of the slopes east of North Fourth Street and contrast sharply with the visual quality of the native vegetation around them. Native vegetation and landscaping screens, which might obstruct occupants' views, have not been utilized to camouflage the houses from the view of travelers on Fourth Street.

An additional problem throughout this area relates to the preservation of the high quality of the viewshed here. Newer structures, as mentioned, are designed to exploit views available to the occupants, often at the expense of views available from surrounding development and public streets.

## **C. AREA 3**

### **DESCRIPTION**

This area lies between Ocean View Avenue and Ramona Avenue to the south along the City's western edge. It is entirely developed and only a few scattered lots remain vacant. Highway 1 bisects this area. Adjacent to the highway's eastern side, the Southern Pacific Railroad tracks lie within a 100-foot wide easement. The land to the east of the railroad tracks in this area is zoned for industrial and residential uses. Industrial uses, such as warehouses and auto repair services, are increasing. On the west side of Highway 1 lies a mobilehome and recreational vehicle park. In the dunes bordering the beach is a golf course which is operated as a concession on State Park land.

### **VISUAL QUALITY**

The visual quality of Area 3 is, for the most part, poor. Within the industrial zoned area, the single-family residences are small, older homes constructed before the area was designated for industrial uses. Many of these are in deteriorated condition with little or no landscaping. The industrial structures, which near the railroad tracks are intermixed with residential buildings, vary widely in height, bulk and design. The overall appearance of this area is one of transition from residential to industrial land use.

Of particularly low visual quality in this area is the strip of land along Front Street adjacent to the railroad tracks. This area is now developed extensively in industrial uses of various types. These industrial structures are purely utilitarian in appearance with little evidence of concern for visual amenities in design and with little or no landscaping. A storage shed and a RV storage yard are located on the west side of Front Street and, like development along the east side of this street, are highly visible from Highway 1. The railroad tracks and easement are also of very low visual quality in this area. The easement is unlandscaped and overgrown with weeds for almost its entire length between Grand Avenue and the City's northern boundary line. No trees or shrubbery screen the railroad tracks from the view of highway travelers. The overall visual impression offered motorists on Highway 1 as they pass this area is that of a "back door" entrance to the City. Newer industrial development in the Saratoga Avenue/Atlantic City Avenue block and along Beckett Street provide landscaping and architectural design that is an improvement over the older developments.

Visual quality along the west side of Highway 1 is better than that along the east side. The mobilehome park is walled and trees are located at intervals in front of the wall. The upper portions of the mobilehomes are still visible, however, as are recreational vehicles using the adjoining park. These structures somewhat diminish visual quality on this side of the highway.

### **VISUAL SENSITIVITY**

Area 3 is visually sensitive primarily by virtue of its visibility from Highway 1. The character of a neighborhood of small "beach community" houses is another visually sensitive aspect of the area which has been disregarded and will soon be lost if current development trends continue.

### **VIEW QUALITY**

Area 3 has some potential for excellent views of the dunes and glimpses of the ocean beyond from Highway 1. At present, however, this view is obstructed by the mobilehome park and recreational vehicle park along the west side of the highway.

### **VISUAL CONFLICTS**

As noted above, the visual conflicts of this area are numerous. The appearance of industrial structures, until very recently, has not been regulated to protect the character of the preexisting residential neighborhood; and the result has been a degraded area of unplanned transition and jarring visual conflicts. Industrial uses on the west side of Beckett Place and North 1st Street will be long-term developments. Appearances from residences to the east have not always been considered during architectural review.

The land adjacent to the railroad tracks, discussed above, represents one of the City's most critical visual resource problems. The appearance of storage areas visible from both Grand Avenue and Highway 1 in this area degrade the visual quality of these important routes and reflect on the character and image of the City as a whole. Similarly, the neglected aspect of the railroad track easement seriously diminishes the visual quality of this portion of Highway 1.

The mobilehome and recreational vehicle parks, while not visually degrading, obstruct the view of the shoreline and dunes for highway travelers.

## **D. AREA 4**

### **DESCRIPTION**

Area 4 extends south of Ocean View Avenue to Ramona Avenue and lies east of North First Street. This area is completely developed, with the exception of a small number of vacant lots, in residential uses. Many of the residential structures are older, single-family homes, however, during recent years two-story planned unit development (PUD) units have dominated the building activity. The area is zoned entirely for residential use, however there is a nonconforming storage building at the corner of North 2nd Street and Newport Avenue. Land in the southern two-thirds of the area is adjacent to an industrial zone while designated for medium density (C-R-2) uses (between Ramona Avenue and Atlantic City Avenue). North of Atlantic City Avenue this area is zoned for single-family (C-R-1) uses.

### **VISUAL QUALITY**

The visual quality of this area is fair. The area presents the visual character of a neighborhood of modest homes, some of which are in deteriorated condition, transitioning to a higher residential density. Small lots with minimal landscaping predominate. Many of the properties lack curb, gutter, and sidewalk.

### **VISUAL SENSITIVITY**

Because the area is occupied primarily by small, one-story homes, it is visually sensitive to the construction of larger, multiple-unit dwelling structures which do not blend well with the low-profile and closely knit character of surrounding development. The present visual character of this area is also adversely impacted by adjacent industrial development to the west.

### **VIEW QUALITY**

Views from this area are not as dramatic as those in Area 1. However, glimpses of the ocean and dunes by travelers moving west on residential streets contribute significantly to the atmosphere of a small, beach neighborhood.

### **VISUAL CONFLICTS**

A source of potential conflict is the designation of the adjacent land in Area 3 for industrial uses. The construction of even well-designed industrial buildings may diminish the visual quality of the adjoining residential area and will also detract from coastal views from residential streets. The management of industrial operations is difficult due to residential complaints of noise, appearance, traffic, dust, and possible negative residential property value impacts.

Viewshed losses increase as more two-story structures are built or modified and as trees mature.

## **E. AREA 5**

### **DESCRIPTION**

This six-block area, although small, is of great significance to the City. The area is bisected by the City's main commercial street, Grand Avenue, and is located between Fourth Street, a freeway exit route, and Highway 1, a coastal access route.

Because of its location, Area 5 is highly visible to large numbers of tourists traveling to and from Pismo State Beach. It has been zoned primarily for highway commercial uses, a designation which permits, in addition to recreation-oriented developments, a variety of general commercial uses including nurseries and animal hospitals. Lots fronting on the south side of Grand Avenue between the railroad tracks and South 3rd Street are vacant. Existing development fronting on either side of Grand Avenue is predominantly general commercial. Behind these commercial developments and fronting on Ramona Avenue are single family homes and duplexes. On streets lying immediately south of Grand Avenue, residential development is entirely single-family. The single-family homes found in this area are small and usually older, deteriorating dwellings.

## **VISUAL QUALITY**

Visual quality in this area is fair. The 100-foot width of Grand Avenue, along which small trees have been planted at intervals, is visually dominant. The area is in nearly completed transition from a scattered mixture of residential, service-commercial, retail commercial and even industrial developments to a more homogenous general commercial strip along Grand Avenue. On streets north and south of Grand Avenue, residential uses predominate. Developments along Grand Avenue are diverse in both use and architectural theme although in recent developments an effort has been made to conform to either a rustic western or Spanish style design. The presence of a major entrance to a State beach nearby has not been exploited in either the use or design of most existing developments along Grand Avenue to any extent, and the absence of a theme which capitalizes on the areas visibility to beach visitors is noticeable.

## **VISUAL SENSITIVITY**

This area is particularly sensitive to uses and structural designs which detract from its appeal to tourists and beach visitors. It is sensitive, in addition, to structures which, because of height and bulk or poor design, diminish the value of views down Grand Avenue, are sensitive to the visual impacts of large developments, either commercial or residential, which appear obtrusive among small one-story, single-family dwellings such as those characteristic of Area 5.

## **VIEW QUALITY**

The dominant view in Area 5 is that of the ocean as one travels west on Grand Avenue. The quality of this view is not enhanced, however, by the nature or appearance of older developments on either side of the street. Newer general commercial structures are attractively designed.

## **VIEW CONFLICTS**

Visual conflict is evident here in the mixture of designs and uses of existing developments. The area lacks a strong identity and visual interest. A wide variety of unrelated uses are present along this commercial strip and do not promote the development of a common architectural theme which focuses on the City's proximity to the coastline.

A specific source of conflict in the area is a fenced storage yard adjacent to the railroad easement on the north side of Grand Avenue. This storage yard conflicts sharply with the appearance of developments to the east, and with that of the beach and ocean west of the railroad tracks. This visual conflict is of special significance because it is highly visible from both Grand Avenue and Highway 1, the City's two main coastal access routes.

## **F. AREA 6**

### **DESCRIPTION**

This strip of land, which is located south of Rockaway Avenue along the east side of South Fourth Street, is primarily for medium density residential uses. The development in Area 6 is a mixture of single-family homes, multiple-unit structures, and PUD units. Existing single-family homes are similar in character to those in Area 4, although a larger proportion of those in Area 6 and its vicinity are in deteriorated condition. In recent years, PUD's rather than rental units have replaced the traditional detached single family home.

### **VISUAL QUALITY**

Numerous substandard houses, accumulations of debris and inoperative vehicles on private property, and neglected grounds diminish visual quality of this area. Because of larger lots, more vacant land and more level terrain, the visual impression of a closely-knit beach community is not evident in Area 6 as is found in Area 4.

### **VISUAL SENSITIVITY**

Because this area is developed almost entirely in smaller, single-family homes, it is visually sensitive to the presence of larger, multiple-unit developments. Structures of more than one story appear particularly obtrusive.

### **VIEW QUALITY**

Coastal views from this relatively level area are limited and, in most cases, are presently obstructed either by trees or by development adjacent to the railroad. However, some views of the dunes are still available to travelers on residential streets south of Manhattan Avenue.

### **VISUAL CONFLICTS**

The most noticeable visual conflict in this area arises from the presence of a number of deteriorated, substandard and marginal dwelling units. In many cases the appearance of the structures themselves is further diminished by neglected and/or cluttered front yards or the presence of partially dismantled or inoperable vehicles.

## **G. AREA 7**

### **DESCRIPTION**

This area, located south of Rockaway Avenue and west of South Fourth Street, is designated primarily for industrial uses. A number of "heavy" industries, including a lumber yard, a wire manufacturing plant, and a concrete plant, occupy sites within the industrial district here. Some residential uses, primarily older single-family homes, are located near industrial developments as well. Between the railroad easement and Highway 1 in Area 7 lies a narrow strip of land which is being used for the storage of recreational vehicles and trailers although it is part of a much larger recreational vehicle park which lies outside City boundaries. The Coastal Commission has given approval to a permit application for development of a full-service recreational vehicle park. Presently, stored recreational vehicles behind a chain link fence are visible from Highway 1.

### **VISUAL QUALITY**

Landscaping and some design improvements have recently been made to two of the larger industrial developments, but the structures themselves are conventional industrial buildings with little aesthetic value. Most of the few single-family dwellings, including several non-conforming or illegal mobilehomes, are substandard and deteriorated. Some landscaping has been done, and most properties do not show evidence of dumping or neglect. The recreational vehicle storage area on the east side of Highway 1 in this area does not contribute to the visual quality of the area as seen from the Highway.

The multimodal transportation facility and entrance park at the southeast corner of Grand Avenue and Highway 1 will serve as a visual focal point for this area that is an important entry into the City.

**VISUAL SENSITIVITY**

This area itself is not highly sensitive. The character of an industrial area has been fairly well established. The land in this area, which is visible from Highway 1, is sensitive to developments which detract from the Highway's value as a scenic coastal access route.

**VIEW QUALITY**

Views from this low-lying, relatively level area are negligible, due both to the topography of the land here and to the presence of trees and industrial buildings which obstruct views of the dunes.

**VISUAL CONFLICTS**

Visual conflict within this area at present lies primarily in the obstruction of views of the dunes from inland areas by industrial developments and by trees behind them. These industrial developments also conflict to some extent with the remaining older single-family homes in the area. The recreational vehicle storage area along the east side of Highway 1 is visible to highway travelers and conflicts with the value of the Highway as a scenic coastal route.

**H. AREA 8****DESCRIPTION**

This area, located south of Farroll Avenue, is also designated for industrial uses. Light industrial developments such as warehouses and contractor's yards are expanding rapidly here, particularly in the area immediately adjacent to South Fourth Street. A closely grown row of very large eucalyptus trees screen this area from view from Highway 1.

**VISUAL QUALITY**

Most development in this area is industrial and visual quality is fair. Industrial uses on South Fourth Street are showing signs of aging. Storage lots are unscreened from public view.

**VISUAL SENSITIVITY**

This area is not highly sensitive. Large, heavy industrial uses or uses lacking the special design features of surrounding development would appear obtrusive.

**VIEW QUALITY**

Views of the dunes and ocean here are entirely obstructed by the trees that screen South Fourth Street from the adjacent railroad tracks and Highway and by vegetation along the west side of Highway 1.

**VISUAL CONFLICTS**

There are no significant visual conflicts in this area at present. Conflict could arise if heavy industrial developments were permitted to locate here or if special design features which characterize existing development were not required of future development.



## **I. AREA 9**

### **DESCRIPTION**

This small area east of South Fourth Street and south of Calvin Court is designated for single-family residential and for residential-agricultural uses. Within the C-R-1 zone, the single-family dwellings are relatively new and attractive. In the agricultural district some land lies fallow and the remaining is presently used primarily for truck farming and for agricultural buildings. As in Area 8, most of this area is screened by a row of tall, closely growing eucalyptus trees along the western side of South Fourth Street.

### **VISUAL QUALITY**

Visual quality in this area is fair. A few deteriorated structures are present at the north end of the residential agriculture district. Views inland from South Fourth Street here are of productive agricultural lands outside of the Coastal Zone, which provide some open space relief.

### **VISUAL CONFLICTS**

There are several agricultural buildings, used for storage or greenhouses, that are in character with surrounding agricultural activity. There is potential for some visual conflict in the C-R-A designation of the agricultural area if future developments obstruct inland views or do not retain the rural character of adjacent lands.

## **2.2.3 SUMMARY OF CONFLICTS**

### **A. AREA 1**

1. New development on or near the dunes or beach could detract from the visual quality of the presently undeveloped areas here.
2. Destruction of vegetation by illegal vehicles in the dunes has resulted in unattractive scars across vegetated dunes.
3. Littering, particularly at peak use periods, diminishes the visual value of the beach and dunes.

### **B. AREA 2**

1. Because of the sloping topography here, viewsheds are often impacted by new structures.

### **C. AREA 3**

1. The appearance of most of the industrial developments here is of low visual quality, although they are highly visible from Highway 1.
2. Industrial uses in the area conflict sharply with the visual character of surrounding single-family dwellings.

3. The land within the railroad easement, also visible from Highway 1, is neglected and of very low visual quality.

**D. AREA 4**

1. Viewshed losses increase as more two-story structures are built or modified and as trees mature.

**E. AREA 5**

1. The land use designation presently applied to land fronting on Grand Avenue in this area does not require special design and landscaping features compatible with its high visibility to tourists and travelers.
2. A fenced storage yard near the intersection of Grand Avenue and Highway 1 detracts significantly from the visual quality of this highly visible area.

**F. AREA 6**

1. Several structures in this area are deteriorated or dilapidated. Accumulations of debris or vehicles in some yards diminish visual quality.

**G. AREA 7**

1. Industrial developments and trees here obstruct views of the dunes from inland areas.
2. The recreational vehicle storage area adjacent to Highway 1 is not adequately screened from view from Highway 1.

**H. AREA 8**

1. Visual conflict with existing uses could arise here if large-scale industrial uses were permitted.

**I. AREA 9**

1. The present designation permitting residential agricultural use in the southern third of this area may create conflicts with the intensive agricultural use of adjacent lands beyond Coastal Zone boundaries. Strictly residential development is often incompatible with agricultural activity.

## 2.2.4 RECOMMENDATIONS

### A. AREA 1

1. Policy: Dunes, beach and shoreline shall continue to dominate the area visually. All structures shall be subordinate or complimentary to these natural features and to existing structures.
2. Policy: In the relatively small portion of Area 1 where development may occur, development shall be sited and designed to protect views to and along the shoreline and dunes. The scenic and visual quality of this area shall be considered, protected, and enhanced where feasible.
3. *Action: In cooperation with the California Department of Parks and Recreation, additional trash containers shall be provided at appropriate locations whenever a proposal which will increase the number of beach users in a particular area is implemented.*
4. *Action: The City should cooperate with the California Department of Parks and Recreation in providing additional trash containers and collection service near the Grand Avenue ramp entrance and near LeSage Drive. Additional service is particularly necessary during peak recreational use periods.*

### B. AREA 2

1. Policy: Landscaping which incorporates native vegetation and vegetative camouflage shall be required for any dwellings constructed below the ridgeline and visible from North Fourth Street.
2. Policy: As this visual area encompasses lands zoned Coastal Single Family Residential (C-R-1), Coastal Multiple Residential (C-R-3), and Coastal Planned Single Family Residential (C-P-R-1) there will be differing height, bulk and coverage requirements. These specific limitations shall be addressed in respective zoning component sections. However, in each case, the scenic and visual qualities shall be considered and protected; development in any of these zoned districts shall be sited and designed to protect views and the general visual quality.
3. *Action: The undeveloped Meadow Creek upland area designated for Coastal Planned Single Family Residential is within an area of high scenic and visual quality and as such these qualities shall be considered and protected. Permitted development shall be sited and designed to protect views to, along, and over this scenic coastal area; to minimize the alterations of natural land forms; and to be visually compatible with the character of surrounding areas. Development in this area shall be subordinate to the character of its setting.*
4. *Action: North Fourth Street from the City's northern boundary south to Ocean View Avenue shall be designated as a scenic corridor. All native vegetation along the corridor for 50 feet from the ultimate width on either side shall be preserved in its existing state or enhanced by the introduction of additional native vegetation.*

### **C. AREA 3**

1. Policy: As the Coastal Planned Commercial area west of Highway 1 redevelops into consistent visitor serving uses, the allowed development shall be sited and designed to protect the existing view corridors perpendicular to Highway 1, along Grand Avenue and LeSage Drive, and create one to three additional view corridors perpendicular to Highway 1 north of LeSage Drive. The development in this area shall be complimentary and subordinate to the character of the shoreline and dune setting to the fullest extent feasible.
2. *Action: That the Southern Pacific Railroad and/or their lessees be required to upgrade the visual quality of the railroad easement.*
3. Policy: As the areas east of Highway 1 in this area develop or redevelop, the area shall be screened from the Highway 1 viewshed by shrubs and low growing trees (8' to 12' mature height).
4. Policy: As the areas east of Highway 1 in this area develop or redevelop, the scenic and visual qualities of the dunes, shoreline and ocean shall be addressed in the siting and designing of the projects. The viewshed over this area and to the shoreline environs are of major importance. Where feasible visually degraded areas shall be enhanced.

### **D. AREA 4**

1. *Action: Views or vistas to the scenic dunes and shoreline westerly and southerly of this area shall be considered and protected as a resource of public and private importance. Permitted development shall be sited and designed to protect and enhance where feasible the views or vistas to shoreline areas. Said development shall be visually compatible with the character of the surrounding areas.*
2. Policy: All new structures in this area shall utilize designs and materials which are compatible with the character of existing single-family homes.

### **E. AREA 5**

1. Policy: Future developments along this commercial strip shall be limited to structures which are visually appealing to beach visitors and tourists. Design, material and landscaping requirements shall promote imaginative development compatible with the adopted City architectural guidelines.
2. Policy: The existing slot view on Grand Avenue toward the dunes and shoreline shall be protected and enhanced where feasible. A minimum setback of 10 feet on Grand Avenue shall be required in this area, thus a 120-foot-wide-view corridor will be maintained.
3. *Action: A design plan, complementing the Central Business District design theme, may be prepared and adopted for this area.*

**F. AREA 6**

1. Action: Building code enforcement in this area should be given high priority to ensure that the visual and structural quality of marginal and substandard dwellings is upgraded. Assistance from community volunteers in identification of visually degraded structures and grounds could be encouraged for this purpose.

**G. AREA 7**

1. Policy: Future industrial developments here shall be required to meet precise landscaping and design requirements.
2. Policy: Future developments shall not be permitted to further obstruct views of the dunes from adjacent inland areas.
3. *Action: The recreational vehicle park area should be better screened, through the use of trees and shrubs, from view from Highway 1.*

**H. AREA 8**

1. Policy: Future developments shall conform in design, height, and bulk to the light industrial character of existing development.

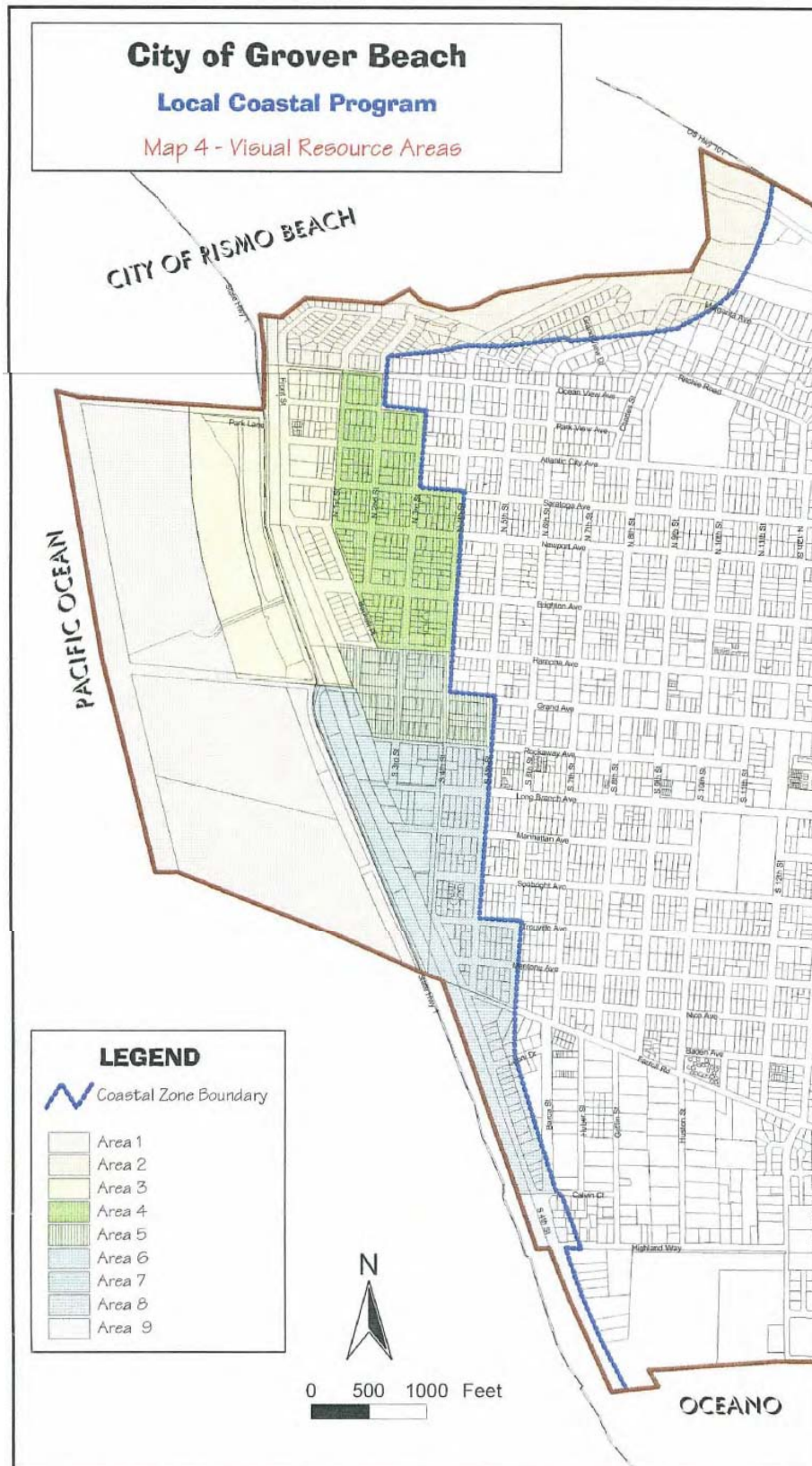
**I. AREA 9**

1. Policy: Future developments in this area shall be agriculture-related uses which are visually and economically compatible with adjacent agricultural land uses.

**K. GENERAL**

1. Policy: No billboards or other off-site signs shall be permitted at any time in any part of the Coastal Zone within Grover Beach boundaries for any but public service purposes.
2. *Action: Existing billboards and off-site signs for all but public service purposes shall be required to be removed within the Coastal Zone of the City of Grover Beach as soon as legally permitted.*

Map 4 – Visual Resource Areas



# 3.0 ARCHAEOLOGICAL RESOURCES COMPONENT

of the LOCAL COASTAL PROGRAM



## 3.1 COASTAL ACT POLICY

Although their value is not directly derived from proximity to the coastline, areas of archaeological and paleontological importance often have coastal locations. In Section 30244 of the Coastal Act, the preservation of both archaeological and paleontological resources in the Coastal Zone is addressed:

*"Where development would adversely impact archaeological or paleontological resources identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required."*

The intent of the Coastal Act regarding historic and prehistoric resources is made clearer by the more specific policies of the *Coastal Plan* (Coastal Commission, 1975) which relate to such resources. In the *Coastal Plan*, upon which the Coastal Act of 1976 was based, the following policy is stated:

*"Policy 151: Protect Historical and Prehistorical Resources. Representative and unique archaeological, paleontological and historical features shall be identified and protected from destruction and abuse. These sites shall be permanently preserved through public acquisition or other means and shall be integrated with recreational and other cultural facilities where appropriate."*

In order to implement the above policy, the State Historic Preservation Officer is required to give highest priority for preservation to the following types of archaeological sites:

1. Areas where substantial information has been recorded but still require a systematic overview;
2. Those areas of high "sensitivity" where suspected resources are endangered by a proposed development;
3. Those sites most likely to yield significant new information; and
4. Those unsurveyed areas located within areas zoned and designated for near-future development.

In addition to requiring that this system of prioritization be applied to coastal archaeological resources, *Coastal Plan* policy also mandates that,

*"Where development would adversely affect identified archaeological or paleontological resources, adequate mitigation measures (e.g. preserving the resources intact underground, fencing the resource area, or having the resources professionally excavated) shall be required."*

## **3.2 COASTAL ARCHAEOLOGICAL RESOURCES IN GROVER BEACH**

Due to the abundance of wildlife and fishlife, Grover Beach's Coastal Zone area at one time apparently supported relatively large populations of the Chumash, a native American group. Several cultural deposits in the areas adjacent to Pismo Lake within the Grover Beach Coastal Zone have been identified and recorded by the San Luis Obispo County Archaeological Society. Only preliminary studies of these sites have been made at this time, but findings of the initial examinations indicate that they have archaeological significance. Excavation of two percent of one large site in the area has unearthed ovens, food processing locations, and areas of stone tool manufacture. An archaeologist who participated in the excavation believes that the site was occupied sometime during the period between A. D. 500 - 1500. He has stated that "the site probably served as a special purpose campsite with an emphasis on the collection of shellfish from the nearby intertidal zone as well as other resources present in the oak woodland and marshland to the north" (Spanne, 1978). The archaeologist has also noted that, because of its relatively undisturbed condition, this area is a unique resource for aboriginal deposits along the California coast. It is believed that such a site may not exist elsewhere in southern San Luis Obispo County and that the area may provide important new archaeological information.

The sites already recorded by the San Luis Obispo County Archaeological Society all lie within areas presently zoned for residential development. Five acres of land west of North Fourth Street, adjacent to a City-owned, natural buffer area, are presently divided into four large-lot home sites. The Regional Coastal Commission has required, as a condition of approval for site preparation and development here, that an archaeologist be present on the site during all grading and earth-moving activity, and that mitigating measures be taken to protect any significant archaeological features from adverse impacts.

When the Mar Brisa Planned Development, located east of North Fourth Street and north of Ocean View Avenue, was reviewed by the City, provisions for the protection of archaeological resources were made. Home sites in sensitive areas require archaeological monitoring during construction.

## **3.3 CONFLICTS**

Since any development in archaeologically sensitive areas within the Coastal Zone requires archaeological monitoring by a qualified archaeologist and Native American, conflicts have been eliminated.

## **3.4 RECOMMENDATIONS**

1. Policy: Where development would adversely impact archaeological or paleontological resources as identified by the State Historical Preservation Officer, reasonable mitigation measures shall be required by the City's Planning Commission and/or City Council.



2. Policy: All of the cost associated with archaeological investigations shall be borne by the applicant.
3. Policy: That during any archaeological field investigations one native American representative has access to the property during the investigation.
4. Policy: That should archaeological resources be found during the construction phase of any project, all activity shall be temporarily suspended for a maximum of 30 days in which time a qualified archaeologist who has a working knowledge of Coastal Chumash archaeological sites chosen by the City's Environmental Coordinator has examined the site and recommended mitigation measures to be approved by the City. Said investigation costs shall be borne by the developer.
5. Policy: That prior to the issuance of any permit within areas identified as potential archaeological sites the City shall require an initial reconnaissance by a qualified archaeologist who has a working knowledge of Coastal Chumash archaeological sites.
6. Policy: That the City of Grover Beach's Planning Department shall maintain copies of maps of known areas of archaeological significance.
7. Policy: That in general, the standard mitigation for development on or near archaeological sites shall be importation of 18" to 24" of sterile sand fill provided that no utility trenching be allowed in native material; or leave area in open space and that a qualified archaeologist is present during any excavation; or, as a last resort, removal of any artifacts be by a qualified archaeologist. Said artifacts to be turned over to the San Luis Obispo Archaeological Society.



## 4.0 COASTAL AIR QUALITY AND VEHICULAR ENERGY CONSUMPTION COMPONENT of the LOCAL COASTAL PROGRAM

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### 4.1 COASTAL ACT POLICY

In addition to the site-specific concerns discussed in preceding chapters, the Coastal Act identifies several which cannot be shown on a map but may nevertheless be considered as coastal resources. Two such resources of importance in relation to Grover Beach's portion of the Coastal Zone are those of air quality and transportation energy. Section 30253 of the Coastal Act, in part, requires that new development shall:

- "(3) *Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development;*
- (4) *Minimize energy consumption and vehicle miles traveled."*

### 4.2 CHARACTERISTICS

Grover Beach lies within the Coastal Plateau of San Luis Obispo County. Within San Luis Obispo County the greatest single source of air pollution is exhaust from motor vehicles. Vehicular travel is also responsible for consumption of a significant portion of the State's total energy supply. It is estimated that in California 48 percent of statewide energy use is attributable to transport of passengers and freight. Motor vehicle emissions in San Luis Obispo County are responsible for about 40% of all reactive organic gases and nitrogen oxides, over 50% of particulate matter under 10 microns in size, and 60% of carbon monoxide emissions. In early 1995, average vehicle ridership during morning commute hours on all roads in the county was about 1.2. This means that approximately 80% of the vehicles driven to those trips have only one occupant.

The above information indicates that automobile travel has a significant impact on the related problems of air quality and energy consumption. Within Grover Beach's portion of the Coastal Zone, these two problem areas and their relationship to each other are of special significance because Pismo State Beach, a major State recreation destination, lies partially within Grover Beach boundaries. The State Beach and the adjoining Oceano Dunes Vehicular Recreation Area to the south are provided with two accessways, one of which is located at the Grand Avenue vehicular ramp in Grover Beach. It is estimated that over 50 percent of the more than two million annual visitors to the beach and dunes, most of them in vehicles, use the Grand Avenue ramp.

Two other significant characteristics of the Pismo State Beach and Oceano Dunes use are also of importance in considering air quality and transportation energy. Peak annual use of Pismo State Beach and the Oceano Dunes Vehicular Recreation Area occurs during three or four major recreation periods which last approximately 3.5 days each. Because of this peak use phenomenon,

most of the consumption of transportation energy and associated production of air pollutants resulting from trips to or from Pismo State Beach and Oceano Dunes is not distributed evenly over the year but occurs simultaneously. The effect of this peak use pattern on air quality in particular is probably significant, although no data relating vehicular travel generated by the Pismo State Beach and Oceano Dunes to air quality is presently available and would have to be reviewed with climatic conditions existing on the 3-day weekends as compared to other times.

A second important characteristic of the Pismo State Beach and Oceano Dunes use is that, because the facility is remote from major population centers of the State, a large number of the total annual trips to these facilities originate at some distance from San Luis Obispo County. The California Department of Parks and Recreation estimates that over 80 percent of all visitors to the beach and dunes travel there from a distance greater than 100 miles, and of these, over half originate in the Los Angeles Metropolitan Area, approximately 200 miles from the State Beach.

The implications of this characteristic for energy consumption and air quality are critical. It is estimated that almost one million vehicles carry visitors to Pismo State Beach and Oceano Dunes each year. Because nearly all these vehicles, particularly those coming from a distance, are passenger automobiles rather than mass transit vehicles, per passenger vehicle miles traveled to and from the State facilities are extremely high. This high number of vehicle miles traveled results both in a high rate of energy consumption and a proportionately high level of auto-related pollutant emissions. With the completion of the multi-modal transportation facility at the southeast corner of Highway 1 and Grand Avenue and Amtrak San Diegan service in late 1996, vehicle use may decline.

The cumulative impacts of the above-described use characteristics are particularly significant for air quality, both in Grover Beach's portion of the Coastal Zone and throughout the County. The non-local peak use character of most travel to and from the Pismo State Beach and Oceano Dunes suggests very high concentrations of atmospheric pollutants over a limited number of days in the vicinity of the major regional and State transportation corridors, and the beach.

Because of the impacts of the peak recreational use phenomenon on coastal air quality and on other coastal resources and facilities as well, it may be desirable to attempt to redistribute use of the Pismo State Beach and Oceano Dunes over a greater number of days during the year. Such a shift in demand pressure could be facilitated through a variety of actions. Several feasible methods of altering the present peak use pattern or mitigating its impacts on air quality and energy consumption follow.

## **4.3 RECOMMENDATIONS**

1. The Chamber of Commerce should institute "off-season" beach-related events which will have a regional or statewide interest and will attract beach visitors at non-peak periods. A mobile home and/or recreational vehicle show; an arts and crafts festival; a beach olympics with a beach jogging marathon; volleyball and frisbee tournaments; kite-flying competitions; swimming races and so on; or any other family-oriented, broad appeal activity.
2. Cal Trans should develop and implement means of increasing use of mass transit by beach visitors from long distances as well as by those who are local residents. The success of such a program will depend on the following conditions:

- Provision of lodging and dining facilities near the beach which are convenient for beach visitors without cars. Appropriate sites for a beach visitor-oriented hotel/motel are: (1) the six acres currently owned by the State Parks and Recreation which was previously a golf driving range; and (2) a strip of land privately owned and currently occupied by a mobile home/recreational vehicle park north of Grand Avenue along the west side of Highway 1. Approximately 42 of the 60 mobile homes located here are presently used only as vacation homes.
- Expansion of the existing local bus system to provide service on weekends with beach stops.
- Upgrading by the property owners and users of the railroad easement of the visual quality of land along Highway 1 north of Grand Avenue. Improvements should include, at minimum, landscaping or screening of the railroad easement north of Grand Avenue, removal of deteriorated structures at the intersection of the railroad tracks and Grand Avenue, and screening of storage yards abutting the railroad easement immediately north of Grand Avenue. These objectives should be achieved through a land use designation requiring amortization or screening of unsightly uses in coastal corridors.



# 5.0 PUBLIC ACCESS AND RECREATION COMPONENT

## of the LOCAL COASTAL PROGRAM



### 5.1 INTRODUCTION

Of all the issues which the Coastal Act addresses, those concerned with provision of public access to the coast are perhaps the most significant and the most familiar. Provision of coastal access was a primary concern of California voters who approved the Coastal Zone Management Initiative in 1973. The Coastal Act of 1976, which arose from the preliminary work accomplished under the Initiative's mandate, helped to establish protection of public access to the State's 1,072 miles of coastline as a high-priority objective designated for immediate implementation.

The specific public access policies of the Coastal Act implicitly recognize that, while coastal access is guaranteed under the California Constitution (Article XV, Section 2), escalating coastal land values and the increasing demands of the private market for coastal land pose a serious threat to the continuance of public access to the coast. To insure that the public's constitutional right to have access to the coast will be enhanced and protected by local policy, the Coastal Act requires the following:

*Each local coastal program prepared pursuant to this chapter shall contain a specific public access component to assure that maximum public access to the coast and public recreation areas is provided. (Coastal Act, Section 30500)*

The Regulations prepared by the Coastal Commission in order to implement Coastal Act policies specify the content of the access component in the following terms:

*The public access component of a local coastal program pursuant to Public Resources Code Section 30500 may be set forth in a separate plan element or may be comprised of various plan components that are joined together in a text accompanying the submission of the local coastal program. The public access component shall set forth in detail the kinds of public service capacities for recreational purposes where required pursuant to Public Resources Code Section 32054, and specific geographic areas proposed for direct physical access to coastal water areas as required by Public Resources Code, Sections 30210-30224 and 30604.*

In the Local Coastal Program Manual, also developed by the Coastal Commission, the requirements of the above regulation are further clarified as follows:

*With the exception of the reference to Section 30604(c), this provision will be met by showing how the relevant policies of Chapter 3 of the Coastal Act (more specifically, groups A, B, C, and M) have been met, including specific designations of land uses and access areas. Section 30604(c) requires that a coastal permit for any development between the nearest public road and the shoreline include a finding of conformity with the public access and recreation policies of Chapter 3... The LCP (most likely the zoning portion) must provide for this finding to be made as part of the local permitting process. (LCP Manual, pp. 1-29 to 1-30)*

The primary purpose of the access component of the local coastal program, then, is to describe in detail the ways in which local conditions do or do not conform to Coastal Act policies, and to recommend local policies and actions to correct non-conforming conditions. Because of the extent of overlap between concerns relevant to shoreline access and those involving coastal recreation, policies and plans concerning both are addressed in a single report.

In the following pages, existing and probable future conditions related to the provision of recreation opportunities and shoreline access within the City's portion of the Coastal Zone are described. This description is followed by a comparison of these conditions with the specific applicable policies of the Coastal Act in order to identify existing and potential non-conformities. In the final pages of the report, existing conditions and existing or potential conflicts with relevant Coastal Act policies are summarized.

## **5.2 EXISTING CONDITIONS**

### **5.2.1 PUBLIC RECREATION AREAS**

#### **PISMO STATE BEACH**

Of the slightly less than one square mile of the Coastal Zone which lies within Grover Beach's limits, approximately 150 acres are contained by the boundaries of Pismo State Beach. This State facility includes not only the shoreline, but the coastal dunes and wetlands along the beach's eastern edge as well.

Because this large area along Grover Beach's coastline is under State rather than local jurisdiction, most of the Coastal Act policies relating to shoreline access and recreation will be only indirectly the responsibility of Grover Beach to implement. Nevertheless, the park does lie within City boundaries and, as an extremely popular recreational resource of the State; it has a significant impact upon the community and its residents.

The Coastal Act requires that any project proposed by a State agency for land lying within the Coastal Zone of a local jurisdiction be found in conformity with that local jurisdiction's coastal plan before development of any type can occur. For this reason it is necessary that Grover Beach's Local Coastal Program establish specific policies regarding access to, and use of, the portion of the State lands which lies within City boundaries. It is also necessary to coordinate development of these policies with local coastal program policies of the City of Pismo Beach and the County of San Luis Obispo as both these jurisdictions contain lands which are within Pismo State Beach and must also establish a basis for decisions concerning access to and use of this regional facility.

#### **BEACH AND SHORELINE**

Broad sandy beaches offer visitors the only opportunity available anywhere along the California coastline for drive-on beach camping or beach "touring" in ordinary motor vehicles. This same beach is also the habitat of large populations of the Pismo Clam. Clamming, surf fishing and "touring" are the beach's most popular recreational activities.



## **COASTAL DUNES**

Approximately 100 acres of the 15,900 acres which comprise the coastal dunes system called the Nipomo Dunes complex lie within Grover Beach boundaries. In Grover Beach the dunes are slightly more than 2 miles in length and a maximum of about 1/4 mile in width. The dunes within Grover Beach's boundaries are partially stabilized by vegetation. Popular activities in Grover Beach's portion of the dunes include hiking, horseback riding, and bird-watching.

In order to protect stabilizing vegetation, vehicles are prohibited in the dunes between Grover Beach's northern limit and the Oceano Dunes Vehicular Recreation Area at the beach's southern extremity. However, only those dunes within the 430-acre Pismo Dunes Natural Preserve south of Arroyo Grande Creek are permanently protected from vehicular use. The dunes within Grover Beach boundaries do not have the permanent protection of preserve status, primarily because they do not contain the examples of undisturbed vegetation and native habitats found in the dunes in the Preserve.

## **COASTAL WETLANDS**

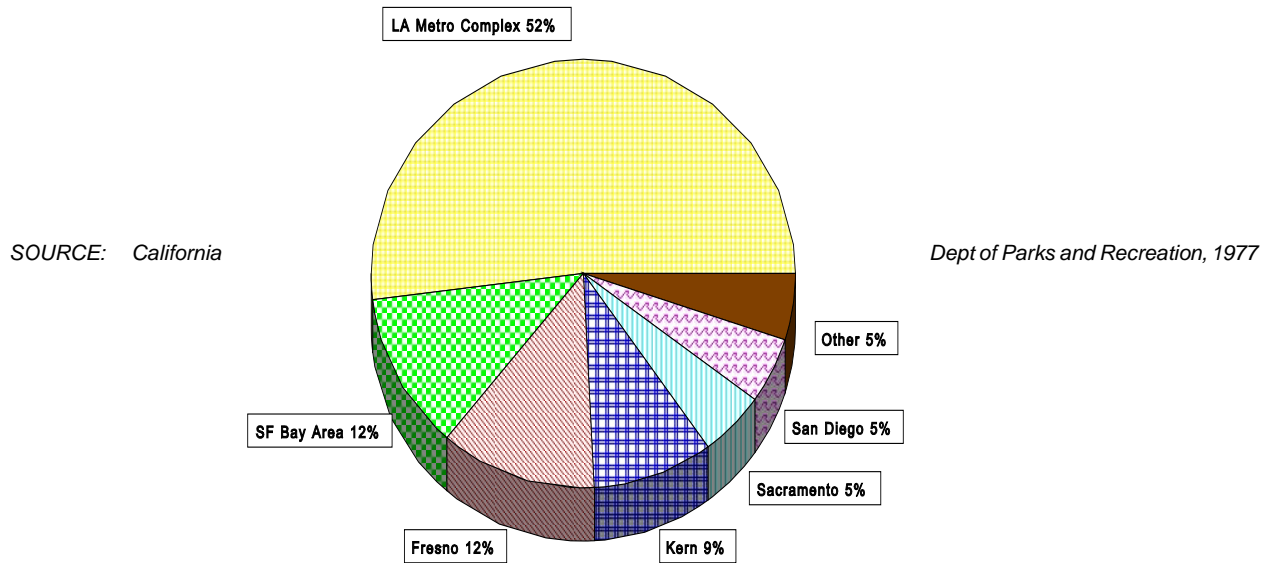
Immediately to the east of the sand dunes, yet still within State Beach boundaries, lies a portion of the coastal wetlands system which borders Grover Beach on three sides. North of Grand Avenue native riparian and marsh habitats along Meadow Creek have been replaced by a mobilehome park and a nine-hole public golf course. South of Grand Avenue, however, both Meadow Creek and a part of the Oceano Lagoon provide marsh and riparian habitats for wildlife. This area, which is little used and largely undisturbed, is an excellent place for activities such as photography, nature study, and bird-watching.

## **VISITOR USE**

Pismo State Beach is one of the most popular of California's State parks. In the 1996-97 fiscal year, the State Beach and Vehicular Recreation Area attracted over one and one-half million visitors. Peak use periods presently occur primarily during the months of July, August and September and particularly during holidays and three-day weekends such as those accompanying Labor Day and Memorial Day.

Figure 2 shows the origin of visitors to Pismo State Beach campgrounds. Because local beach visitors do not use overnight camping facilities to the extent that non-local visitors do, the campground survey from which this figure was derived does not indicate the actual level of use of the entire park by local visitors. No study of local versus non-local beach use has been undertaken for Pismo State Beach.

**FIGURE 2**  
**Origin of Visitors to Pismo Beach Campgrounds**



### VISITOR-SERVING AND RECREATIONAL SUPPORT FACILITIES

Support facilities for the Park are extremely limited. Two restroom facilities, one at the foot of Grand Avenue in Grover Beach and one at the foot of Pier Avenue in Oceano, are maintained by the State's Department of Parks and Recreation. At the Grand Avenue entrance to the beach, the public parking area can safely accommodate 106 vehicles with an additional 57 spaces located near the golf course. A picnic area with twenty tables is located off the parking lot.

While overnight camping is not permitted within Grover Beach's boundaries, campgrounds are maintained by the Department of Parks and Recreation at two locations on the eastern border of the beach. North Beach Campground, located just beyond Grover Beach's northern limit, contains 103 campsites. The campground lies 1/4 mile inland from the beach off Highway 1.

Approximately one mile south of Grover Beach, the Department of Parks and Recreation maintains the Oceano Campgrounds. This facility has 82 developed campsites, 42 of which provide water and electric hook-ups for trailers. The present entrance to the campground is located immediately off Pier Avenue in Oceano.

During peak use periods and holidays, both the Oceano and North Beach campgrounds are filled to capacity. Pismo Beach Park rangers have noted an increase in the number of off-season visitors to the campgrounds, a trend which may help to mitigate the impacts of overcrowding at the beach during peak recreation periods.

Drive-on beach camping, one of the beach's most unique visitor attractions, is restricted to the beach and open dune areas about 2 miles south of the Grand Avenue ramp. These beach camping areas are designed for "primitive camping" and are provided with sanitation facilities but no water. Reservations are recommended since there is a limit on the number of camping units allowed.

Beach camping fees are collected by State employees only at the entrance stations or reservations can be made and paid for through DESTINET.

### **5.2.2 BEACH ACCESS**

Vehicular access to all parts of the sandy beach between the City of Pismo Beach and the southern boundary of the State's Vehicular Recreation Area, a distance of about seven miles, was historically permitted. However, in late 1979 the portion of the sandy beach within the City limits of the City of Pismo Beach and in 1980 the portion north of Grand Avenue in Grover Beach was closed to vehicular access. Pedestrian use of the beach north of Grand Avenue is longstanding.

All vehicle operators anywhere on the beach or in the Vehicular Recreation Area must observe a 15-mile per hour speed limit. Drivers are also subject to prohibitions against driving in restricted dunes, driving without a valid license, operating a vehicle which does not meet State equipment standards, driving under the influence of alcohol or drugs, or driving while carrying an opened container of alcohol. However, it should be noted that there are no prohibitions related to consuming alcoholic beverages on the beach by persons over 21 years of age.

There are two permanent entrance stations to the beach.

There are five accessways to the shoreline available for use by either vehicle operators or pedestrian or "walk-in" visitors. These accessways are described below.

**North Beach Campground:** This campground, owned and operated by the California Department of Parks and Recreation, is located on the west side of Highway 1 and 1/4 mile inland from the beach within the City of Pismo Beach. Access to the beach from the campground is used primarily by campground visitors, and is available only to pedestrians because vehicular use of the dunes between the campground and the beach is prohibited.

**Grand Avenue:** The only ramp entrance to the beach within Grover Beach lies at the foot of its main commercial street, Grand Avenue. The ramp itself is owned and maintained by the California Department of Parks and Recreation. The Grand Avenue ramp provides beach access for approximately 51 percent of the beach's visitors. Because this ramp is the most conveniently located access point for the most densely developed portion of the City, it is used by more "walk-in" visitors than is any other accessway. During many high tides the ramp is underwater and unusable. City maintenance of Grand Avenue ends at the driveway to the day use parking area.

**Oceano Campground:** Like the North Beach Campground this facility is owned and maintained by the State's Department of Parks and Recreation. Campground beach access, which is used primarily by campground visitors, is restricted to pedestrian use because vehicles are not permitted in the dunes which lie between the campground and the beach.

**Pier Avenue:** The ramp located at the foot of Pier Avenue in Oceano is owned and maintained by the Department of Parks and Recreation. This State agency also owns a portion of Pier Avenue itself near the ramp entrance. The Pier Avenue ramp is the southernmost of the two public ramp entrances to the beach. It lies approximately one mile south of Grand Avenue and provides convenient access to the State's Vehicular Recreation Area. The Pier Avenue ramp provides access for approximately 32 percent of the beach's visitors. The State

Department of Parks and Recreation has made significant improvements to the Pier Avenue approach including widening the street and bridge and installing sidewalks and traffic signals. With these improvements, traffic management has improved and there is seldom a back up of traffic.

Oso Flaco Lake Road: There is at present no direct inland access to the 430-acre Oceano Dunes State Vehicular Recreation Area which lies south of Oceano. Primary access to the dunes at present is via the beach from Grand Avenue or Pier Avenue. Some visitors also use the Oso Flaco Lake Road which is maintained by the County. This road is narrow and in poor condition, and terminates at the Oso Flaco Lake Natural Area entrance station and parking lot. This accessway is used primarily by hikers, nature watchers, and fishermen.

### **5.2.3 PRIVATE VISITOR-SERVING FACILITIES**

Grover Beach's portion of the Coastal Zone contains a limited number of visitor-serving facilities. Most of these facilities lie within areas designated as "Coastal Highway-Commercial", which permitted uses ranging from motels and restaurants to veterinary hospitals and professional offices.

The C-H-C District encompassed both sides of Grand Avenue from Highway 1 eastward and is developed primarily in commercial uses although few of these are visitor-serving or recreation-oriented. However, this area must offer commercial services to both local residents as well as visitor needs.

The Coastal Planned Commercial designation has been applied to thirty acres of land located on the west side of Highway 1 between Grand Avenue and the City's northern boundary. Approximately five acres within this district are presently undeveloped. The remaining developed land is occupied by a sixty-unit mobilehome park and adjoining recreational vehicle park.

The recreational vehicle park is a visitor-serving use, however, the mobilehome park serves only residents. Although the park is immediately adjacent to the beach and to a nine-hole golf course, its residents must use public access to these facilities from LeSage Drive and Grand Avenue.

Also adjacent to Highway 1, but at the City's southern boundary, lies a 100-foot wide strip of land which is owned by the County of San Luis Obispo. It is presently leased by a private party for use as a recreational vehicle park. Five acres at the northernmost end of this facility are within Grover Beach boundaries. This land, designated on the City's Zoning Map for Planned Commercial uses, is presently used for open-air vehicle storage.

### **5.2.4 MULTIMODAL TRANSPORTATION FACILITY**

In November 1996 the Grover Beach Multimodal Transportation Facility was opened. Located at the southeast corner of Grand Avenue and Highway 1, the facility includes an unmanned Amtrak station for train and bus service. Parking is provided on the east and west sides of the tracks. The City owns these properties, however, a 0.32 acre parcel along Grand Avenue was retained in private ownership to allow for future visitor-serving commercial activities.

## **5.2.5 ECOLOGICAL PRESERVE**

A 5.12 acre Ecological Preserve was acquired by the City through dedication by a private developer and is the only City-owned recreational area within the City's portion of the Coastal Zone. The preserve area originally was comprised of a narrow, sloping strip of land along the southern border of Pismo Lake west of North Fourth Street. Additional land was included in the preserve east of 4th Street as a condition of approval of the Mar Brisa and Meadow Creek planned developments. The preserve status of this land requires that it be maintained permanently in an undisturbed natural condition. None of its many coastal live oaks or other marsh and riparian vegetation are to be removed. Vehicles are prohibited in the area and only limited passive activities such as nature walks and birdwatching are permitted. No parking, access or other visitor-serving facilities are provided.

## **5.2.6 NEIGHBORHOOD PARKS**

There are no neighborhood parks within the Coastal Zone boundary, however, Grover Heights Park's service area includes areas within the Coastal Zone. Grover Heights Park is a barrier free, full service park facility. As land and money become available, new parks will be added within the Coastal Zone.

## **5.3 EXISTING POLICY**

### **5.3.1 STATE POLICY**

The California Department of Parks and Recreation produced, in 1975, a General Development and Management Plan for Pismo State Beach and Dunes. The principal objectives of this plan are the following:

1. Control of vehicular beach access.
2. Reduction in vehicle traffic on the beach, primarily through
  - a. Development of new access to the dunes
  - b. Development of off-beach parking
  - c. Reduction in beach-camping densities
  - d. Conversion of one mile of beach to pedestrian only beach use north of the Grand Avenue ramp.
3. Continuity in administration of recreational lands.

Implementation of several of the above objectives could have a significant impact upon Grover Beach. The relationship between the objectives of the State's Development Plan and the policies of the Coastal Act will be discussed in later pages.

### 5.3.2 LOCAL POLICY

The Open Space/Conservation Element of Grover Beach's General Plan contains several policies relevant to the recreation and access concerns of the Coastal Act. Among these are included the following:

1. Recreation development should be provided as a part of any future residential subdivision (p. 71)
2. Encourage and provide recreational facilities, whether active or passive, in locations near all living and working areas (p. 71)
3. Proper commercial recreational uses should be encouraged (p. 71)
4. Proposed sites for recreation should be evaluated to assure that they have maximum flexibility and adaptability (p.72)
5. Encourage the State Parks Department to proceed with acquisition of additional land to enlarge the present state park and increase state beach frontage.

The City's Park and Recreation Element includes a map that identifies the need for a park/mini-park in the Northwest Grover Beach neighborhood and a mini-park in the West Grover Beach neighborhood south of Long Branch Avenue.

## 5.4 STATE GENERAL DEVELOPMENT PLAN

The Pismo State Beach and Pismo Dunes State Vehicle Recreation Area General Development and Resource Management Plan, referred to in preceding pages, was produced by the California Department of Parks and Recreation in 1975. It was approved by the South Central Regional Coastal Commission, with several conditions. Those having the most significant impact upon Grover Beach include the following:

### Access

1. Provide controlled vehicle access to the State Beach using temporary control stations in the initial phase with conversion to permanent facilities in the future. The main entrance station to be operated by the State will be located at the Grand Avenue ramp. Status: The entrance station has been constructed.
2. Reduce the number of vehicle access points to the State Beach and provide an inner road circulation system connecting overnight use areas, day use areas, and the beach. Status: Access points reduced to two; inner road not provided.

### Day Use

1. Provide off-beach parking at Pismo Creek and Pier Avenue with a major facility near the foot of Grand Avenue (520 paved parking spaces plus 400 turfed spaces total for the three locations). Status: Grand Avenue parking facility has been constructed.

2. The State should enhance Meadow Creek below Pismo Lake for fishing and other recreational uses through dredging, landscaping, and wildlife enhancement measures. Status: No action.
3. Provide two off-beach picnic areas, one adjacent to Grand Avenue parking and another adjacent to Meadow Creek (40 picnic sites at each location). Status: Twenty picnic sites provided at Grand Avenue with City installing and maintaining landscaping.
4. Provide a system of trails for bicycle riding, hiking, and equestrian use, with bicycle and hiking trails paralleling access roads and connecting use areas. Status: Not provided.
5. Continue existing day-use concession facilities including golf course, restaurant and beach-related facilities. Status: Concessions have continued.
6. Provide a dune arboretum with educational and interpretive facilities. Status: Not provided.
7. Provide additional compatible beach-related concession facilities, such as beach equipment rental and beach tram, when warranted by public need. Status: Not provided.

Because any of these proposals may have a significant effect upon coastal recreation and access conditions in or near Grover Beach, the City must determine the extent to which impacts of the proposals will conflict or conform with Coastal Act policies.

## 5.5 CONFORMANCE WITH COASTAL ACT POLICIES

In order to determine the extent to which local conditions and policies conform with the policies of the Coastal Act, a comparison will be made between the former and the latter. Each of those Coastal Act policies relevant to recreation or to shoreline access will be cited and will be applied to local conditions and policies.

### 5.5.1 MAXIMUM ACCESS AND RECREATION OPPORTUNITIES

Section 30210 of the Coastal Act is the most comprehensive of the Act's policies concerning shoreline access and recreation. For this reason, in order to determine the extent to which the City and the California Department of Parks and Recreation are or are not in compliance with this policy, several points will need to be addressed.

#### A. MAXIMUM ACCESS

Provision of "maximum access" to the shoreline is, of course, one of the cornerstones of the Coastal Act. There are points of access to various interconnected parts of Pismo State Beach and the adjoining Vehicular Recreation Area. One of these accessways, the ramp entrance which lies at the foot of Grand Avenue, is located within Grover Beach limits. This entrance to the State Beach is the most intensively used of the access points, serving over 50 percent of the beach's visitors each year. The Grand Avenue ramp, which provides access for both pedestrians and vehicles, is located approximately one mile from the nearest ramp accessway to the south.

At peak use periods the ramp sometimes becomes congested and contributes to traffic congestion farther inland on Grand Avenue and Highway 1. Beach access for pedestrians near the Grand Avenue Ramp entrance but separate from the accessway used by vehicles is available from the parking lot.

## **B. PUBLIC SAFETY**

The decision to prohibit vehicles on the beach north of Grand Avenue has reduced access opportunities for vehicle operators who have had access to the entire beach. According to Section 30210 of the Coastal Act, "maximum access opportunities" are to be provided only where consistent with several other needs, including public safety. The unique conditions which enable vehicle operators and pedestrians to use many of the same recreation areas of Pismo State Beach in the past were also potential sources of a public safety hazard due to the absence of any separation between the areas used by vehicles and by walk-in visitors. The closure of the beach north of Grand Avenue to vehicular use has enhanced public safety within that area for walk-in visitors.

The beach area within Grover Beach's boundaries is also patrolled by the California Department of Parks and Recreation. This Agency patrols the area at regular intervals daily and increases enforcement activities during peak use periods.

## **C. PROTECTION OF NATURAL RESOURCES FROM OVERUSE**

A third concern of Section 30210 is the protection of natural resources from overuse where public shoreline access is provided. Existing conditions may represent sources of conflict with this requirement in several ways.

The Pismo Clam (*Tivela stultorum*) populations inhabiting Pismo State Beach are a significant economic and recreational as well as a natural resource. Despite heavy clamming activity, the region still supports one of the largest remaining populations of Pismo Clams in the State. Measures designated to mitigate impacts of over-fishing have been established by the California Department of Fish and Game. These measures include a preserve area which is rotated from one portion of the beach to another at ten-year intervals and size and take limitations. It is possible, however, that the clam's continuance as a significant source may be jeopardized by recreational overuse of another type. The clam's intertidal habitat is a popular site for beach "touring" in vehicles. Although no studies have been made which deal with the impact of vehicular beach use on clam populations, in a biological study of Pismo State Beach marine life the following observation was made:

*Extensive vehicle traffic on the easily compacted sand prevents many organisms from burrowing in this area. (Source: Benthic Study, Pomeroy, Johnston & Bailey; 1972)*

In addition to reducing the clam's available habitat in this manner, extensive vehicular use of the beach's intertidal zone results in destruction of the mollusks themselves, as is evidenced by the large numbers of crushed shells found on the beach at low tides during peak use periods.



The impacts of vehicles on clam habitat areas may be extensive enough to seriously reduce the clam population's ability to resist other, more critical threats to its survival. Chief among these threats is that of the sea otter which has recently migrated into south county beaches. In its migration southward from northern California, the sea otter has depleted clam populations along its path.

The sand dunes which lie along the eastern edge of the State Beach are also potentially subject to recreational overuse. Most of the dunes within Grover Beach boundaries are partially or fully stabilized with chaparral vegetation and with dune grasses planted by the State's Department of Parks and Recreation. Only the dunes immediately adjacent to the beach are still active, although these also are planted with dune grass. The chaparral of the most eastward dunes within City limits is largely indigenous and provides habitat for a variety of wildlife. The most seaward dunes have been planted sparsely with dune grass by the State in order to increase dune stability and control wind erosion. Neither the active nor the stabilized dunes in this area contain any rare or unusual plant species. Vehicular access to these dunes is prohibited in order to preserve the habitat and wind erosion control values of dune vegetation.

Despite the prohibition against vehicular access to these dunes, many four-wheel drive and off-highway vehicles do use them. It is believed that this situation is, in part, due to the difficulty of apprehending vehicle operators who enter the dunes. In addition, officials believe that because the dunes of the Vehicular Recreation Area are not easily accessible, many vehicle operators prefer the convenience of restricted dunes nearer to the main accessways and public campgrounds, even though in using these dunes they run the risk of a citation.

Although many of those who operate vehicles in the restricted dunes are never apprehended, evidence of overuse of these dunes by vehicles is very much apparent in the wide swaths of bare sand and crushed vegetation left by vehicles which enter them from the beach or from Grand Avenue. The destruction of stabilizing vegetation not only reduces wildlife habitat, but contributes to problems of wind eroded sand on Grand Avenue and in Meadow Creek adjacent to the dunes.

While illegal vehicular access to the dunes represents the most critical immediate source of their overuse, it is also possible that pedestrian visitors to this area may, in time, adversely affect it. Frequent use by horseback riders or large groups of walk-in visitors, if present conditions of uncontrolled pedestrian access continue, could result in overuse of this area and the destruction of its vegetation. The California Department of Parks and Recreation, in its 1975 Development and Management Plan for Pismo State Beach, has proposed that the dunes between Grand Avenue in Grover Beach and the Oceano Campground about 3/4 mile to the south be developed as a Dunes Arboretum. Access to such a facility would be controlled and designated trails would be provided. In the State's plan it is also proposed that an interior access road and bicycle trail be constructed along Meadow Creek which lies adjacent to the inland dunes. While the above actions would improve regulation of access to the sensitive dunes, they would attract greater numbers of visitors, increasing the level of use of this area and reducing its value as a wildlife habitat. Current Department policy precludes the development of facilities in sensitive coastal areas.

## **5.5.2 RECREATIONAL SUPPORT FACILITIES**

Public restrooms, picnic area, and a large off-beach parking lot are located at the end of Grand Avenue near the entrance station to the beach. These support facilities were previously identified as serious needs. Currently, lack of landscaping, however, makes this area not very inviting to visitors.

### **5.5.3 PUBLIC VISITOR-SERVING AND RECREATIONAL FACILITIES**

Pismo State Beach is the only publicly operated recreation area in Grover Beach's portion of the Coastal Zone. The nature of the most popular beach activities in the Grover Beach area - surf-fishing, clamming, and beach touring - is such that many visitors can, at a relatively low cost, provide their own equipment with little difficulty. However, some of the trends projected for recreational beach use, such as an increase in the number of pedestrian beach users and greater emphasis on local recreational beach users and greater emphasis on local recreation opportunities, suggest that a greater demand for inexpensive facilities on and near the beach will arise in the future. The State's Department of Parks and Recreation and the City of Grover Beach will need to cooperate in planning for and providing facilities accessible to all types of beach visitors. In 1997, the City prepared a feasibility study for the development of an accessible pedestrian path over the dunes and is pursuing grant funding for its construction.

A portion of the City's moderate-cost housing stock in the form of an attractively landscaped 60-unit mobilehome park occupies land adjacent to Pismo State Beach and LeSage Golf Course. This privately-owned park, because of its proximity to the beach and public golf course, is suitable for visitor-serving commercial facilities to which the Coastal Act gives priority over residential uses as is indicated in Section 30222 of the Coastal Act. The potential conflict between the need for moderate-cost housing in the Coastal Zone and the Coastal Act's emphasis on visitor-serving facilities nearest the shoreline is discussed under the heading which follows.

### **5.5.4 PRIVATE VISITOR-SERVING AND RECREATIONAL FACILITIES**

Although Pismo State Beach is Grover Beach's most outstanding attraction for both residents and visitors the City does not, like many other beach communities, draw its own character from the nearby shoreline. Recreational and visitor-oriented land uses have received low priority in the community's development even on land nearest to the beach.

The presence of the Southern Pacific Railroad's tracks along the east side of Highway 1 is partially responsible for the lack of emphasis upon local coastal resources in Grover Beach's development. These railroad tracks separate the community from the shoreline, both physically and visually, and in doing so reduce the recreational and visitor-serving potential of most of the privately-owned land nearest the ocean. A positive use of the railroad easement land is the multi-modal transportation facility.

Land adjacent to railroad tracks was traditionally designated as industrial and service-commercial uses and this pattern was followed in Grover Beach. Most of the land nearest the east side of the railroad tracks is designated for industrial uses. While this land particularly north of Grand Avenue is well-sited for visitor-oriented commercial uses, industrial and general commercial developments are already established in the area. Most of these developments are relatively new and have long economic lives ahead of them.

In addition to the industrial land discussed above, the City's portion of the Coastal Zone contains other lands suitable for visitor-serving uses. Most of these lands are located along Grand Avenue east of Highway 1 and along the west side of Highway 1 north of Grand Avenue. A six-acre site owned by the State Department of Parks and Recreation is most suitable for visitor-serving commercial use.

The west end of Grand Avenue was zoned Coastal Highway Commercial (C-H-C) in 1981, a designation that permits uses which are visitor-oriented and several which are not. The majority of existing uses in this area, while in conformance with the ordinance, are not visitor-serving or recreation-related. This situation indicates a conflict between the City's present zoning designations for these areas and the priority given by the Coastal Act to visitor-serving and recreation-related uses on "suitable" lands.

A conflict of this type is particularly apparent in the Coastal Planned Commercial (C-P-C) District which lies on the west side of Highway 1 north of Grand Avenue. A large portion of this district is occupied by a well-designed, 60-unit mobilehome park which overlooks the adjacent golf course and Pismo State Beach. This type of development is not among the uses permitted by the City's zoning ordinance, nor can it be considered the type of visitor-serving or recreation-related use which is given priority by the Coastal Act. However, it presently provides much-needed, comfortable moderate-cost housing for many of the City's elderly residents.

However, the precedent which the development of the mobilehome park in this area potentially establishes is not acceptable in terms of Coastal Act recreation policies nor in relation to the City's own zoning ordinance designation. Any new use which replaces the mobilehome park or is established in the C-P-C District must be visitor-serving or recreation-related in order to conform to Coastal Act requirements.

### **5.5.5 RECREATIONAL DEMANDS FOR PUBLIC SERVICES**

The Coastal Commission's Local Coastal Program Regulations specify that the Access Component, in compliance with the portions of Section 30254, include "the reservation of public service capacities for the present and projected demands for recreation-oriented uses." The variables which determine this demand and which must be considered in the reservation of sewer, water, circulation capacities for recreation, and total public service capacities of the City is examined in depth in the Public Works Component.

## **5.6 SUMMARY**

### **A. PEDESTRIAN ACCESS**

The Grand Avenue ramp entrance is one of the major access points to Pismo State Beach. At peak use periods the vehicle ramp becomes congested and contributes to traffic congestion farther inland on Grand Avenue and Highway 1. Pedestrians have a separate accessway from the parking lot.

Coastal Act: Section 30210 requires that maximum beach access be provided.

### **B. SEGREGATION OF VEHICLES AND PEDESTRIANS**

Unrestricted integration of vehicles and pedestrian beach users on all parts of the beach represents a potential safety hazard which is acknowledged by both local police and by the California Department of Parks and Recreation. The closure of the beach north of Grand Avenue to vehicles has enhanced public safety for walk-in visitors.

Coastal Act: Section 30210 requires that access and recreation opportunities be consistent with protection of public safety.

### **C. OVERUSE OF NATURAL RESOURCES**

The dunes at the inland edge of the beach are partially stabilized by fragile vegetation which serves both as wildlife habitat and as a means of controlling the movement of sand into adjacent wetlands and nearby City streets. This vegetation has been severely damaged in some areas by increasing numbers of off-highway vehicles which enter and traverse the dunes despite prohibitions posted by the State's Department of Parks and Recreation. An additional potential source of damage may lie in pedestrian use of the dunes. This type of use, while permitted, may in the future do great damage to dune habitats if it is allowed in excess of the dunes' ability to withstand disturbance.

Coastal Act: Section 30210 requires that access and recreation opportunities be consistent with the protection of natural resources from overuse.

### **D. RECREATIONAL SUPPORT FACILITIES**

Public restrooms, picnic area, and parking lot have been constructed at the end of Grand Avenue. Increased landscaping is needed to make the area more inviting to visitors.

Coastal Act: Section 30212.5 requires provision of parking areas or facilities sufficient to mitigate against adverse impacts of crowding or overuse of a single area.

### **E. PUBLIC RECREATIONAL AND VISITOR-SERVING FACILITIES**

There are presently few public, lower-cost visitor-serving and recreational facilities within the City's portion of the Coastal Zone. However, at this time most uses of the beach within Grover Beach limits attract visitors who do not require facilities or who provide their own (e.g. equipment such as clamming forks and fishing rods). The demand for low-cost, visitor-serving and recreational facilities will, however, increase in the near future as the number of visitors using the Grover Beach access increases.

Coastal Act: Section 30213 requires, in part, that lower-cost visitor and recreational facilities be provided where feasible.

### **F. PRIVATE COMMERCIAL RECREATIONAL FACILITIES**

Much of the privately-owned land nearest to the beach and shoreline within Grover Beach is zoned for commercial development. The proximity of this land to the ocean makes it an area well-suited for visitor-serving and recreational uses. Many industrial and service-commercial uses, however, are well-established both north and south of Grand Avenue so that amortization of such uses in favor of visitor-serving developments would necessarily be a long-term process. In addition, the railroad tracks which separate this land from Highway 1 and the beach present problems of aesthetics and of access which would impede recreation-related development.

None of the land zoned for commercial purposes within the City's portion of the Coastal Zone was designated solely for visitor and recreation-oriented uses. Development in the last fifteen years along Grand Avenue near the ocean has been primarily in the form of small general retail business oriented toward residents rather than toward visitors. Only a small amount of developable land remains in this area. However, a six acre site owned by the State Department of Parks and Recreation is well suited for visitor-serving uses.

Coastal Act: Section 30222 requires that the development of visitor-serving commercial recreational facilities be given priority, in "suitable" coastal areas, over all other types of potential development (with the exception of agriculture and coastal-dependent industry).

## **G. PRIVATE COMMERCIAL VISITOR-SERVING VERSUS RESIDENTIAL USES**

A large privately-owned piece of land along the west side of Highway 1 and north of Grand Avenue is designated for Coastal Planned Commercial uses. This beach front property is presently occupied by an attractively landscaped mobilehome park which provides inexpensive housing for a number of residents, many of whom are retired. Although this park lies immediately adjacent to the beach and to a developed public golf course, its residents do not have private access to either of these facilities. It should be noted that 42 of the 60 units are vacation homes.

Coastal Act: Section 30222 requires that on "suitable" lands within the Coastal Zone commercial visitor-serving and recreational uses have priority over "private residential uses".

## **H. ECOLOGICAL PRESERVE**

Within the City's portion of the Coastal Zone, a 5.12 acre Ecological Preserve is located adjacent to the Pismo Lake Ecological Preserve owned by the State's Department of Fish and Game. Within the Preserve only limited passive use for activities such as nature walks and birdwatching are permitted. No parking, access or other visitor-serving facilities are provided. The primary purpose of the Preserve is to provide a natural buffer between development and Pismo Lake and for this reason it has little potential for a true recreation area.

## **I. RECREATIONAL DEMANDS FOR PUBLIC SERVICES**

Several factors affecting trends in recreation and visitor-serving uses will have an impact upon the demands generated by these uses for public services (sewer service, water, circulation facilities). Proposals by the State's Department of Parks and Recreation to provide additional visitor-serving facilities near the ramp will increase the recreation-related annual demand upon the City's total public service capacities in the near future.

An anticipated increase in the number of "off-season" visitors, however, may mitigate the impacts of increasing annual recreational activity. When visitor use of the State Beach and related facilities is more evenly distributed throughout the year, peak use period service demands will be reduced. Average daily demands will increase. These conditions will reduce the level of the peak flow capacities required to serve recreational needs. There is potential for conflict between recreational and residential public service demands if present near-capacity peak demands are not stabilized or reduced in the immediate future.

Coastal Act: Section 30254 of the Coastal Act requires that public services to public and commercial recreation and visitor-serving land uses not be precluded by other development.

## 5.7 RECOMMENDATIONS

### A. MAXIMUM ACCESS

Ensure that maximum public coastal access be provided through:

#### 1. Policies

- a. No future development shall be permitted which obstructs access to the dunes, beach and shoreline from Highway 1 within the City limits. New development west of Highway 1 shall provide access to the dunes, beach and shoreline if adequate access does not already exist nearby.
- b. The City, in cooperation with the California Department of Parks and Recreation and other public agencies and private interests, shall utilize all opportunities to provide additional public access except if it is inconsistent with public safety or the protection of fragile coastal resources or if adequate access exists nearby.
- c. The provision of vehicular and pedestrian access to the beach from Grand Avenue shall be maintained.

#### 2. Actions

- a. *The California Department of Parks and Recreation shall provide off-beach, off-road public parking in the general vicinity of the existing restaurant and the existing golf course. This area should have about 160 public parking spaces.*
- b. *The boardwalk across the dunes to the hard beach from the parking lot shall be maintained for pedestrians. The boardwalk shall be located in an area away from vegetated dunes and shall be of a raised wood decking and piling type of construction to allow sand movement under the decking.*
- c. *A special pedestrian ramp in the vicinity north of the existing ramp entrance to the beach at Grand Avenue should be provided with the cooperation of the California Department of Parks and Recreation. This ramp should provide access for the disabled.*

- d. *With the cooperation of the State Department of Parks and Recreation at a future date a pedestrian pier may be constructed perpendicular to the coastline and as an extension of Grand Avenue. Said pedestrian pier should be approximately 25-30 feet wide and of sufficient length to allow fishing beyond the area where the waves break. Said pier shall be so constructed as to allow emergency and maintenance vehicles to pass under to gain access to the pedestrian beach. The proposed pier shall also be properly lighted for public safety. Any such pier shall not detract from coastal views to and along the shoreline from the beach. Structural elements of such a pier shall be open to the greatest degree feasible to minimally obstruct views. Lighting shall be directed to the pier deck and shall be contained within the footprint of the pier to the greatest degree feasible.*
- e. *A boardwalk across the dunes that links the picnic area at the beach to a proposed beach front promenade in Pismo Beach should be provided for pedestrians, only if it minimizes disruption to and does not interfere with the dunes ecosystem and lagoon. The boardwalk shall conform with Americans with Disabilities Act standards for accessibility, maintain a high degree of user visual contact with the beach and ocean, and maintain safety and security on public and private properties.*

## **B. PROTECTION OF PUBLIC SAFETY**

Ensure that public access to the beach and shoreline is consistent with the protection of public safety.

### **1. Policies**

- a. The City, in cooperation with the California Department of Parks and Recreation and other public agencies, shall adopt and enforce public safety regulations and vehicle regulations on the beach.
- b. The City, in cooperation with the California Department of Parks and Recreation and other public agencies, shall take any actions necessary to minimize conflict between vehicular and non-vehicular beach uses and to reduce public safety hazards created by such conflicts.

### **2. Actions**

- a. *The area between Grand Avenue and the City's northerly City limits shall remain designated for pedestrian uses only, except for emergency, law enforcement, and maintenance vehicles. Also excepting the area between Grand Avenue and 400' to the north to provide an area for emergency turnaround if the beach ramp is blocked by disabled vehicles. And furthermore, this 400' may be used by handicapped persons for on-beach parking and subsequent access to the pedestrian beach area. Enforcement of these provisions shall be made through appropriate signage and routine police patrol.*
- b. *Through the cooperation of the California Department of Parks and Recreation, the cities of Pismo Beach and Grover Beach, and the County of San Luis Obispo, a control station should be provided at existing and future public entrances to Pismo*

*State Beach and the Oceano Dunes Recreational Vehicle Area to facilitate control of vehicular beach use and apprehension of violators of State and local laws.*

## **C. PROTECTION OF NATURAL RESOURCES**

Ensure that public access to the beach and shoreline is consistent with the protection of natural resources.

### **1. Policies**

- a. Public access, vehicular or pedestrian, to the beach and dunes shall be prohibited wherever such access may diminish the ability of a natural resource to provide habitat, control erosion, and serve other important purposes.
- b. The public shall be adequately informed of regulations and prohibitions designed to protect natural resources from abuse and overuse.

### **2. Action:** *In cooperation with the California Department of Parks and Recreation, the prohibition against vehicular beach access to the dunes shall be more clearly and conspicuously posted at more frequent intervals along the beach and along Grand Avenue at the edges of the dunes.*

## **D. RECREATIONAL SUPPORT FACILITIES**

Ensure that adequate parking and other recreational support facilities are available to the public.

### **1. Policies**

- a. Public amenities, such as public parking, additional public restrooms, day-use picnic units (20 minimum), and beach fire rings (20 minimum) shall be provided by the State Department of Parks and Recreation prior to or concurrent with the development proposed for the Coastal Planned Commercial area between LeSage Drive and Grand Avenue. The proposed 20 fire rings shall be placed on the pedestrian beach at the eastern edge of the intertidal zone out of the dune area.
- b. Development in the Coastal Planned Commercial zone adjacent to the environmentally sensitive habitat area which will be sited and designed to prevent impacts which would significantly degrade such areas shall provide additional public parking for beach users. Exact number of spaces designated for public use shall be determined at the time of project review and depend upon project size and feasibility.

### **2. Actions**



- a. *In cooperation with the California Department of Parks and Recreation additional trash receptacles shall be provided and maintained near the cul-de-sac of LeSage Drive and on both sides of Grand Avenue near the ramp entrance. Trash receptacles should also be provided at intervals of 300 feet along the beach itself, particularly north of Grand Avenue. Trash should be collected at least weekly and daily during peak beach use periods.*
- b. *Existing and future sanitation stations shall be well signed in the vicinity of the beach and on all coastal access routes. The provision of the existing public dumping station with sewer services by the San Luis Obispo County Sanitation District should be facilitated to make more hours of station service economically feasible.*
- c. *The State Department of Parks and Recreation shall maintain an entrance facility to the Pismo Beach State Park. Said facility to be located on Grand Avenue right of way. The City shall make this R.O.W. available to the State Parks and Recreation either through easement or abandonment.*
- d. *In cooperation with the California Department of Parks and Recreation, the parking lot and picnic area shall be landscaped with species that are drought tolerant and if feasible, with native species, and a water-conserving irrigation system installed. Landscaping shall be maintained in a healthy, growing condition, shall receive regular pruning, fertilizing, mowing, and trimming, and shall be kept free of weeds and debris. Any damaged, dead, or decaying plant material shall be replaced within thirty days from the date of damage.*

## **E. PUBLIC VISITOR-SERVING AND RECREATION FACILITIES**

Ensure the protection of lower cost visitor and recreational facilities.

### **1. Policies**

- a. Any fees charged in the future in connection with Pismo State Beach facilities within Grover Beach boundaries should be minimal and shall be related directly to the cost of providing specific services to beach users. Fees should not at any time be applied for access to or use of any part of the beach by either pedestrian visitors or vehicles.
- b. Existing public recreational facilities should be preserved. The City in cooperation with the California Department of Parks and Recreation should pursue every opportunity to provide additional lower-cost recreational facilities.

### **2. Actions**

- a. *The area presently occupied by the LeSage Riviera Golf Course shall remain designated for open-space, low intensity public visitor-serving and recreation facilities only.*
- b. *With the cooperation of the California Department of Parks and Recreation, fire rings should be provided at intervals along the beach north of Grand Avenue near the foot of the dunes.*

## F. VISITOR-SERVING AND RECREATIONAL FACILITIES

Ensure that commercial visitor-serving and recreational uses are given priority over residential, general industrial and general commercial development on lands suitable for visitor-serving commercial, public recreational access, and beach-related uses.

### 1. Policies

- a. The City shall ensure that visitors to the Pismo State Beach are provided with easily accessible, visitor-serving commercial and public recreational access services, particularly those relating to provision of food and lodging and beach related uses, in any new development in the Coastal Planned Commercial area west of Highway 1. In the Coastal Visitor Services area along Grand Avenue east of the railroad tracks, the City shall ensure that visitors are provided with easily accessible visitor-serving commercial services, particularly those relating to provision of food and lodging. The area west of Highway 1 shall be developed with visitor serving uses, including a lodge and conference center within the portion of Pismo State Beach shown in Figure 3.

In addition to other applicable LCP policies, the lodge and conference center project shall be subject to the following requirements:

- (1) Density. The project shall be limited to a maximum room/acre density of 15 rooms/acre.
- (2) Height. 60% of the project may extend to a maximum height of 40 feet, and 40% of the project may extend to a maximum height of 28 feet. In the area seaward of the viewshed setback line, as illustrated in LCP Figure 3, the project shall be limited to a maximum of 24 feet in height, with an allowance for minor architectural projections and articulations (such as eaves, gables and cupolas) to extend to a maximum of 26 feet. All such height limits are maximums, and not entitlements, that must be understood in relation to the public viewshed context, and may be adjusted downwards as necessary to meet LCP public view requirements.
- (3) View Corridors. The project shall be sited and designed to provide public view corridors from along Grand Avenue, Highway 1, and Le Sage Drive that will adequately break up project massing and provide views of the shoreline.
- (4) Design. The project, including all architectural, landscape and design elements, shall be sited and designed to seamlessly blend into and complement the surrounding natural dune environment (including through the use of natural and natural appearing materials as much as possible). Structures shall be subservient to the natural dune landscape as much as possible, and shall employ measures to increase visual interest and to decrease perceived massing (e.g., low slung structures, areas of offsets and indents, upper stories pulled back from lower stories, landscaped berms, etc.). Lighting shall be limited as much as possible to avoid nighttime glares while still providing adequate lighting for public safety purposes.

- (5) Landscaping. Landscaping throughout the project site shall be limited to native dune species. In the areas designated as necessary for detention basins, native riparian species shall be allowed. All landscaping shall be kept in good growing condition. All areas not committed to structural development shall be landscaped to emulate a dune, riparian and/or back-beach environment.
- (6) Ingress/Egress. Road access to the project shall be from Highway 1, Le Sage Drive and Grand Avenue and shall be designed in such a way as to facilitate all forms of access to the project and to the beach area (including vehicular, pedestrian, bicycle, etc.).
- (7) Coverage. The project shall have a maximum site coverage (i.e., structures, pavement, paths, etc. – anything not landscaped) of 60%, the remaining minimum of 40% shall be in landscaped open areas. All paved areas shall be pervious to the extent feasible. All runoff shall be filtered and treated prior to discharge from the site, including that high pollutant generation areas shall require pollutant specific BMPs (e.g., restaurant wash down plumbed to sanitary sewer, etc).
- (8) Food Service. The project shall include restaurant facilities, including providing for lower-cost eating options, such as coffee shops and snack bars.
- (9) Parking. Public recreational access parking (including for day use of the beach) shall be provided at a volume commensurate with such demand and free of charge.
- (10) Public Availability. All project facilities shall be open to the general public, and shall include as many integrated and defined areas within which public access is provided free of charge (e.g., viewing decks, etc.) as possible while still addressing paying guest needs.
- (11) Overnight Units. All overnight units shall be provided as traditional overnight units (e.g., traditional hotel accommodations). Timeshare residential uses and quasi-residential visitor-serving uses (including condominium hotels, private unit ownership, fractional ownership, and similar use and ownership structures) shall be prohibited. Rooms may not be rented to any individual, family, or group for more than 29 days per year nor for more than 14 days between Memorial Day and Labor Day.
- (12) Public access paths. The project shall provide continuous public access path connectivity from Highway One, Grand Avenue, and Le Sage Drive to the shoreline along the perimeter of and through the project site, including connections to the boardwalk to Pismo Beach. All such paths shall be sited and designed to maximize their public utility and value (including for connectivity, views, etc.).

- (13) Public Access Management Plan. The project shall include a public access management plan that clearly describes the manner in which general public access associated with the project is to be managed and provided, with the objective of maximizing public access to the public access areas of the site (including all walkways, benches, boardwalks, stairs and all other public access amenities).
- b. Armoring (including but not limited to seawalls, revetments, retaining walls, etc.) and similar responses to coastal hazards intended to protect development in the area west of Highway 1 (as shown on Figure 3) from coastal hazards (including but not limited to hazards from episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, flooding, and the interaction of same) shall be prohibited. All development in such area shall be conditioned to require that property owners expressly waive any future right to construct such armoring or similar hazard responses that may exist pursuant to Public Resources Code Section 30235 and the City of Grover Beach certified LCP. Prior to issuance of a coastal development permit, any private property owner shall execute and record a deed restriction against the property that ensures that no such armoring or similar hazard responses shall be proposed or constructed to protect the development, and which includes their waiver, on behalf of themselves and any successors or assigns, of a future right to such armoring.

In addition, as a condition of approval of any development in the area west of Highway 1 (as shown on Figure 3) the property owner shall be required to acknowledge and assume all risks from coastal hazards (including but not limited to hazards from episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, flooding, and the interaction of same) associated with development at this location, waive any claims of damage or liability against the permitting agency, and agree to indemnify the permitting agency against any liability, claims, damages or expenses arising from any injury or damage due to such hazards. Prior to issuance of a coastal development permit, any private property owner shall execute and record a deed restriction against the property that explicitly assumes these risks, on behalf of themselves and any successors or assigns.

- c. The area west of Highway 1 (as shown on Figure 3) is in the San Luis Obispo County Tsunami Inundation Area. Therefore, as a condition of approval of any development in the area west of Highway 1 (as shown on Figure 3), all property owners must submit a tsunami safety plan for review and approval. The tsunami safety plan shall clearly describe the manner in which hazards associated with tsunamis will be addressed, including that: the existence of threat from both distant and local source tsunamis will be communicated to all guests, information regarding personal safety measures to be undertaken in the event of a tsunami in the area will be made available, efforts will be provided to assist those physically less mobile in seeking evacuation during a tsunami event and that staff have been adequately trained to carry out the safety plan. At a minimum, the plan shall be prepared in cooperation with the San Luis Obispo County Office of Emergency Services, and shall be in general conformance with any area-wide tsunami safety plan that has been prepared for this section of the coast; the plan shall detail the posting of placards, flyers, or other materials at conspicuous locations within each room, provided in an appropriate variety of languages and formats (e.g., embossed braille,

tape recordings, etc.), explaining tsunami risks, the need for evacuation if strong earthquake motion is felt or alarms are sounded, and the location of evacuation routes; the plan shall detail the efforts to be undertaken by staff to assist the evacuation of physically less mobile persons during a tsunami event; and the plan shall detail the instruction to be provided to all employees to assure that the Tsunami Safety Plan is effectively implemented.

- d. The City should ensure that the appearance of commercial structures within the Coastal Zone contribute to an attractive, beach-oriented, visual theme which enhances the quality of the recreational experience within the Coastal Zone.
- e. Lower-Cost Visitor and Recreational Facilities. Existing lower-cost visitor serving and recreational facilities shall be projected and enhanced, and new lower-cost visitor and recreational facilities shall be encouraged and provided in the City.

## 2. Actions

- a. *The City shall establish a new land use designation which specifically provides for those uses which are visitor-serving and recreation-related. Uses which shall be permitted under this designation include the following:*
  - (1) *Hotels, motels, restaurants, and cocktail lounges or dancing facilities in connection with restaurants.*
  - (2) *Refreshment stands.*
  - (3) *Souvenir shops.*
  - (4) *Convenience services.*
- b. *Land designated for coastal commercial uses shall be subject to special landscaping and design requirements which will provide and protect an attractive visual theme. Height limitations shall be more restrictive than in general commercial areas in order to avoid obstruction of or conflict with ocean views. Landscaping in coastal commercial areas shall occupy a larger portion of building sites than is required in other commercial districts. The use of building materials and architectural designs which are appropriate to highly visible tourist areas shall also be required here. Acceptable modes and materials for developments in coastal commercial areas shall be specified in the City's coastal zoning ordinance.*
- c. *The City should designate the following areas for coastal commercial uses:*
  - (1) *The land which lies between the west side of Highway 1 and the Meadow Creek drainage channel, and between Grand Avenue and Le Sage Drive.*
  - (2) *The strip of land south of Grand Avenue between the railroad easement and Highway 1.*
  - (3) *That land presently occupied by the Le Sage Riviera Mobile Home and Recreational Vehicle Park.*
  - (4) *That land west of Highway 1 and north of Grand Avenue.*

## **G. RECREATIONAL DEMAND FOR PUBLIC SERVICES**

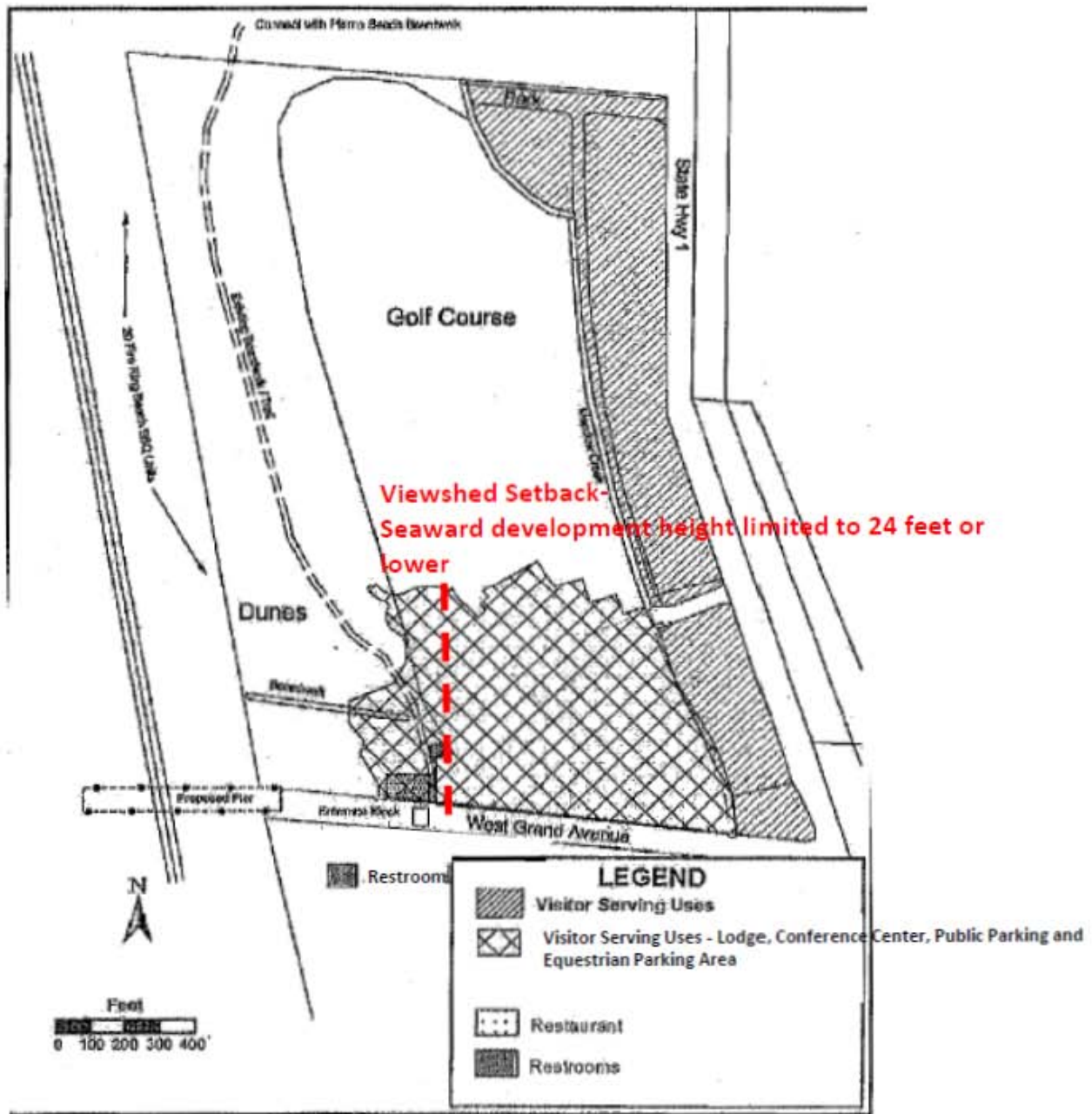
Ensure that adequate public services are available for recreational and visitor serving, beach-related uses, now and in the future.

Policy: The City shall reserve a percentage of its water, sewer and street capacities for use by beach-related recreation and visitor-oriented developments and land uses.

## **H. GENERAL**

1. Policy: All proposed land use plans or proposals and any subsequent development within the Coastal Zone of Grover Beach must receive approval by the City prior to the implementation. Said land use plans or proposals and any subsequent development shall be consistent with Grover Beach's Local Coastal Program.
2. *Action: The City shall adopt the specific plan (Figure 3) provided herein for the area designated as Coastal Planned Commercial.*

**FIGURE 3  
CONCEPTUAL COASTAL COMMERCIAL PLAN**



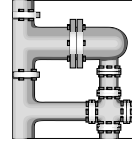




# 6.0 PUBLIC WORKS COMPONENT

## of the LOCAL COASTAL PROGRAM

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### 6.1 INTRODUCTION

The provision of public works facilities - water, sewer and transportation services - is a central concern of the Coastal Act and is designated as the primary mechanism for land use planning within the Coastal Zone. Section 30254 of the Act, which establishes certain priority uses within the Coastal Zone, states in part that

*"New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with provisions of this division . . . Where existing or planned public works facilities can accommodate only limited amounts of new development, services to coastal-dependent land use; essential public services and basic industries vital to the economic health of the region, state, or nation; public recreation; commercial recreation, and visitor-serving land uses shall not be precluded by other development."*

Coastal Commission Regulations concerning the "common methodology" to be used in developing local coastal programs further emphasize the importance of public works facilities in land use planning. The Regulations require local governments to include the following data in the scope of local coastal programs:

- "A. *Where the application of the policies of Chapter 3 of the Coastal Act of 1976 requires limits or conditions as to the amount, timing, or location of public works facilities, an analysis shall be made to determine:*
1. *Existing and proposed capacities of such relevant public works systems;*
  2. *Key decision points for stages of facility expansion, and*
  3. *What portion of public works facilities capacity is allocated to new development within the area and what portion is reserved for priority uses . . ."*

This section of the Local Coastal Program contains the data on existing and proposed public works capacities required by the above regulation. In order to provide a basis for determining the extent and manner in which capacities will need to be allocated, an analysis of existing and potential demands for public services is also presented in this section. The allocation of remaining facility capacities to the priority land uses of Section 30254 of the Coastal Act, and the means of achieving these allocations, will be discussed in the final pages of this chapter.

## 6.2 WATER SUPPLY

### 6.2.1 EXISTING SUPPLY

Water supply for all areas within the city limits of the City of Grover Beach consists of groundwater from the Arroyo Grande-Tri-Cities Mesa groundwater subbasin and surface water stored at the Lopez Reservoir. These supplies are shared with other cities and agricultural uses in the region and water is allocated to the City of Grover Beach based on contractual agreements. Outside of these contractual agreements a very small number of residential developments, all agricultural activities, two large City parks and the State's Le-Sage Riviera golf course rely on individual private wells.

#### A. ARROYO GRANDE-TRI-CITIES MESA GROUNDWATER SUBBASIN

The groundwater basin serving Grover Beach has been discussed in the chapter of this document on Coastal Resources. Significant characteristics of the groundwater basin are summarized below:

Size and Location: The California Department of Water Resources (DWR, 1979) investigated groundwater resources of southern San Luis Obispo County. The study focused on an area of approximately 47,000 acres bounded on the west by the ocean, on the south by the San Luis Obispo-Santa Barbara County line, and on the northeast by U.S. Highway 101. This basin drains a watershed area of about 130,000 acres and can be subdivided into three subbasins: the Arroyo Grande-Tri-Cities Mesa subbasins, Nipomo Mesa subbasins, and Santa Maria subbasin. Grover Beach produces water from wells within the Arroyo Grande-Tri-Cities Mesa subbasin, which lies between the City of Pismo Beach and the northern part of the Nipomo Mesa and encompasses a total area of 12,460 acres. The Department of Water Resources (DWR, 1980) concluded that the Arroyo Grande-Tri-Cities Mesa and Nipomo Mesa subbasins are continuous with the Santa Maria basin to the south.

Storage Capacity: The Arroyo Grande-Tri-Cities Mesa subbasin has an estimated storage capacity of 387,000 to 389,000 acre-feet (DWR, 2002). Usable storage above sea level is estimated to be between 27,000 and 29,000 acre-feet.

Replenishment: The chief sources of groundwater replenishment for the basin are urban and agricultural runoff, and precipitation. Periodic releases from the Lopez Reservoir totaling 4,200 acre-feet per year also contribute to the basin water table. The Arroyo Grande-Tri-Cities Mesa subbasin is recharged at an estimated average rate of 5,700 acre-feet per year; 1,300 acre-feet of which are agricultural return. The City has also constructed a ground water recharge basin with a 30 acre-foot capacity.

Groundwater Quality: The groundwater of the shallow Paso Robles Formation aquifer of the Arroyo Grande-Tri-Cities Mesa subbasin is not of the best quality. Nitrate levels fluctuate between about 25 milligrams per liter and 125 milligrams per liter. The maximum nitrate level recommended by the State Health Department is a concentration of only 45 milligrams per liter. During 1988 - 1989 the City constructed an ion exchange water treatment plant designed to remove nitrates from groundwater produced from shallow wells. Concentrations of total dissolved solids (TDS) are also found to be high in this basin water, although TDS concentrations have declined as the result of periodic basin recharge with purer Lopez Reservoir waters. The City's deep well within the Careaga Formation has produced water of a higher quality, however, water from this well approaches State limits for iron and manganese levels. Testing of Grover Beach wells indicate that no volatile organics

(manmade chemicals) or perchloroethylene (PCE's) are present in the groundwater (1992 Water Report).

**Groundwater Extraction:** The Santa Maria Valley Groundwater basin underlies the Arroyo Grande-Tri-Cities Mesa groundwater subbasin from which the City of Grover Beach derives its groundwater supply. As a result of litigation which began in 2005 involving nearly every agency and private landowner in the Santa Maria basin, entitlements to groundwater in the Arroyo Grande-Tri-Cities Mesa groundwater subbasin are now controlled by the Court's final judgment. In accordance with the Court's final judgment, the City has an entitlement to 1,407 acre-feet of groundwater per year from the Arroyo Grande-Tri-Cities Mesa groundwater subbasin. Groundwater is supplied to the water distribution system via four municipal wells.

## **B. LOPEZ RESERVOIR SUPPLY**

**Service Area:** The Lopez Reservoir project, completed in 1970, has a potential service-area of approximately 12,460 acres overlying the Arroyo Grande groundwater basin. This service area has been designated as Zone 3 of the San Luis Obispo County Flood Control and Conservation District. It is estimated that the reservoir presently serves a population of 24,610.

**Storage Capacity:** The Lopez Reservoir has a storage capacity of 51,800 acre-feet. The reservoir's dependable annual yield is approximately 8,730 acre-feet.

In 1969 the City of Grover Beach contracted with the County for an annual entitlement of up to 800 acre-feet. Water supplied by the Lopez Reservoir can be provided to the City at a peak flow rate of 1.8 times the average daily rate, which is presently 717,000 gallons per day. The remainder of the safe yield is contracted to the cities of Arroyo Grande, Pismo Beach, Oceano CSD, and County Service Area 12 (Avila Beach and Port San Luis).

**Lopez Water Quality:** Lopez water is superior in quality to that of the Arroyo Grande-Tri-Cities Mesa subbasin. Total dissolved solids concentration is approximately 330 mg/L. Nitrates are found in trace amounts (0.25 mg/L) (DWR, 1986).

**Lopez Water Consumption:** In the past three years deliveries of water from Lopez Reservoir to Grover Beach have reached or exceeded the City's maximum annual entitlement of 800 acre-feet. As in each of these years, surpluses have been declared at Lopez and sold at reduced rates.

## **6.2.2 DELIVERY SYSTEM**

### **A. DISTRIBUTION AND STORAGE**

The City uses its shallow wells to produce water straight into the water mains after passing through the ion exchange water treatment plant and a chlorination station. Water from the groundwater basin and from the Lopez Reservoir is stored in three 1.5 million gallon reservoirs with a total capacity of 4.5 million gallons.

The water distribution system consists of a network of 50 miles of mains up to 16 inches in diameter.

## **B. SERVICE CONNECTIONS**

The City's water system now serves all land uses within the City, with the exception of agricultural activities, the Pismo State Beach Golf Course, recreational fields at Grover Beach Elementary School and a small number of residential developments which are supplied by private wells.

### **6.2.3 EXISTING CAPACITY**

The City's deep well, because of its higher quality water, can provide a safe annual yield of 1407 acre-feet per year. With the 800 acre-feet of water provided by the Lopez Reservoir, the City's total water supply capacity is 2207 acre-feet per year.

The ability to deliver the City's water supply to existing and future developments is affected by the capacity of the City's water distribution system which consists of the Lopez Waterline turnout, the municipal well pumps, the pressure boosting station, the water treatment system and the network of water mains.

#### Lopez Waterline Turnout

The Lopez Turnout has an existing capacity to provide approximately 804 AFY from the Lopez Reservoir which exceeds the City's 800 AFY allocation.

#### Well Pumps

The capacity of each of the City's well pumps are as follows: Well #1 - .79 MGD; Well #2 - .86 MGD; Well #3 – 1.79 MGD; Well #4 – 1.17 MGD. Groundwater from Wells #1 and #2 requires treatment but their production capacity is matched to the capacity of the treatment system which is 1.66 MGD.

The City primarily operates Wells #1 and #4 full time to meet current water demands. Well #2 is operated occasionally during extended periods of peak demand. Well #3 is used as a backup well in case of failure of one of the other well pumps. Together, the pumping capacity of the four wells greatly exceeds the City's groundwater allocation.

#### Pressure Boosting Stations

The City's pressure boosting station provides water to a section of the City outside of the Coastal Zone that is already built out. The capacity of the boosting station does not affect the capacity of the water system in the Coastal Zone.

#### Treatment System

The City's water treatment system is capable of meeting all current water quality requirements with an output capacity of 1.66 MGD. This capacity matches that of the two wells that require treatment. As such it is not a limiting factor in the production of groundwater.

#### Water Mains

The City's water mains are the primary limiting factor in delivering water to all areas of the City. Capacity of the water mains can be measured by the system's ability to provide adequate pressure at reasonable velocities during all demand scenarios.

In 2005 a hydraulic model of the City's water distribution system was developed to study the capacity of the system under projected demands at build-out. Based on the results, the City's Water Master Plan identified deficiencies in the size of water mains located throughout the City.

Build out demand scenarios that were contemplated include maximum daily demand, extended peak hour demand, short-term peak hour demand, maximum day demand and a combination of peak daily domestic demand and fire hydrant flow. The peak daily demand combined with fire hydrant flow scenario turned out to be the controlling demand scenario.

Water main Deficiencies within the Coastal Zone boundary can be divided into three categories: 1. Fire hydrant flow deficiencies along Front Street north of Ramona Avenue due to undersized trunk mains; 2. Low domestic water pressure to existing residences north of Ramona Avenue and east of Front Street during fire flow scenarios on Front Street due to existing 2" and 4" waterlines that serve the existing residential developments in the area; and, 3. New waterlines needed to serve future developments west of State Highway 1.

#### **6.2.4 EXISTING DEMAND**

The City annual water demand in 2009 was 1,940 AFY. The 2009 maximum daily demand was 2.60 MGD. With an estimated 2,207 AFY supply in 2009 (see previous section), the City's 2009 water supply and distribution system was able to supply adequate volume to all then existing service connections in the City. As identified previously, water system improvements are needed in order to provide adequate pressure and acceptable velocities in the system during a combination of peak daily domestic demand and fire flow demand.

#### **6.2.5 POTENTIAL DEMAND**

The City is projected to have a build-out population of 15,000 in 2030 (2010 Land Use Element).

In 1990, the City began implementation of a retrofit program to promote water conservation. Developers of new residential units pay a fee into a fund for the retrofit installation of water conservation devices in existing structures. The fee amount allows for five residences to be retrofitted for each residential unit permitted to be built.

In 2009 the State passed Senate Bill 7 that requires the City to implement a 20 percent reduction in water usage by 2020.

The projected water demand at potential build-out based on 2009 per-capita water use and implementation of Senate Bill 7 would be 1,892 AFY. Provided the City's water supply is maintained at the 2009 level, and the projections for build out prove accurate, then, the City would have adequate water resources to meet the projected build-out population for all areas of the City, including the Coastal Zone.

Although the City's water resources would be adequate to serve the projected build-out population of the City including all permitted uses within the Coastal Zone under that scenario, the City's Urban Water Management Plan identifies water shortage stages of action that are to be implemented if a water shortage is ever realized. The stages of action include voluntary and mandatory water consumption reduction measures. In addition, the City of Grover Beach continues to investigate opportunities to procure additional allocations from existing sources and to investigate opportunities to secure new sources of water in an effort to provide greater supply reliability.

## **6.3 SEWER SERVICE**

The sewer system which presently serves Grover Beach carries City wastewater to a treatment plant located to the south in the unincorporated community of Oceano. This treatment plant was placed in operation in 1966. Prior to that time the City had no public sewer system and all developments were served by septic tanks. The treatment plant is operated by the South San Luis Obispo County Sanitation District which was formed prior to construction of the plant. The District is comprised of three member jurisdictions, the Cities of Arroyo Grande and Grover Beach and the unincorporated community of Oceano.

### **6.3.1 SEWER SERVICE SYSTEM**

The existing sewer system which transports wastewater from Grover Beach to the treatment plant serves nearly all development within the City with the exception of a small number of residential and commercial uses which rely on septic tanks for wastewater disposal. Wastewater from these developments is carried in pipes ranging from 6 inches to 15 inches in diameter. A 48-mile trunk interceptor sewer system of pipes ranging from 18 inches to 24 inches in diameter conveys collected wastewater to the treatment plant in Oceano.

The City operates three sewer pumping stations located at Front Street, Nacimiento Lane and Oak Park Boulevard. These pumping stations collect sewage and convey it to locations in the system that can gravity flow to the District treatment plant. In addition to the City's pumping stations there are several private pumping stations that convey sewage to the City's collection system.

### **6.3.2 SEWER CAPACITY**

#### **A. DISTRICT**

The existing District treatment plant was constructed in 1965 with 2.5 MGD capacity. In 1980, the treatment plant was upgraded and a new ocean outfall line installed. Capacity of the plant was increased in 1982 to 2.7 MGD and in 1983 to 3.3 MGD. In 1992, the plan expanded to 5.0 MGD. The treatment plant was originally designed to facilitate expansion, in stages, to an ultimate capacity of 10 MGD. The City of Grover Beach has a contractual obligation with the District for 1.5 million gallons per day (MGD) of wastewater treatment.

#### **B. SEWER SERVICE SYSTEM**

The City of Grover Beach 2006 Sewer Master Plan provides an evaluation of the existing capacity of the City's sewer mains. Capacity was evaluated during peak wet-weather flows. Under current conditions, the Master Plan identifies several locations where the depth of flow in the mains exceeds industry recommendations. These are identified as surcharge locations. Although surcharge conditions exist, there are no location where sewer flows are expected to overflow the system resulting in spills.

The City's Front Street sewer pumping station serves properties located in the Coastal Zone near Front Street. The lift station has a pumping capacity of 120 GPM (gallons per minute) in each of two pumps.

### **6.3.3 PRESENT DEMAND**

The estimated 2010 sewer flows are approximately 1.06 MGD average. For use in evaluating pipe capacity and sewer pumping capacity a peaking factor was applied to obtain a flow of 3.18 MGD at the peak demand.

### **6.3.4 POTENTIAL DEMAND**

The City is projected to have a build-out population of 15,000 in 2030 (2010 Land Use Element). The estimated average sewer flow at build-out is 1.30 MGD. Based on the City's contract with the District for treatment of 1.5 MGD, and provided it is maintained at this level and the projections for build-out prove accurate, then the City would have adequate wastewater treatment capacity to meet the projected build-out population for all areas of the City, including the Coastal Zone.

However, if projected wastewater demand exceeded 80% of the wastewater treatment facility's capacity, the South San Luis Obispo County Sanitation District would be obligated to start planning for plant expansion. If the wastewater treatment plant capacity reached 90% of capacity, the Sanitation District would be required to expand the facility which has an ultimate capacity of 10 MGD.

The City of Grover Beach 2006 Sewer Master Plan provides an evaluation of the capacity of the City's sewer mains at build-out. Based on an applied peaking factor, the estimated peak flow rate is 3.90 MGD. In 2008, the City constructed all of the improvements identified in the Master Plan. The Master Plan identifies remaining surcharge conditions expected to exist in sewer mains at build-out sewer volumes in several locations throughout the City. Although the surcharge conditions are not desirable, no sewer system overflows are expected. As a result there are no additional sewer main system improvements proposed.

At build-out the estimated peak wet-weather flow tributary to the Front Street pumping station is estimated to be 42 GPM.

## **6.4 CIRCULATION**

### **6.4.1 EXISTING SYSTEM**

#### **A. STREETS**

Three major streets provide access to Grover Beach's portion of the Coastal Zone. These streets are described below:

North Fourth Street: This street functions as a minor arterial, providing an ingress-egress route serving Highway 101 and linking this State highway with Grand Avenue and Pismo State Beach. The northernmost portion of North Fourth Street is a winding two-lane street which bisects Pismo Lake, a large marsh. This portion of the street is paved to a width of only 56 feet of its 70-foot right-of-way and includes sidewalks and bike lane on each side of the street. South of Ocean View Avenue, North Fourth Street widens to 56 feet and provides two traffic lanes, one left-turn lane, and parking on both sides. Within the City of Pismo Beach, North Fourth Street has been paved to a width of 52 feet with two driving lanes, median, and two shoulder lanes.

North Fourth Street intersects Grand Avenue approximately one mile south of the Highway 101 exit. This intersection lies one half mile east of the Grand Avenue ramp entrance to Pismo State Beach. Parking north of Ocean View Avenue on North Fourth Street is prohibited at all times.

Grand Avenue: Grand Avenue is primarily a commercial street. In addition to serving commercial needs, Grand Avenue provides access to Pismo State Beach for both local residents and out-of-the-area beach visitors. Within Grover Beach limits, two freeway exits are linked to Grand Avenue by local streets. One of these exits, at North Fourth Street, lies within the boundaries of the Coastal Zone.

Grand Avenue's right-of-way is 100 feet wide for its entire length. Between the City's eastern Coastal Zone boundary and Highway 1, Grand Avenue is paved and sidewalks are provided on both sides of the street. West of Highway 1, Grand Avenue is paved to a width of 45 feet and a sidewalk is provided along the northern side up to the vehicular ramp entrance to Pismo State Beach. On both sides of Grand Avenue, parallel parking is permitted. Some areas are limited to two hours while other areas allow 72-hour parking. This portion of Grand Avenue near the ramp entrance is often critically congested at peak use periods, particularly when high tides hinder access and egress of beach visitors in vehicles.

Highway 1: This State Highway, also called Pacific Coast Highway, serves primarily as a State, regional, and local coastal access route within Grover Beach limits. The land west of Highway 1 is largely within Pismo State Beach, although a mobilehome park fronting on the Highway and a vacant parcel just north of Grand Avenue are privately owned. Along the east side of Highway 1, north of Grand Avenue, lies the Southern Pacific Railroad easement. South of Grand Avenue, the railroad easement is separated from the Highway by a narrow strip of land. The southern portion of this strip is owned by the County and partially developed as a recreational vehicle storage area. The City owns the property at the southeast corner of Grand Avenue and Highway 1 where the multimodal transportation facility is located. Grand Avenue is the only inland street within City boundaries which intersects Highway 1. Parking is not permitted at any time on Highway 1 within Grover Beach. Emergency parking is possible on some portions of the west shoulder of the Highway, both north and south of Grand Avenue, but is difficult and dangerous during peak use periods when the Highway is used.

## **B. ADDITIONAL PARKING FACILITIES**

Off-street parking within the City's portion of the Coastal Zone includes free public parking for visitors to Pismo State Beach and the LeSage Golf Course west of Highway 1. These parking areas are paved and provide space for about 163 cars and are used in an average day at about half their capacity. During peak use periods, however, which usually occur in the summer months, the parking lots are often used at capacity.

Pismo State Beach itself presently provides parking space for both local and out-of-the-area beach visitors. At low tides the beach within Grover Beach has a capacity adequate for approximately 100 moving or stationary vehicles per hour. This capacity is frequently exceeded during peak use periods, particularly at high tides.



## **C. SOUTH COUNTY AREA TRANSIT (SCAT)**

The South County communities, of which Grover Beach is one, are in the nineteenth year of a subregional fixed route transit system which serves area residents. As of January 1997, service is offered five days per week and utilizes four buses. The average ridership per day is about 360. During the summer months, daily ridership levels often are higher, largely due to greater use of the system by younger residents as a means of transportation to the beach. Over the next 20 years a 27% increase in ridership is forecasted.

## **D. MULTIMODAL TRANSPORTATION FACILITY**

In November 1996, the Grover Beach Multimodal Transportation Facility was opened at the southeast corner of Grand Avenue and Highway 1. This facility includes an unmanned Amtrak station with train and bus service to destinations such as San Diego and Sacramento. Eventually the SCAT transfer station will be moved to this location from the Ramona Gardens Park.

## **6.5 IMPACTS ON PUBLIC SERVICE DEMANDS**

The data on projected demands for water, sewer, and circulation services presented in the preceding pages are based upon present commitments to development as shown in the City's Zoning Map and Land Use Plan. However, in order to implement the policies of this document, some of the designations presently applied to areas within the Coastal Zone will have to be altered. These alterations will change the City's present commitment to development and so affect the distribution and level of public service demands generated by land uses within the Coastal Zone in the future. Probable changes in future public service demands which will result from changes in land use designations are addressed below.

### **6.5.1 RECREATION**

Within Grover Beach's portion of the Coastal Zone, implementation recommendations concerning access and recreation will alter future land use patterns and projected public service demands. These land recommendations and their expected impacts on water, sewer and circulation demands within the Coastal Zone are discussed below:

1. Improved access to the beach: Several recommendations would result in easier access to the beach in the future. Recommendations relating to improved access are, in general, oriented toward day use and non-vehicular beach use. Improved pedestrian access to the beach will result in increases in the frequency and turnover rates of local beach use, and in corresponding increases in the demand for public services, particularly off-beach parking and restrooms. Increases in beach use frequency and turnover rates associated with greater local pedestrian use will probably have a more significant impact upon average daily service demands than on peak service demands in the Coastal Zone.
2. Additional recreational facilities: The development of recommended recreational facilities at Pismo State Beach within Grover Beach will increase demands for public support facilities to some extent. The additional opportunities for beach day use activities will also increase the future demand upon private commercial services, particularly restaurants and other food-related businesses. Impacts of this type will probably be significant during peak recreational periods.

3. Private recreation and visitor-oriented facilities: The proposed Visitor Services land use designation will probably result in a greater number of visitor-oriented, commercial land uses within the Coastal Zone. Public service demands by such uses will tend to reflect the public beach use patterns, i.e., there will be a substantial difference between average daily demands and peak period demands. Food service and transient lodging uses in particular are subject to such wide variations. Near the public beach such businesses may have a peak use factor as great as Item 3.

## **6.5.2 RESIDENTIAL**

The Coastal Act gives low priority to residential development within the Coastal Zone. Grover Beach's portion of the Coastal Zone contains a substantial amount of low and moderate cost housing comprised mainly of small, older single-family homes. To protect this existing housing stock from economic forces which will hasten its demolition and replacement with new, more expensive housing, specific criteria must be met before a demolition permit is issued. See the Housing Element of the City's General Plan for further information. Densities in all residential land use categories were reduced in 1991 by 15 to 45%. A general reduction in the number of future dwelling units within the Coastal Zone boundaries will occur.

### **A. WATER AND SEWER**

The overall impact of these changes in residential land use commitments within the Coastal Zone on water and sewer needs will be a reduction in the ultimate potential demands generated by residential uses.

### **B. CIRCULATION**

The changes in the City's commitment to coastal residential development will also result in a reduction in the residential demand upon the City's circulation system. Reduction in future average daily traffic flows will be most significant on North Fourth Street and on Grand Avenue, the two coastal access routes which serve the largest amounts of commuter and local traffic. Because residential development in Grover Beach contributes a greater share of traffic to average daily flows than to peak flows, which are usually recreation-oriented, reductions in coastal residential commitments will have a greater impact on average daily traffic than on peak hour traffic demands.

### **C. PARKING**

Because off-street parking facilities associated with coastal access routes are in demand primarily during peak recreational periods, and because residential development must, by City ordinance, be provided with substantial private off-street parking space, a reduced residential commitment is not expected to significantly alter projected demands for public parking in the City's portion of the Coastal Zone.

## **6.5.3 COMMERCIAL**

The Coastal Act gives very high priority to commercial land uses which are recreation-related and/or visitor-serving (Coastal Act, Section 30222). Within Grover Beach's portion of the Coastal Zone, several areas are specifically committed to recreational and visitor-serving uses at this time, and

expansion and enhancement of visitor-serving land uses (including a Lodge project at Pismo State Beach) are also contemplated by the LCP. In addition, several areas previously designated as "highway-commercial" districts permit recreation and visitor-oriented as well as general commercial development. In compliance with Coastal Act policy, these areas are being designated for recreation and visitor-oriented uses only. This designation may not affect the annual amount of the commercial demand for public services, but will alter the pattern of that demand. General commercial development generates only moderate peak period and peak day demands for services, while recreation and visitor-oriented commercial uses generate relatively high peak period and peak day demands.

The impacts of the expected increase in future recreation-related commercial demands resulting from implementation of these policies were considered in developing the projections for recreational demands which were presented earlier.

#### **A. PARKING**

The potential general commercial demand for public parking facilities within the City's portion of the Coastal Zone will be decreased through implementation of this document's policies, although the demand generated by recreation-related commercial developments will be greater. As the result of this change in the type of commercial demand which will predominate in the future, peak period parking needs will be increased, particularly on Grand Avenue where the greatest potential for high-turnover, recreation-related commercial activities exists.

### **6.5.4 INDUSTRIAL**

Coastal-dependent industrial uses are given high priority in the Coastal Act. However, within Grover Beach's Coastal Zone, the entire coastline is owned by the State of California and its primary use is recreational. This makes the major portion of the Coastal Zone area unavailable for coastal-dependent industries.

#### **A. WATER AND SEWER**

There will be no change in the ultimate and potential demand for water and sewer needs for areas designated for industrial land uses within the Coastal Zone.

#### **B. CIRCULATION**

Under the existing industrial commitment, industrial development in the Coastal Zone will not contribute a significant amount of traffic to coastal access routes due primarily to the relatively small amount of employment which industrial uses permitted in Grover Beach generate. Parking needs generated by industrial uses must be met on-site under the City's present zoning ordinance so that a reduction in the Coastal Zone commitment to industrial development will not have a significant impact upon public parking demands.

## **6.6 SUMMARY**

### **6.6.1 WATER SUPPLY**

1. As of 2009, Grover Beach had the capacity to provide 2,207 acre-feet of domestic water per year to serve the City, including the area within the Coastal Zone.
2. As of 2009 the City uses approximately 1,940 acre-feet of domestic water per year, or about 88 percent of its present yearly capacity.
3. Provided the City's water supply is maintained at the 2009 level, and the projections for build-out prove accurate, then the City would have adequate water resources to serve the projected build-out population of 15,000 in 2030.
4. The City shall continue to implement water conservation programs including SB 7 which requires a 20% reduction in water usage by 2020.
5. The Water Master Plan has identified deficiencies in the size of existing waterlines that serve existing and future developments in the Coastal Zone.
6. The City has adopted an Urban Water Management Plan that identifies consumption reduction measures to be implemented if the City ever experiences a water supply shortage.

### **6.6.2 SEWER SERVICE**

1. As a member of the South San Luis Obispo County Sanitation District (SSLOCSD), Grover Beach is presently entitled to approximately 1.5 million gallons per day (MGD) of the treatment plant's 5 MGD average daily capacity.
2. The estimated average flow rate in 2010 is 1.30 MGD, or about 87 percent of the District's allocated daily treatment capacity.
3. Provided the City's current contract with the District for 1.5 MGD remains unchanged and the projections for build-out prove accurate, then the City has adequate wastewater treatment capacity to serve the projected build-out population of 15,000 in 2030.

### **6.6.3 CIRCULATION**

1. The three major coastal access routes presently serving Grover Beach's portion of the Coastal Zone are North Fourth Street, Grand Avenue, and State Highway 1.
2. Peak use of North Fourth Street south of Ocean View Avenue occurs at about 89 percent of its design capacity. South of Manhattan Avenue, South Fourth Street peak traffic flows represent 43 percent of the design capacity.
3. On Grand Avenue west of Fourth Street peak traffic flows presently occur at 35 percent of the street's design capacity.

4. Highway 1 north of Grand Avenue carries a peak traffic flow of 83 percent of its design capacity and south of Grand Avenue, only 50 percent of its capacity.
5. The distribution of average and peak demands among recreational, residential, commercial, and industrial uses differs slightly for each of the three coastal access routes. However, recreational demand at peak periods is high on all parts of the three coastal access routes. Neither local nor commuter traffic competes heavily with recreational demand at peak use periods.
6. On-street, free public parking is permitted south of Ocean View Avenue on North Fourth Street, and on Grand Avenue to within 680 feet of the end of the street. This area experiences significant congestion during peak use periods. No parking is permitted on Highway 1 within the City limits.
7. Traffic on Grand Avenue is not expected to exceed design capacities, during peak use periods, at City buildout.
8. North Fourth Street may experience significant peak hour congestion by City buildout; however the recently completed widening project will allow for future striping of four traffic lanes, if warranted.
9. Traffic on Highway 1 north of Grand Avenue, is also expected to exceed design capacities, during peak use periods, at City buildout. The State Department of Transportation has previously proposed to widen portions of the Highway to provide emergency parking and to increase pedestrian and cyclist safety.

#### **6.6.4 IMPACTS ON PUBLIC SERVICE DEMANDS**

The most significant impact will be a proportionate reduction in the potential residential demand for services, and an increase in the demand generated by recreation-oriented, private commercial activity. These alterations may result in a slightly lower average daily demand and in a higher peak period demand than would be expected under existing land use commitments.

### **6.7 RECOMMENDATIONS**

#### **6.7.1 WATER SUPPLY**

1. Policy: The City shall continue to pursue adequate water supplies to serve the projected population at build-out in 2030, including by implementing conservation strategies. During periods of drought the City will implement additional water conservation measures that prohibit wasting water in order to reduce short term impacts on supply.
2. Policy: The City shall continue to implement water conservation programs related to new development including requirements for water efficient landscaping, water conserving fixtures and programs to encourage purchase of water conserving appliances which have shown to be effective based on the per capita use declines. The City shall continue to implement water policies and infrastructure improvements including replacement of undersized water mains and extension of new mains to serve new development so that the

water system can provide adequate pressure at acceptable velocities during all demand scenarios.

3. Policy: The City shall continue to investigate opportunities to procure additional allocations from existing supplies and shall continue to investigate opportunities to secure new water supply sources in order to provide greater supply reliability.
4. Policy: The City shall condition all new developments to install new water infrastructure designed to provide adequate pressure at acceptable velocities for the proposed use unless adequate mains already exist or the City has adopted a development impact fee for installation of the water infrastructure needed to supply the proposed development in which case the applicant shall be required to pay the adopted fee.
5. Policy: In compliance with Section 30254 of the Coastal Act, proposed new development within the Coastal Zone that provides; services to coastal-dependent land uses; essential public services; basic industries vital to the economic health of the region, state, or nation; public recreation; commercial recreation, and visitor-serving land uses shall be given priority over other new proposed developments in the Coastal Zone in the event that existing or planned public works facilities serving the Coastal Zone can accommodate only limited amounts of new development.
6. Policy: Development shall only be approved if it is first clearly demonstrated that the development will be served by an adequate, long-term public water supply.

#### **6.7.2 SEWER SERVICE**

1. Policy: Recycling of treated wastewater as an alternative to ocean disposal of all effluent treated in the treatment plant shall be strongly supported and encouraged by the City when reclamation is economically feasible.
2. Policy: New developments shall be conditioned to evaluate the project's sewer flows and to provide upgrades to existing sewer service systems when needed or, where no sewer service system exists to serve the proposed development, shall be conditioned to install new sewer service systems unless the City has adopted a development impact fee for the proposed system in which case the applicant shall be required to pay the adopted fee.
3. Policy: In compliance with Section 30254 of the Coastal Act, proposed new development within the Coastal Zone that provides: services to coastal-dependent land uses; essential public services; basic industries vital to the economic health of the region, state, or nation; public recreation; commercial recreation, and visitor-serving land uses shall be given priority over other new proposed developments in the Coastal Zone in the event that existing or planned public works facilities serving the Coastal Zone can accommodate only limited amounts of new development.
4. Policy: Development shall only be approved if it is first clearly demonstrated that there is adequate, long-term public wastewater treatment capacity to serve such development.

### 6.7.3 CIRCULATION

1. *Action: It is proposed that North Fourth Street from Ocean View to the City's northerly City limits be widened to a paved section of fifty-six (56) feet. This street section will provide for four driving lanes, two bike lanes, and emergency parking. The City will provide cooperative efforts with the California Department of Fish and Game to insure an environmentally sound construction project. Future street striping will be coordinated with the City of Pismo Beach to insure traffic safety.*
2. *Action: In cooperation with the California Department of Transportation, Transportation Management Strategies recommended by the State for Grand Avenue should be implemented to reduce present and future conflicts between design capacity and peak use demand on this street.*
3. Policy: Highway 1, both north and south of Grand Avenue, should be retained permanently as a two-lane highway, although minor improvements necessary for purposes of public safety or for provision of bicycle and pedestrian paths should be permitted.
4. Policy: To protect public access to the shoreline and reserve limited road capacity for coastal priority uses, development shall be required to identify and appropriately offset all circulation impacts, with preference given to mitigation measures designed to improve public recreational access and visitor-serving circulation.
5. Policy: All development shall be sited and designed to maximize public recreational access opportunities, including through providing meaningful and useful connections to and from roads, trails, and other such facilities and areas that provide access to and through the City's coastal zone and along the shoreline. Development shall accommodate all modes of circulation (including vehicular, pedestrian, bicycle, etc.) in a way that facilitates and enhances public recreational access to and along the shoreline.
6. Policy: In compliance with Section 30254 of the Coastal Act, proposed new development within the Coastal Zone that provides: services to coastal-dependent land uses; essential public services; basic industries vital to the economic health of the regions, state, or nation; public recreation; commercial recreation, and visitor-serving land uses, shall be given priority over other development in the Coastal Zone in the event that existing or planned public works facilities serving the Coastal Zone can accommodate only limited amounts of new development.

### 6.7.4 GENERAL

1. *Action: The City shall develop and adopt standards which indicate a probable range of public service demands generated by the types of uses permitted within the City's portion of the Coastal Zone. These standards shall be used to evaluate specific projects within Coastal Zone boundaries in order to ensure that the percentage allocations to Coastal Zone land uses are not exceeded.*
2. *Action: The City should adopt by reference the State Coastal Commission's interpretive guidelines on exclusion of permit requirements. These guidelines apply only to exclusions established in Section 30610 of the Public Resources Code. NOTE: The adoption of these guidelines by reference does not exclude any public or private party from obtaining the required encroachment permits, but only excludes the requirement for coastal permits.*

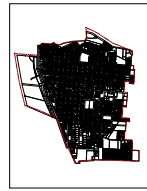
*Copies of said interpretive guidelines for said exclusion permits are on file in the Planning Department of the City of Grover Beach.*



# 7.0 DESCRIPTION OF LAND USE AND ZONING DESIGNATIONS

## of the LOCAL COASTAL PROGRAM

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### 7.1 LAND USE ELEMENT

The Land Use Element of the Grover Beach General Plan provides goals, policies, and programs that direct the orderly development of the community. Goals are broken out into seven categories: community, growth management, housing conservation and development, commercial conservation and development, industrial conservation and development, resource conservation and development, and public services and facilities.

#### 7.1.1 NEIGHBORHOOD PLANS

Nine neighborhood plans are included within the Land Use Element. Six of these neighborhoods have all or a portion of their area within the Coastal Zone and are further described below and on Map 2. Complete statistics and programs for each neighborhood can be found in Chapter 10 of the Land Use Element.

**The Grand Corridor:** This planning area is divided into three sections, however, the only portion within the Coastal Zone is the West Grand Avenue Visitor Service district, which runs along Grand Avenue from Highway 1 to the eastern Coastal Zone boundary. As its name implies, visitor service uses are emphasized in this portion of the Coastal Zone.

**Northwest Grover Beach:** This predominantly residential neighborhood is located between the Southern Pacific Railroad right-of-way and North 4th Street, north of Ramona Avenue and is entirely within the Coastal Zone. Industrial uses are located adjacent to the railroad right-of-way.

**The Northern Hillside:** Located north of Atlantic City Avenue and east of North 4th Street, a small portion of this neighborhood is within the Coastal Zone. Residential and open space uses dominate, however a large vacant commercial site is located along Highway 101.

**West Grover Beach:** This neighborhood is located generally south of Rockaway Avenue to Farroll Road, between the railroad right-of-way and the eastern Coastal Zone boundary. It includes medium-density residential and industrial uses.

**South Grover Beach:** Located south of Farroll Road to the southern City limits, between the railroad right-of-way and the eastern Coastal Zone boundary, the small portion of the South Grover Beach neighborhood within the Coastal Zone is divided between industrial and single family residential uses.

The Beach: Entirely within the Coastal Zone, this neighborhood includes all property to the west of Highway 1 and a small strip between Highway 1 and the railroad right-of-way. The focus is on visitor services and recreation uses, such as the golf course, state beach, and multi-modal transportation facility.

## 7.1.2 LAND USE CATEGORIES

Land use categories within the Coastal Zone include the following:

Low-density residential (2-5 dwelling units per gross acre): The primary purpose of areas designated *low-density residential* is to provide for development generally consisting of one or two story dwellings with substantial yards.

Medium-density residential (6-9 dwelling units per gross acre): The primary purpose of areas designated *medium-density residential* is to provide for detached or attached one and two-story dwellings with a private yard for each unit. This designation is used as a transition from low-density residential to other land use categories and for mixed-use residential developments.

High-density residential (10-20 dwelling units per gross acre): The primary purpose of areas designated *high-density residential* is to provide for attached dwellings in one or two-story buildings with small outdoor private area for each unit and a larger common outdoor use area for entire development. The high-density residential designation is appropriate near employment and commercial centers and within mixed use residential developments.

Planned commercial: The primary purpose of areas designated *planned commercial* is to provide for master-planned clusters of visitor-serving facilities, such as shops, restaurants, and bed and breakfast inns.

Visitor services: The primary purpose of areas designated *visitor services* is to provide attractive development that is competitive with other regional tourist service areas in other communities. Typical uses include lodging, restaurants, gift and memento shops, and gas stations.

Light industrial and Industrial: The primary purpose of areas designated *light industrial* and industrial is to provide for small-scale manufacturing and commercial service uses that are compatible with surrounding uses.

Open space: The primary purpose of areas designated *open space* is to provide protective measures for the natural hillside cover and sections of Meadow Creek.

Flood plain: The primary purpose of areas designated *flood plain* shall be protection of public safety along Meadow Creek.

State park: The primary purpose of areas designated *state park* and *golf course* is to provide recreation for residents and visitors and includes the golf course, beach, and wildlife sanctuary.

## 7.2 ZONING REGULATIONS

The Grover Beach Zoning Ordinance implements applicable policies and programs contained in the Local Coastal Plan and the City's General Plan. The Zoning Ordinance separates the City into districts and includes regulations on development and permit issuance.

### 7.2.1 ZONING DISTRICTS

Zoning Districts within the Coastal Zone are briefly described below and the boundaries are shown on Map 6. Consult the Grover Beach Zoning Ordinance for complete information and development standards for each District.

**Coastal Residential Agriculture (C-R-A) District:** This District is intended as an area for single-family homes, with not more than one (1) dwelling unit for each twenty thousand (20,000) square feet; crop and tree farming and customary accessory buildings upon any one (1) such building site.

**Coastal Planned Single Family Residential (C-P-R-1) District :** The Coastal Planned Single Family Residential District is intended to provide low-intensity (0-4 dwelling units/acre) clustered residential development in a manner which will maximize protection of environmental, visual and archaeological resources within and adjacent to the boundaries of the District by minimizing removal or disturbance of native vegetation, control grading, erosion, and run-off and sensitively site and design structures to avoid impacting archaeological deposits and reducing the visual impact on surrounding and adjacent areas.

**Coastal Single Family Residential (C-R-1) District:** This District is intended as an area for single-family homes, with approximately two (2) to five (5) such homes per gross acre and with not more than one (1) dwelling unit and customary accessory building upon any building site.

**Coastal Residential (C-R-2) District:** The intent of the Coastal Residential District is to provide areas in which the low-profile, small scale character of existing single-family neighborhoods may be protected while, at the same time, providing a degree of flexibility which will facilitate the development of moderate-cost new multiple housing. It is further the purpose of the C-R-2 District to provide reasonable protection to the existing low and/or moderate cost housing while encouraging the development of new low and/or moderate cost housing where feasible.

**Coastal Multiple Residential (C-R-3) District:** The intent of this District is to stabilize and maintain the residential character of the District and permit small family and individual living with communal and cooperative use of facilities while providing private outdoor open space for each unit.

**Coastal Planned Commercial (C-P-C) District:** The Coastal Planned Commercial District is intended to provide for the visitor-serving needs in a manner that is sensitive to the environmental, visual and archaeological resources within and adjacent to the boundaries of the District by sensitively siting and designing structures.

**Coastal Visitor Service (C-C-V) District:** The intent of this District is to provide for visitor oriented or serving uses with sufficient architectural and landscaping controls to protect the amenities of the area.

Coastal Industrial (C-I) District: This District is intended to provide a District exclusively for sound industrial development wherein manufacturing and other industries can locate and operate away from the restricting influences of non-industrial uses while maintaining an environment free from offensive or objectionable noise, dust, odor or other nuisances.

Coastal Industrial Commercial (C-I-C) District: The Coastal Industrial Commercial District is intended as an area for custom and light manufacturing and assembly that maintains an environment free from offensive or objectionable noise, dust, odor or other nuisances. Large industrial development will be permitted only after development review that considers the proposal's impact upon the surrounding residential neighborhood. Efforts will be made to prevent large industrial developments and heavy industrial uses adjacent to residences.

Coastal Open Space (C-O) District: The Coastal Open Space District is designed to protect and preserve sensitive natural areas including but not limited to those containing significant habitat areas, rare or endangered plant and animal species, and erosion-prone lands. Said open space to preserve a rural and natural atmosphere, protect the ecology of the area, and provide opportunities for educational and scientific study of undisturbed natural environments.

Coastal Golf Course (C-G-C) District: The Coastal Golf Course District is intended to provide a public golf course facility within the City's portion of the Coastal Zone.

Coastal Pedestrian Beach (C-P-B) District: The intent of the Pedestrian Beach District is to provide a public beach area in which non-vehicular beach activities can be pursued free from conflict with vehicular beach users.

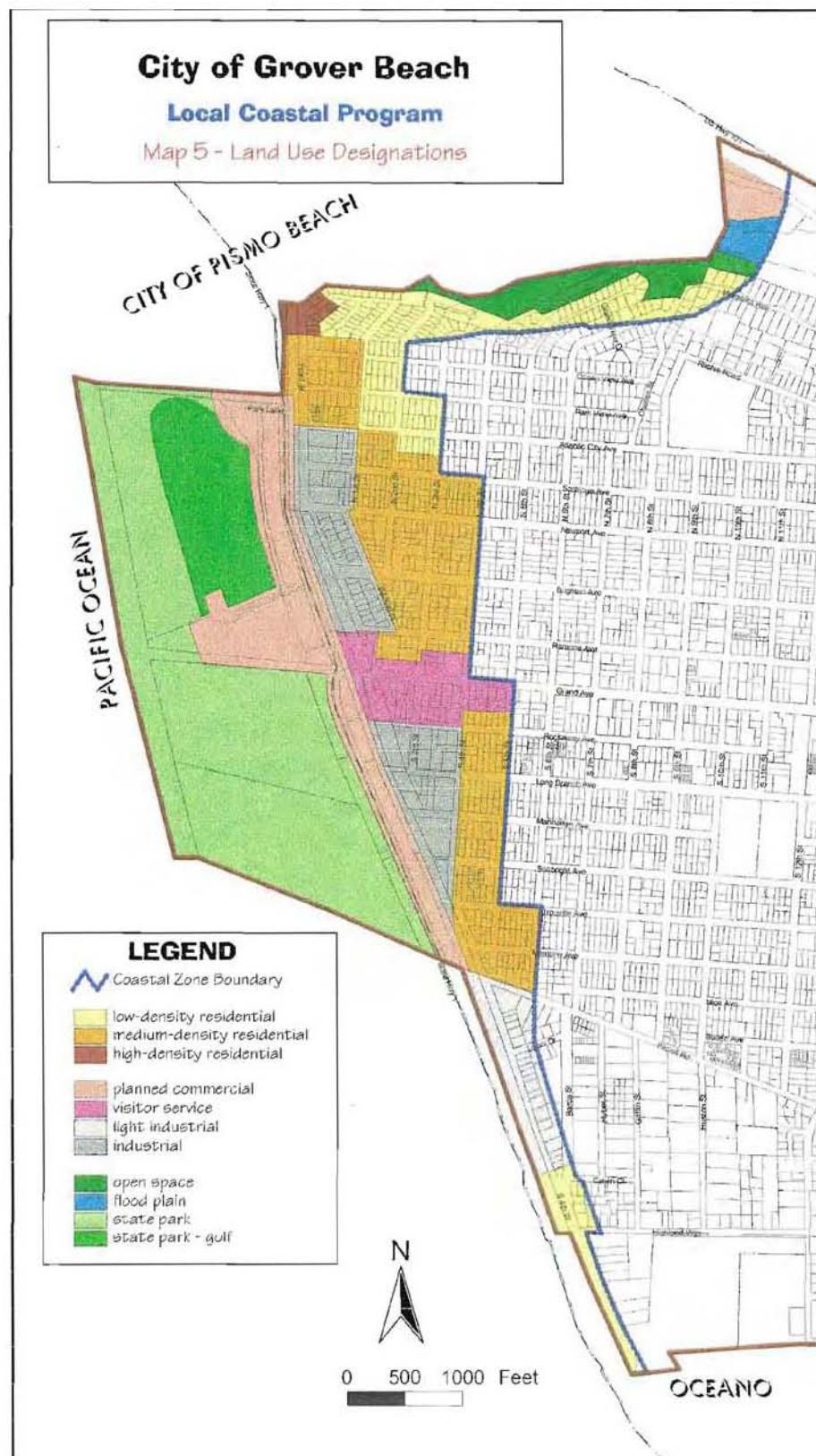
Coastal Vehicular Beach (C-V-B) District: The intent of this District is to provide an area in which vehicular beach activities are allowed which will not significantly disrupt native vegetation or sensitive habitat areas.

Flood Plain Combining (F-P) District: This combining District is intended to be applied to properties which lie within the natural flood plain where inundation may occur, but where depths and velocities will not cause appreciable damage. Such properties will require special regulations for the protection of property improvements from hazards and damage which may result from flood waters.

## **7.2.2 PERMIT PROCEDURE**

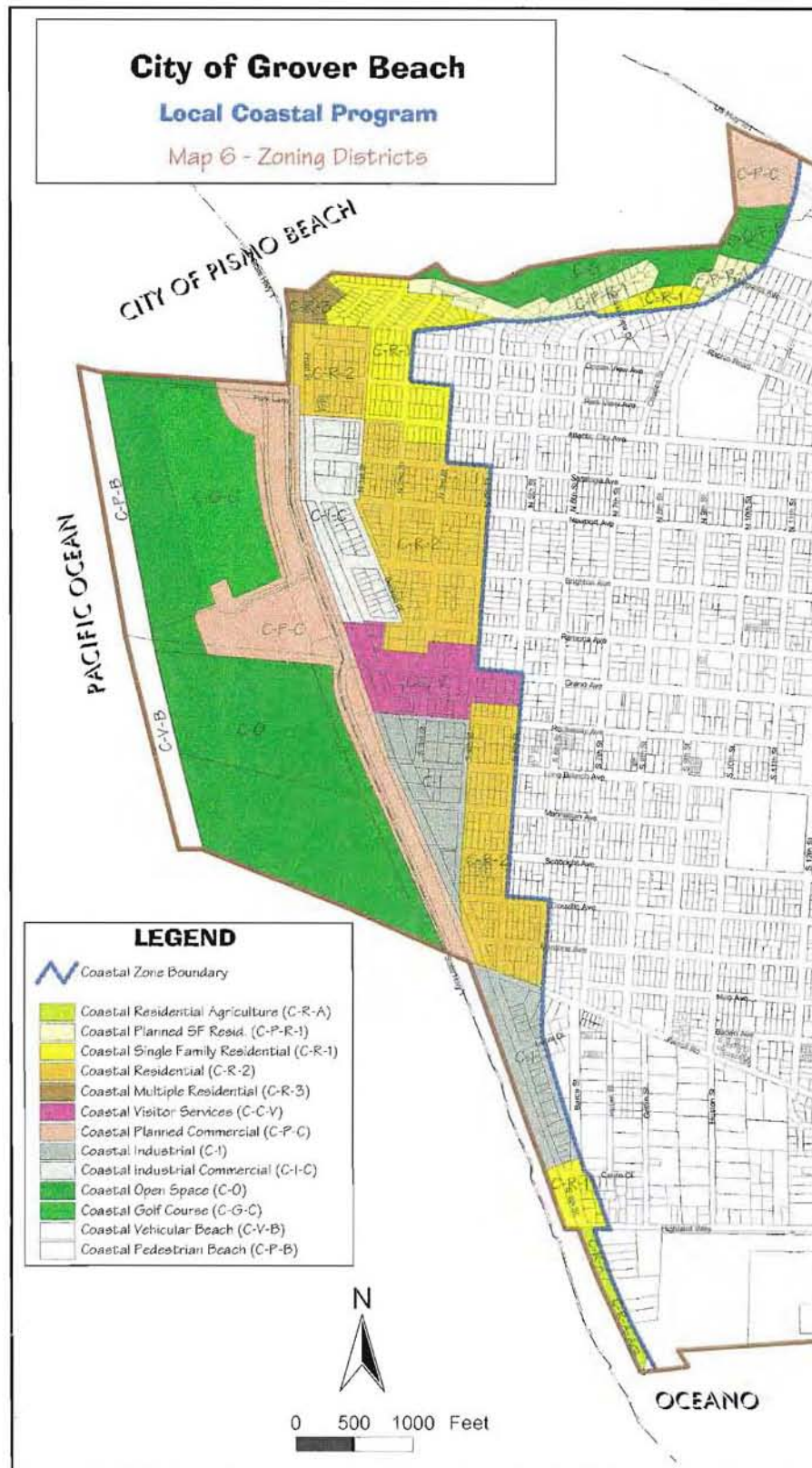
See Part 45 of the Grover Beach Zoning Ordinance for Coastal Development Permit procedures. Other planning applications, such as Architectural Approval, Use Permits, and Variances are discussed in Part 44.

## Map 5 – Land Use Designations





## Map 6 – Zoning Districts



## **1 INTRODUCTION**

### **Purpose of the General Plan**

The General Plan will be used by the City of Grover Beach to guide the orderly development of the community and to preserve, protect and conserve resources which contribute to rewarding lives for citizens and visitors of this coastal California community.

### **Relationships of General Plan Elements**

The Land Use Element is one of a number of elements to the General Plan. Each element is designed to be consistent with all other elements so that when the elements are brought together they become one plan -- The General Plan of the City of Grover Beach. The remaining elements are: Housing, Circulation, Parks and Recreation, Open Space and Conservation, Safety, Noise, Scenic Routes, and Seismic Safety.

### **History of the General Plan**

The Land Use Element of the General Plan was originally adopted in April 1973 and was later amended in June 1976. The original Land Use Element was designed to serve as "a comprehensive guide" to serve the City's 7,000 population which was projected to grow to 9,100 by 1990. That plan's conservative demographer missed the actual 1990 Grover Beach population of 11,571 by 27%.

The original Land Use Element included the unincorporated area of Oceano which was thought to be "critical to the future development" of Grover Beach. This plan sought to strengthen the Grover Beach downtown commercial and public facility area and to establish a "distinct boundary between urban and rural areas" in order to provide agricultural land owners "the assurance that creeping urbanization will not take his land". The community sought visitors, industry, commerce, parks and public improvements. The plan included increasing residential densities in order to encourage street improvements.

The 1976 amendment clearly recognized that "there is no downtown" but Grand Avenue has as much promise as its name. Grand Avenue was to serve as the nuclei for a "concentrated" retail and community center between Eighth and Twelfth Streets. Visitor accommodation, general commercial, commercial recreational and other services were to be developed along the "Grand Corridor".

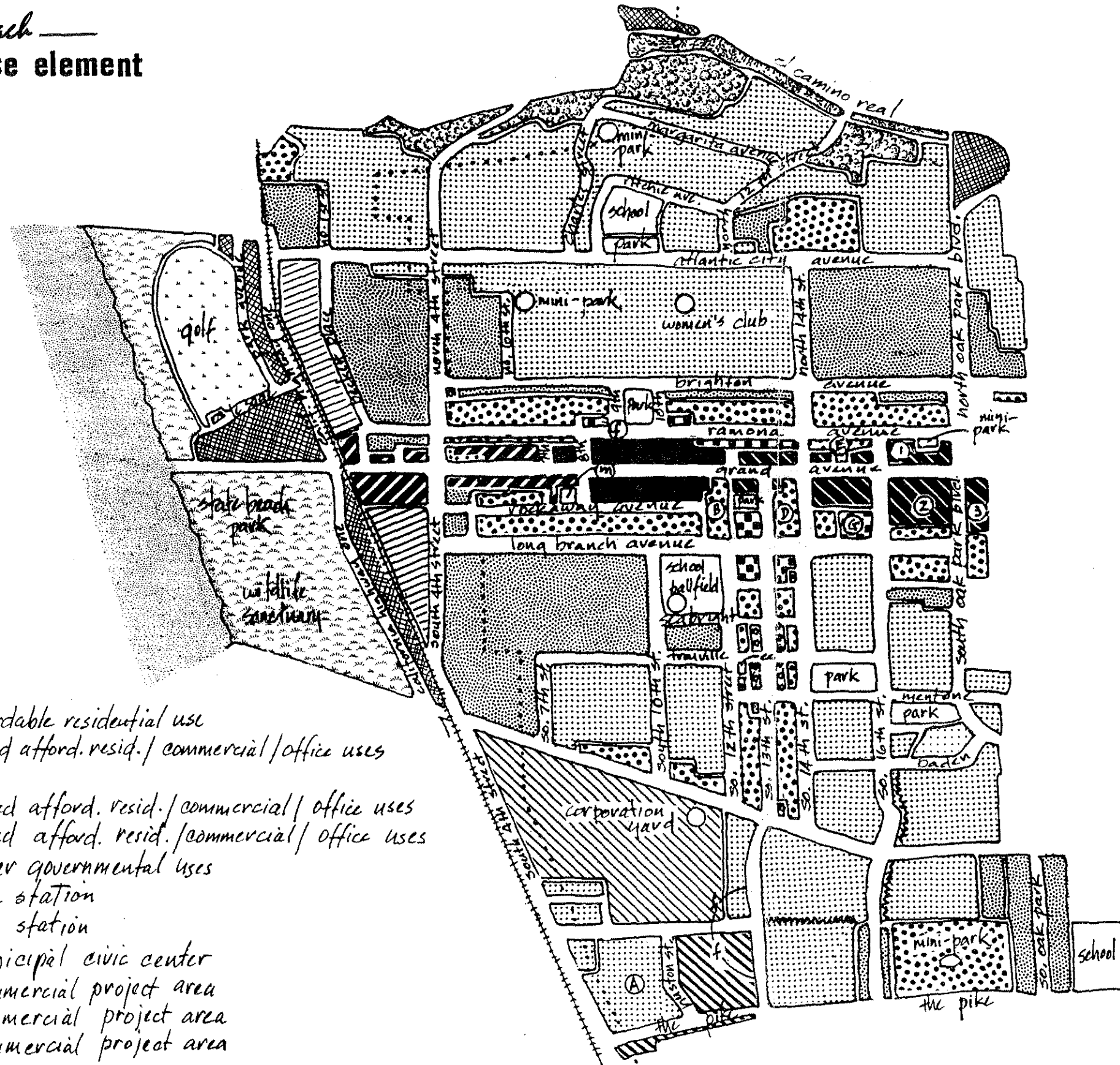
Offices were planned for South Thirteenth Street and Ramona Avenue and future neighborhood commercial centers were outlined. In short, the 1976 amendment to the Land Use Element became the authoritative guide for Grover Beach's future.

### **Public Participation Process in General Plan Development**

The Planning Commission and the City Council will conduct public hearings before adopting or revising this General Plan Element. The City will publish notices in the local newspaper to advise citizens about the hearings and the opportunities to participate.

The City intends to re-evaluate this Land Use Element every five years after its adoption, however, it may be revised or amended more frequently. Anyone may apply for an amendment to the General Plan at any time, however, State law limits the number of times the General Plan may be amended annually.

# Grover Beach land use element



## projects

- Ⓐ affordable residential use
- Ⓑ mixed afford. resid./ commercial/ office uses
- Ⓓ mixed afford. resid./ commercial/ office uses
- Ⓔ mixed afford. resid./ commercial/ office uses
- Ⓕ other governmental uses
- Ⓖ fire station
- Ⓗ fire station
- Ⓜ municipal civic center
- ① commercial project area
- ② commercial project area
- ③ commercial project area
- ~ ~ ~ ~ ~ greenway
- ... coastal zone boundary
- cc community center

## land uses

- low-density residential <2-5 du/acre>
- medium-density residential <6-9 du/acre>
- high-density residential <10-20 du/acre>
- neighborhood commercial
- planned commercial
- visitor services
- central business
- shopping center
- light industrial
- industrial
- planned manufacturing
- professional office
- open space
- flood plain
- state park

0 500  
feet



adopted December 7, 1992



Chapter Four

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# Growth

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# Management

## **4 GROWTH MANAGEMENT**

### **Introduction**

Recent growth in California has exceeded the ability of many local governments to provide school and transportation infrastructure and have caused others to seek new sources of water from as far away as Alaska. The impacts of development have caused residents in some areas to seek lives elsewhere. Grover Beach does not desire its residents to seek lives elsewhere.

Grover Beach's growth management program is designed to influence, manage and direct growth, not stop it.

### **4.1 RESIDENTIAL GROWTH RATE POLICY:**

Policy 4.1 The City should manage its residential growth so that:

*Goal 1.3 Grover Beach can be a small, comfortable place in which to live.*

*Goal 2.2 Construction activity downturns have a lesser effect upon the local economy and so that home construction activity may adjust to a steadier stream.*

*Goal 3.5 The addition of new residential development does not cause sudden and swift changes to existing housing and neighborhoods.*

*Goal 5.5 The City may prepare public facilities and services in advance of projected needs.*

### **Programs:**

Program 4.1.1 The City could regulate its housing supply so that it grows no faster than 123 dwelling units annually or at a rate of two and one-half percent of the 4,933 dwelling units counted in the City by the 1990 Federal Census.

**Figure 4-1**  
**MAXIMUM DWELLING UNIT & POPULATION GROWTH PROJECTIONS**  
 (with the addition of 123 dwelling units annually) #

Jan 1	Units	Occupancy Rate	Population	Jan 1	Units	Occupancy Rate	Population
1990*	4,941	93%	11,656	2002	6,250	93%	14,660
1991**	5,007	93%	11,727	2003	6,250	94%	14,890
1992**	5,072	93%	11,901	2004	6,250	95%	15,120
1993	5,195	93%	12,180	2005	6,250	96%	15,350
1994	5,318	93%	12,480	2006	6,250	97%	15,580
1995	5,441	93%	12,760	2007	6,250	98%	15,810
1996	5,564	93%	13,050	2008	6,250	99%	16,040
1997	5,687	93%	13,340	2009	6,250	100%	16,268
1998	5,810	93%	13,630	2010	6,250	100%	16,268
1999	5,933	93%	13,920	2011	6,250	100%	16,268
2000	6,056	93%	14,200				
2001	6,179	93%	14,500				

# Based upon the addition of 123 units annually, commencing in 1992, with an average 2.346 person occupancy. Actual populations and dwelling units will be less than reflected in these 'maximum projections' as it is unlikely that the maximum number of allowable dwelling units will be constructed each and every year. The average number of occupants per dwelling unit will vary annually.

\* Federal Census as modified on April 29, 1992 by the California Dept. of Finance.

\*\* California Dept. of Finance April 29, 1992 estimate.

## 4.2 HOUSING IMPROVEMENT POLICY:

Policy 4.2 The City should encourage the improvement of existing housing so that:

*Goal 3.1 All types of housing opportunities and prices are encouraged.*

*Goal 3.5 Development doesn't become a shock to the neighborhood.*

### Programs:

Program 4.2.1 Proposed demolition of housing units could be reviewed unit by unit to determine if demolition is warranted on the basis of occupant health and safety and repair or rehabilitation of the unit would result in unaffordable housing to low and moderate households, or the remedy costs would exceed 50 per cent of the assessed value of the structure in its present condition.

Program 4.2.2 Other exceptions for the demolition of low and moderate income housing should be:

- A. It is necessary to improve a public project which would improve coastal access;
- B. When the City has approved an equal or greater number of low and moderate income housing units within the preceding 12 months;
- C. The proposed demolition is owner-occupied housing;

D. The proposed demolition is a non-conforming zoning or Land Use Plan housing; or

E. The proposed demolition will be replaced with an equal or greater number of low and moderate income housing unit rentals.

Program 4.2.3 A program could be developed which would permit owners of deteriorating, small single-family houses (less than 800 square feet) on 4,000 square feet or larger lots to bring the existing unit to building code and construct a second unit of equal size upon the same lot if both units are designated as affordable housing.

#### **4.3 CITY ANNEXATION POLICY:**

Policy 4.3 The City's incorporated area, bounded by Pismo Beach, Arroyo Grande, Oceano and the Pacific Ocean, should not be extended to include additional land until all of this policy's programs are completed because:

*Goal 5.1 The City chooses its own future, rather than allowing it to develop unguided.*

*Goal 5.2 The City is proactive in planning of facilities and services if they impact the goals and future of Grover Beach.*

*Goal 5.3 The City is active in regional efforts which could improve the mutual interest of participants.*

*Goal 5.5 The City prepares in advance of projected need for delivery of facilities and services.*

#### **Programs:**

Program 4.3.1 The City should cause an economic feasibility and environmental impact report to be prepared and released prior to any City Council vote upon annexation.

#### **4.4 THE COSTS OF GROWTH POLICY:**

Policy 4.4 The City should know the costs of providing public services and facilities to new and existing development before it approves mitigating measures and development because:

*Goal 5.2 The City should be proactive in planning facilities and services.*

*Goal 5.5 The City should provide for the delivery of facilities and services in advance of projected need.*

#### **Programs:**

Program 4.4.1 The City could prepare a twenty-year capital improvement program which identifies the community's capital needs based upon projected population and other pertinent factors. All improvements and replacements could be identified by estimated year of purchase or development, estimated cost and source of revenue. Where applicable, the program could pro-rate new development's share of benefits and costs and means of assessment or collection.

**Program 4.4.2** The City can prepare a twenty-year program which could identify and project the community's needs and costs for municipal services, including vehicles and equipment, staffing, and training. The program could pro-rate new development's share of benefits and costs and means of assessment or collection. The intent is to establish a development impact fee program that would allow growth to occur at its own expense with minimal taxes and fee impacts upon current residents.

**Program 4.4.3** The City could prepare a twenty-year area plan for each of the City's neighborhoods. These neighborhood plans could identify all existing development and population, significant neighborhood problems and negative influences. They could also project future development and populations and identify necessary neighborhood improvements.

### **Programs:**

Program 6.2.1 The zoning ordinance could be reviewed and amended to assure that all types of jobs and employment are encouraged and accepted in at least one district of the City.

Program 6.2.2 The City could appoint special purpose committees to address specialized community needs in such areas as health care, retail, vocational and educational and visitor facility development.

Program 6.2.3 A child-care services and facilities program for working parents could be developed in conjunction with parents, child-care authorities, child-care providers and employers.

Program 6.2.4 The roles of each commercial district or neighborhood could be reviewed to determine if they are focused upon the long-term economic interests of the community such as strong retail sales, visitor services, contribution to diversification, etc.

Program 6.2.5 A special study and plan should be developed for the City's principle commercial corridor, Grand Avenue, which would address its economic growth and architectural theme.

Program 6.2.6 Creative financing programs could be explored to determine their applicability to assisting established business and new commercial start-ups and developments.

### **6.3 Commercial Area Housing Policy:**

Policy 6.3 Commercial districts have housing obligations to the community because:

*Goal 3.8 Business proprietors and caretakers may live above or behind their enterprises.*

*Goal 3.9 Residents may live in commercial areas in mixed-use developments.*

### **Programs:**

Program 6.3.1 Mixed commercial-residential developments could be included in the General Plan and zoning ordinance and map when determined to be appropriate.

Program 6.3.2 The zoning ordinance could be reviewed and amended to provide for appropriate dwelling unit standards in commercial districts including parking.

Program 6.3.3 Public transportation programs could be reviewed and improved, where necessary, to assist commercial area dwellers, employees and shoppers and to reduce reliance upon private vehicle use.

### **6.4 Commercial Environmental Policies:**

Policy 6.4 Commercial areas of the City have environmental obligations to the community because:

*Goal 4.1 Visitor and resident exposure and involvement with the natural resources and beauty of the Pacific Ocean, beaches, dunes and related areas are promoted.*

*Goals 4.2, 4.3, 4.4 and 4.5 The community protects and preserves its native oak habitats and trees, natural riparian areas, air quality, native flora, fauna and wildlife habitats.*

*Goals 4.6 and 4.7 Public and residential views of surrounding hills, beaches, dunes, ocean and open spaces are protected.*

*Goal 4.8 Commercial areas should contribute to the forestation of the community.*

*Goal 4.9 Water and materials should be conserved and recycled.*

**Programs:**

Program 6.4.1 A comprehensive conservation and recycling program for solid and liquid wastes and water should be development and implemented.

Program 6.4.2 A program to review the effects upon views could be developed and implemented for proposed commercial buildings.

Program 6.4.3 Unforested commercial areas such as parking lots, streets and right-of-ways and landscape strips could be analyzed for suitability.

Program 6.4.4 Development regulations and standards could be reviewed and amended, where necessary, to promote tree plantings and maintenance and incorporated within a comprehensive forestation plan.

Program 6.4.5 A tree replacement program could be developed. Those removing trees could be required to plant a greater number of trees elsewhere in the community.

Program 6.4.6 Parking in commercial areas should be designed to encourage walking within the commercial district.

**6.5 The Environment is Good Business Policy:**

Policy 6.5 The environment is good business because:

*Goal 4.1 Natural resources and the beauty of the Pacific Ocean, beaches, dunes and related areas are the appeal to visitors.*

*Goal 2.4 An undamaged and healthy environment is the attraction for a visitor recreational and conference destination area.*

**Programs:**

Program 6.5.1 A visitor environmental attractions center could be created.

Program 6.5.2 A docents program could be established to conduct regular educational programs and tours.

Program 6.5.3 A plan could be prepared for the development of a visitor recreational and conference center. A center might include lodging, restaurants, conference rooms, golfing, tennis, trails and paths, exercise facilities, a pier and other facilities and features appealing to visitors.

Program 6.5.4 A visitor services advisory and coordinating committee could be created to develop a comprehensive visitor services program emphasizing the environment's attraction. Such programs could be explored with the local chamber of commerce.

## **7.2 INDUSTRIAL AREAS ECONOMIC GOALS POLICY:**

Policy 7.2 Industrial areas are primary areas for implementing community economic goals such as:

*Goal 2.1 Making all types of jobs available.*

*Goal 2.2 Providing a diverse economic base for the community so that the effects from a downturn in one part of the economy have minimal effect upon the community.*

*Goal 2.6 Providing a clean industrial area within walking distances of homes.*

*Goal 2.7 Providing vocational training and educational opportunity for resident and employer needs and to broaden the economic base of the community.*

*Goal 2.8 Providing child-care services and facilities for working parents in order to improve economic opportunities for families and the commercial community.*

### **Programs:**

Program 7.2.1 The zoning ordinance could be reviewed and amended to assure that a variety of jobs and employment are encouraged and accepted in the City.

Program 7.2.2 The City encourage the Chamber of Commerce to create an economic development committee which, in conjunction with the City, would address General Plan economic concerns and develop proposed programs for City Council consideration.

Program 7.2.3 The City could appoint special purpose committees to address specialized industrial needs.

Program 7.2.4 A child-care services and facilities program for working parents could be developed in conjunction with parents, child-care authorities, child-care providers and employers.

Program 7.2.5 Each industrial neighborhood role can be reviewed to determine if it is focused upon the long-term economic interests of the community such as contribution to diversification and resident income.

Program 7.2.6 Create capital financial programs could be explored to determine their applicability to assisting established business and new industrial start-ups and developments. This may include activation of an Industrial Development Authority and issuance of bonds.

Program 7.2.7 A program to locate "point of sales" businesses in industrial areas could be established in order to increase City sales tax revenue.

## **7.3 INDUSTRIAL AREAS ENVIRONMENTAL GOALS POLICY:**

Policy 7.3 Industrial areas of the City have environmental obligations to the community because:

*Goals 4.2, 4.3, 4.4 and 4.5 The community protects and preserves its native oak habitats and trees, natural riparian areas, air quality, native flora, fauna and wildlife habitats.*

*Goals 4.6 and 4.7 Public and residential views of surrounding hills, beaches, dunes, ocean and open spaces are protected.*



*Goal 4.8 Industrial areas should contribute to the forestation of the community.*

*Goal 4.9 Water and materials should be conserved and recycled.*

**Programs:**

Program 7.3.1 A comprehensive conservation and recycling program for solid and liquid wastes and water should be development and implemented. Such a program might include attracting recycling-related businesses to industrial locations.

Program 7.3.2 A program to review the effects upon views could be developed and implemented for proposed industrial buildings to be located north of Grand Avenue.

Program 7.3.3 Unforested industrial areas such as parking lots, streets and right-of-ways and landscape strips could be analyzed for forestation suitability.

Program 7.3.4 Development regulations and standards could be reviewed and amended, where necessary, to promote tree plantings and maintenance and incorporated within a comprehensive forestation plan.

Program 7.3.5 A tree replacement program could be developed. Those removing trees could be required to plant a greater number of trees elsewhere in the community.

Program 7.3.6 Whenever possible, a greenbelt buffer should be created to separate industrial and residential areas.

Program 7.3.7 Public transportation programs could be reviewed and improved, where necessary, to assist industrial area employees and to reduce reliance upon private vehicle use.

## Chapter Eight

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# Resource

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## Conservation & Development

## **8 RESOURCE CONSERVATION AND DEVELOPMENT**

### **Introduction**

The ocean, its beaches and dunes, wetlands, such as Meadow Creek, and agricultural lands are just a few of the resources whose futures will be partially, if not entirely, determined by Grover Beach.

Some resources are not entirely natural. Agricultural lands are the product of man's labor and development.

Often, a resource is a product substituting for the natural or attempting to improve upon nature. Many foreign flowers, shrubs and trees have been introduced into the landscape. Watercourses have been created where none existed a century ago. Parks attempt to surpass nature in their composition, color and service.

Heritage structures and places, such as rock walls, old barns, buildings and bridges, can be as worthy of protection and conservation as nature's creations.

Identifying which resources should be conserved and which should be developed is one of the major purposes for having a General Plan.

Developing resources is not necessarily negative. Space is essential for home, work, education, recreation and other uses. The particulars of development, such as when, how and what, do require sensitive analysis because many resources cannot be replaced once used.

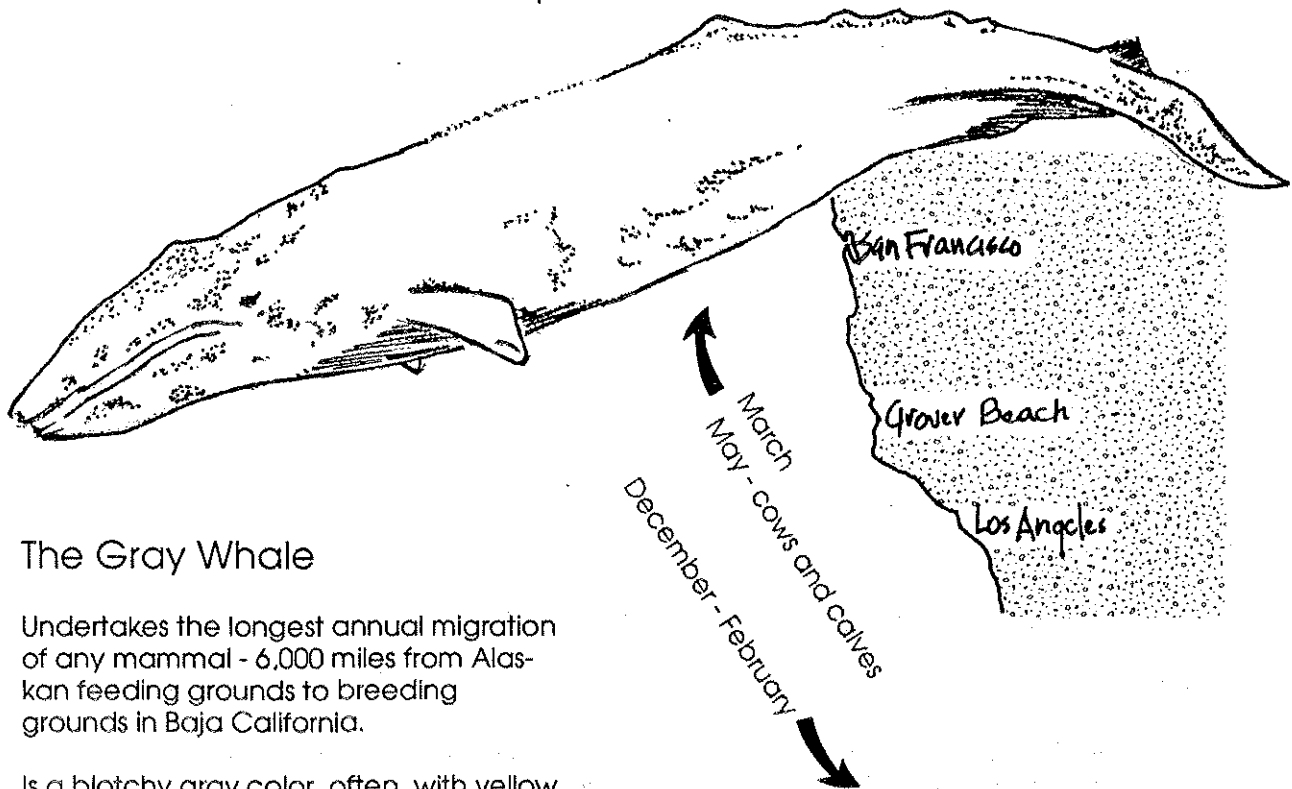
### **8.1 WATER RESOURCES POLICY:**

Policy 8.1 All community water sources, surface and underground, shall be protected from pollution and reused, whenever economically and realistically viable, because:

*Goal 4.9 Grover Beach should conserve and recycle water and materials.*

#### **Programs:**

Program 8.1.1 The City could develop and adopt a program to monitor potential sources of pollution and contamination of surface and sub-surface waters.



## The Gray Whale

Undertakes the longest annual migration of any mammal - 6,000 miles from Alaskan feeding grounds to breeding grounds in Baja California.

Is a blotchy gray color, often, with yellow patches of lice and barnacles.

Is up to fifty feet in length and can weigh thirty-three tons.

Feeds on bottom-dwelling crustaceans.

**Program 8.1.2** The City could remove debris and man-made obstructions from waterways on a regular basis.

**Program 8.1.3** Storm waters could be diverted to underground reservoirs.

**Program 8.1.4** Methods of recycling sanitary sewer waters should be pursued.

**Program 8.1.5** Water use should not exceed the source's safe-yield.

**Program 8.1.6** Arroyo Grande water basin users should be encouraged to agree upon a water allocation and management plan which will promote sound planning and use of a valuable resource.

**Program 8.1.7** Storm and surplus waters should be used for beneficial use, including recharging of the ground water basin.

**Program 8.1.8** All agencies using the ground water basin should be encouraged to recharge the basin.

**Program 8.1.9** Discharges to the Meadow Creek watercourse system from proposed development should be reviewed to determine if they are consistent with the overall waterway management plan of the State and neighboring cities.

## **8.2 PUBLIC ACCESS POLICY:**

Policy 8.2 New development should not substantially or needlessly eliminate existing public access or viewing of the natural environment because:

*Goal 4.1 Grover Beach should be a place which promotes resident and visitor exposure and involvement with the natural beauty and resources of the Pacific Ocean, beaches, dunes and related areas while protecting those natural assets from damage or loss.*

*Goal 4.6 Grover Beach should be a place which protects public views of surrounding hills, beaches, dunes, ocean and open spaces.*

### **Programs:**

Program 8.2.1 New development can be required to provide alternate public access across the development site to the natural environment whenever reasonable security, privacy and safety for people and the resource can be provided.

Program 8.2.2 Development project proposals can be reviewed to determine if there will be material degradation or elimination of public and residential views.

Program 8.2.3 Substantial and needless elimination and degradation of public and residential views could be prohibited and project redesign required.

## **8.3 COMMUNITY HERITAGE POLICY:**

Policy 8.3 Historical resources should be identified, preserved, and restored, where necessary, because:

*Goal 1.7 Grover Beach should be a place where there is pride of community, environment, heritage and history.*

### **Programs:**

Program 8.3.1 Buildings with historical or architectural significance could be protected from demolition or outward changes of appearance, unless it is essential to remove a health or safety threat which can not be avoided by any other means.

Program 8.3.2 The street appearance of buildings which contribute to a neighborhood's architectural appearance could be maintained.

Program 8.3.3 Individual projects could be reviewed as part of the CEQA process to determine if there are potential heritage resource impacts.

Program 8.3.4 An inventory of historic buildings, structures and places would be compiled and maintained to aid in protection and preservation efforts.

Program 8.3.5 Financial assistance for the protection and promotion of heritage places might be provided through redevelopment area projects, Community Development Block Grant funds and other public and private sources.

Program 8.3.6 Design of facilities next to and around heritage places or artifacts could be required to compliment, rather than detract, from the heritage place or artifact.

#### **8.4 AIR RESOURCES POLICY:**

Policy 8.4 Air should be protected from polluting influences because Grover Beach should:

*Goal 1.7 Be a place which is proud of its environment.*

*Goal 2.4 Be a visitor recreational and conference destination center where an undamaged environment is the attraction.*

*Goal 4.4 Be a city which protects and enhances air quality.*

*Goal 5.1 Choose its own future, rather than allowing it to develop unguided.*

#### **Programs:**

Program 8.4.1 The City could implement an urban reforestation and community tree policy and program.

Program 8.4.2 The City could actively participate in the County-wide clean air attainment plan.

Program 8.4.3 The City could adopt and implement a local "hike and bike" policy and program.

Program 8.4.4 The City could adopt and implement a local air quality enhancement program, which may seek input, cooperation, and compliance from local businesses.

Program 8.4.5 The City could adopt and help implement a regional greenbelt policy and program.

#### **8.5 VISITOR ATTRACTION POLICY:**

Policy 8.5 The community shall conserve, protect and preserve resources which will attract visitors because:

*Goal 2.4 Grover Beach shall be a visitor and conference destination area where an undamaged environment is the attraction.*

*Goal 4.1 Grover Beach is a place which should promote resident and visitor exposure and involvement with the natural beauty and resources of the Pacific Ocean, beaches, dunes and related areas while protecting those natural assets from damage or loss.*

#### **Programs:**

Program 8.5.1 Resources could be identified and categorized. Conservation, preservation and protective measures could be evaluated periodically.

Program 8.5.2 Resources appealing to visitors may be evaluated to determine if visitor access and viewing opportunities are maximized without negative resource impact.

Program 8.5.3 Resources should be used in the preparation of a visitor and conference destination plan and promotional materials.

## **8.6 GENERAL PLAN APPLIES TO ALL AGENCIES POLICY:**

Policy 8.6 The goals, objectives, policies and programs of the Grover Beach General Plan shall apply in principle as the policy of the City relating to any and all projects proposed by other governmental agencies such as the County of San Luis Obispo, The State of California and the United States Government because Grover Beach should be:

*Goal 5.1 A City which chooses its own future, rather than allowing it to develop unguided.*

*Goal 5.2 A City which is proactive in the planning of facilities and services if they impact the goals and future of Grover Beach.*

*Goal 5.3 Active in regional planning and public service efforts which can improve the mutual interest of participants.*

*Goal 5.4 A community which recognizes and plans for special and specific needs within all of its neighborhoods.*

### **Programs:**

Program 8.6.1 Other governmental agencies can be provided a copy of the General Plan when projects within Grover Beach are anticipated and being planned.

## **8.7 OCEAN, DUNES AND NATURAL AREAS RESOURCE POLICY:**

Policy 8.7 All natural areas, such as the beach, dunes, and creeks, including the ocean's waters, should be protected from polluting influences to the legal extent possible because Grover Beach should:

*Goal 1.7 Be a place which is proud of its environment.*

*Goal 2.4 Be a visitor recreational and conference destination center where an undamaged environment is the attraction.*

*Goal 4.1 Be a place which promotes resident and visitor exposure and involvement with the natural beauty and resources of the Pacific Ocean, beaches, dunes and related areas while protecting those natural assets from damage or loss.*

*Goal 5.1 Chose its own future, rather than allowing it to develop unguided.*

### **Programs:**

Program 8.7.1 The City could define forms of pollution, identify sources of pollution and develop standards, enforcement measures and penalties.

Program 8.7.2 The South San Luis Obispo County Sanitation District and City of Pismo Beach could be advised that Grover Beach believes recycling of sanitary sewer waters and the resulting decrease, if not elimination, of effluent disposal in the ocean is the only ultimate solution for preventing this form of pollution.

## 8.8 REGIONAL GREENBELT POLICY:

Policy 8.8 A wide band of greenbelt, consisting of grazing, farming, large, rural homesites and natural, undisturbed open space, should encircle the communities of Oceano, Arroyo Grande, Pismo Beach and Grover Beach to protect them from encroaching urbanization and to help maintain their identities as separate, distinct, small places and communities because:

*Goal 1.3 Grover Beach should be a small, comfortable place to live.*

*Goal 1.5 Grover Beach should be a town easily identified as a coastal and beach community.*

*Goal 1.6 Grover Beach should be a town distinctive from neighboring communities and towns.*

*Goal 4.4 Grover Beach should be a city which protects and enhances the quality of air.*

*Goal 4.5 Grover Beach should be a place which sustains and enhances native flora, fauna and wildlife habitat.*

*Goal 5.1 Grover Beach should be a city which chooses its own future, rather than allowing it to develop unguided.*

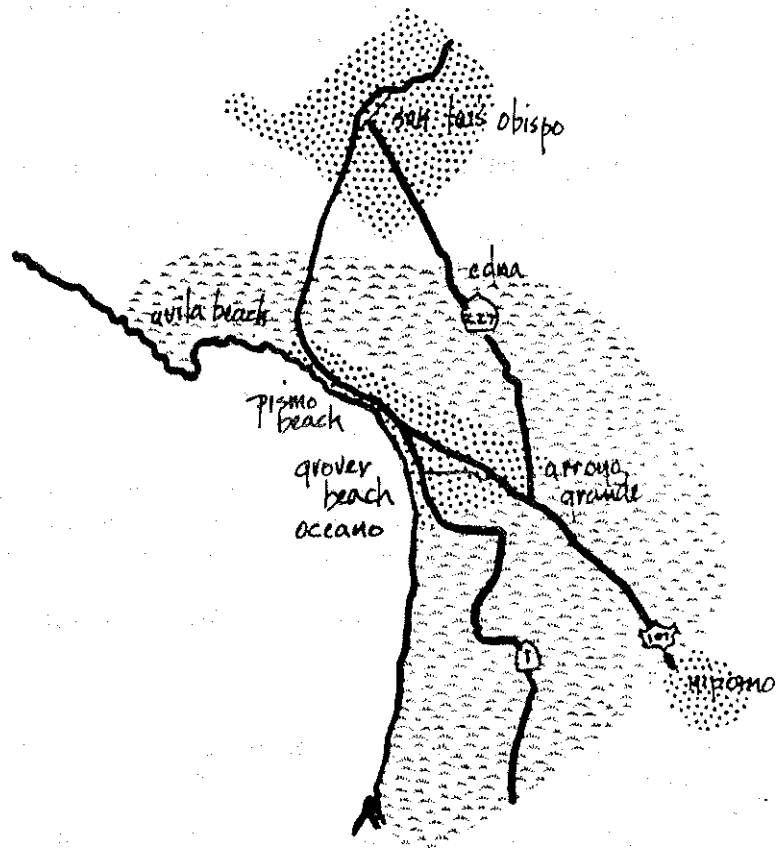
*Goal 5.3 Grover Beach should be a city which is active in regional and county planning and public service efforts which can improve the mutual interests of participants.*

### Programs:

Program 8.8.1 A regional open space organization could be formed to discuss, advocate and, hopefully, implement the conservation and preservation of open spaces affecting the cities of San Luis Obispo, Pismo Beach, Arroyo Grande, Grover Beach and the unincorporated areas from Nipomo to the southern limits of the City of San Luis Obispo.

Program 8.8.2 A regional organization could be formed to discuss and determine the growth-inducing impacts of widening U.S. 101 from the Santa Barbara County line to the San Luis Obispo city limits.

Program 8.8.3 Grover Beach could protect and preserve its greenbelt along Highway One in recognition of its importance to the region.





## **8.9 COMMUNITY TREE POLICY:**

Policy 8.9 The planting, maintenance and protection of trees shall be promoted in all neighborhoods because:

*Goal 4.4 Grover Beach should protect and enhance the quality of air.*

*Goal 4.8 Grover Beach should be an urban forest created through the proper and selective forestation of residential, industrial, and commercial properties.*

### **Programs:**

Program 8.9.1 A comprehensive tree program should be prepared, adopted and implemented. The program should identify desirable trees, planting and methods of care. Any tree program should contain a financial plan which can implement and attain the goals of the program.

Program 8.9.2 A comprehensive tree program should contain provisions which protect public and residential views of surrounding hills, beaches, dunes, ocean and open spaces from unnecessary obstruction by trees.

Program 8.9.3 A comprehensive tree ordinance or resolution could be prepared and adopted which would identify under what conditions trees must be planted, maintained and protected.

Program 8.9.4 The City could require that a number of trees be planted within the community whenever a tree is removed due to development or other needs. Other sites could be in industrial and commercial areas, special planting corridors such as highway, street and railroad right-of-ways, street lane dividers, parks and public lands.

Program 8.9.5 A community tree committee could assist in the identification of program needs and priorities.

Program 8.9.6 The City could coordinate a community volunteer tree planting program.

Program 8.9.7 The City could administer an "adopt-a-tree" program.

Program 8.9.8 A community arbor festival celebrating the tree, its contributions and benefits could be held annually.

Program 8.9.9 The community could host a annual conference relating to the tree, its contributions and benefits or establish a center for organizations concerned or interested in trees, their contributions and benefits.

This Land Use Element advocates the development of municipal facilities and services necessary to attain General Plan goals. Specific parks, recreation facilities and open spaces and standards are addressed in the General Plan's Park and Recreation Element.

## **9.1 NEIGHBORHOOD SERVICES AND FACILITIES POLICY:**

**Policy 9.1** Neighborhood needs for public services and facilities should be identified. Plans for these services and facilities should be designed and implemented because:

*Goal 1.11 Grover Beach should be a city with responsive local government and public services.*

*Goal 1.12 The community is composed of neighborhoods which vary in nature and needs.*

*Goal 5.2 Grover Beach should be proactive in planning facilities and services if they impact the community's goals and future.*

*Goal 5.4 Grover Beach should recognize and plan for all special and specific needs within its neighborhoods.*

*Goal 5.5 Grover Beach should prepare for the delivery of water, sanitary sewer, storm drainage, circulation, facility and public service needs in advance of projected need.*

### **Programs:**

**Program 9.1.1** Public service and facility needs should be identified within neighborhood plans.

**Program 9.1.2** A municipal Capital Improvement Program could be prepared and reviewed annually in order to establish priorities for proposed services and projects.

**Program 9.1.3** Projects described within the Capital Improvement Program should be accompanied with the following information:

- \* Project name and description
- \* Estimated implementation or development cost, including design
- \* Estimated annual maintenance costs
- \* Estimated annual operating costs
- \* Anticipated revenue sources, including development impact fees, for all costs
- \* Planning, design, construction, development and purchase time frames
- \* Anticipated project operational date.

**Program 9.1.4** The Capital Improvement Program could contain sections projecting vehicle and major equipment needs, including the replacement of existing vehicles and major equipment such as photocopiers, computers and radios, at appropriate time intervals.

**Program 9.1.5** The annual City operating budget, which includes a capital budget, could be amended to become a two-year financial instrument which would more fully project financial needs and which would be subject to Council amendment and adoption annually; consideration should be given to developing a long term financial plan to the City's ultimate buildout.

## 9.2 CITY-WIDE SERVICES AND FACILITIES POLICY:

Policy 9.2 City-wide public services and facilities should be identified, and plans for these services and facilities should be implemented because Grover Beach should:

*Goal 1.11 Be a city with responsive local government and public services.*

*Goal 5.1 Choose its own future, rather than allowing it to develop unguided.*

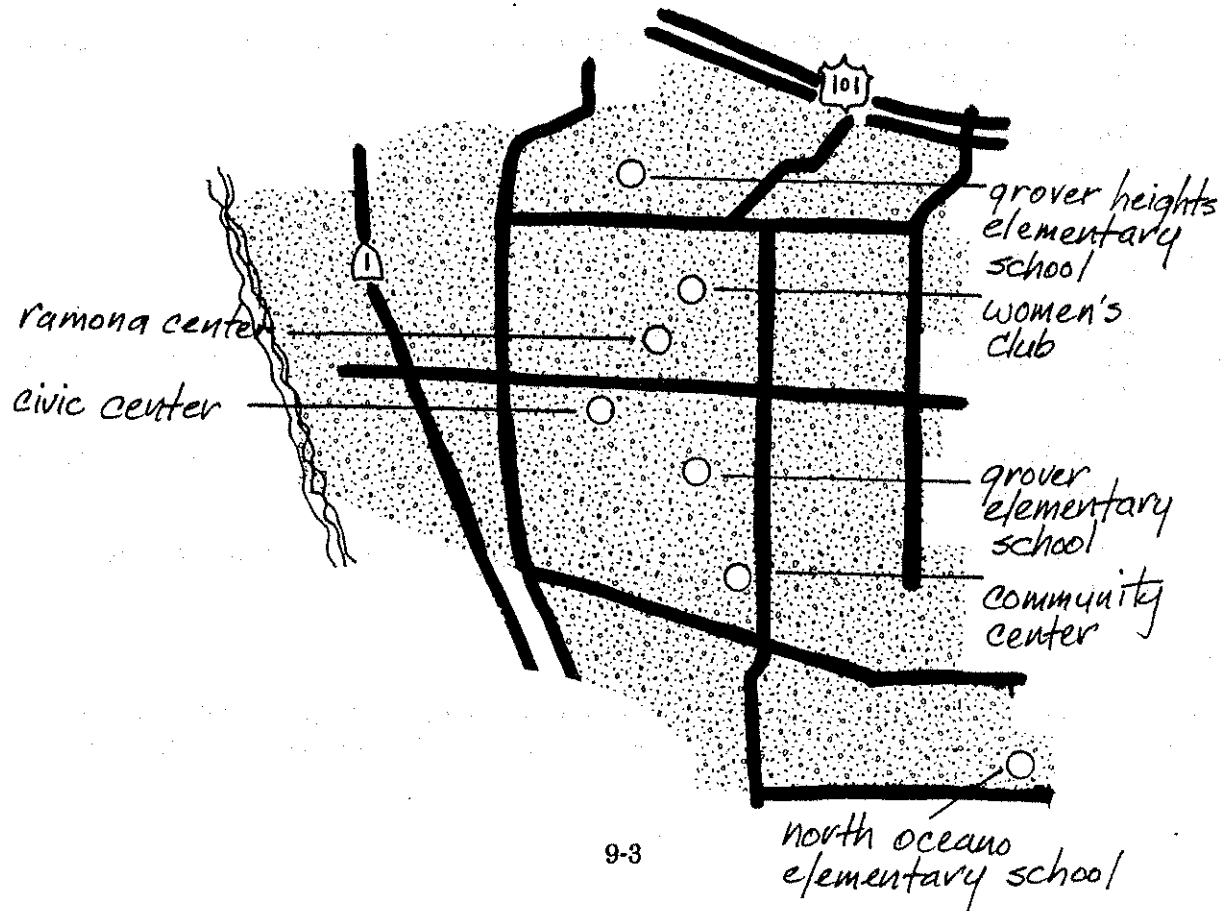
*Goal 5.2 Be proactive in planning facilities and services if they impact the community's goals and future.*

*Goal 5.5 Prepare for the delivery of water, sanitary sewer, storm drainage, circulation, facility and public service needs in advance of projected need.*

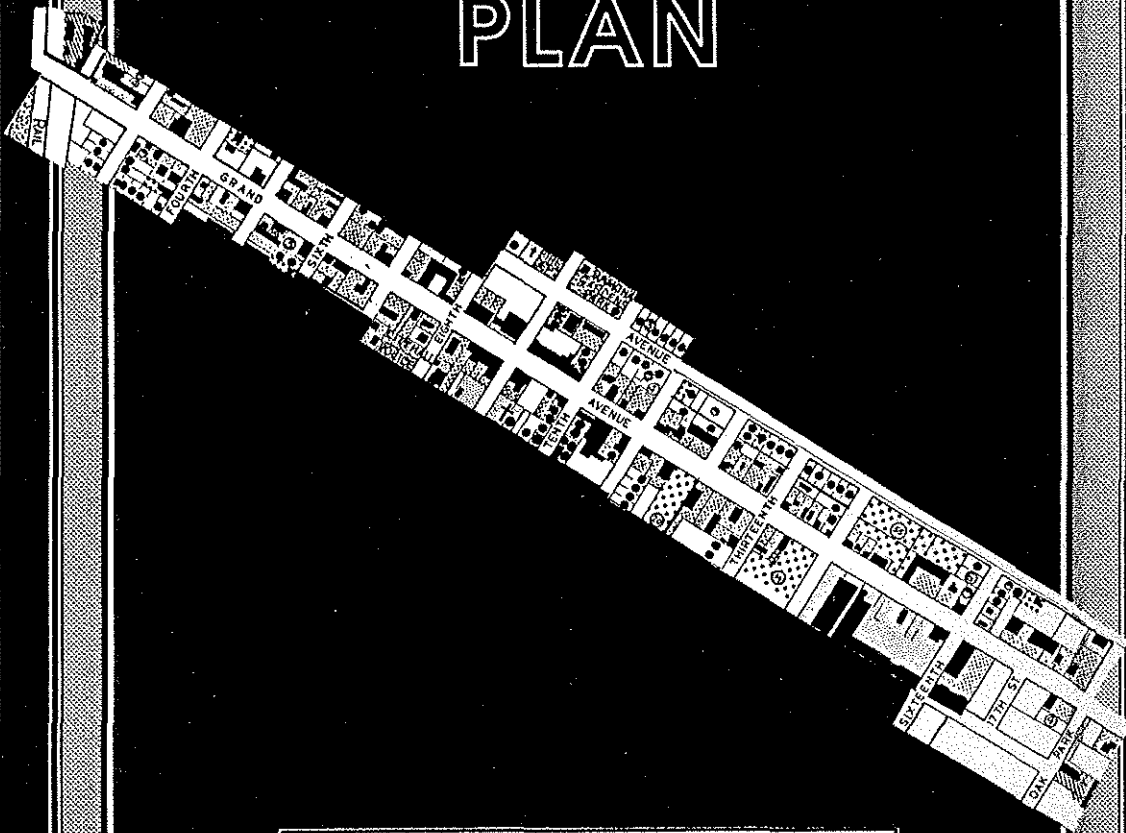
### Programs:

Program 9.2.1 City-wide public services and facilities should be included within a Capital Improvement Program and treated the same as needs identified through the neighborhood planning programs.

### Map 9-2 Cultural and Educational Facilities



# THE GRAND CORRIDOR PLAN



A GROVER BEACH NEIGHBORHOOD PLAN

**A**

# THE GRAND CORRIDOR PLAN

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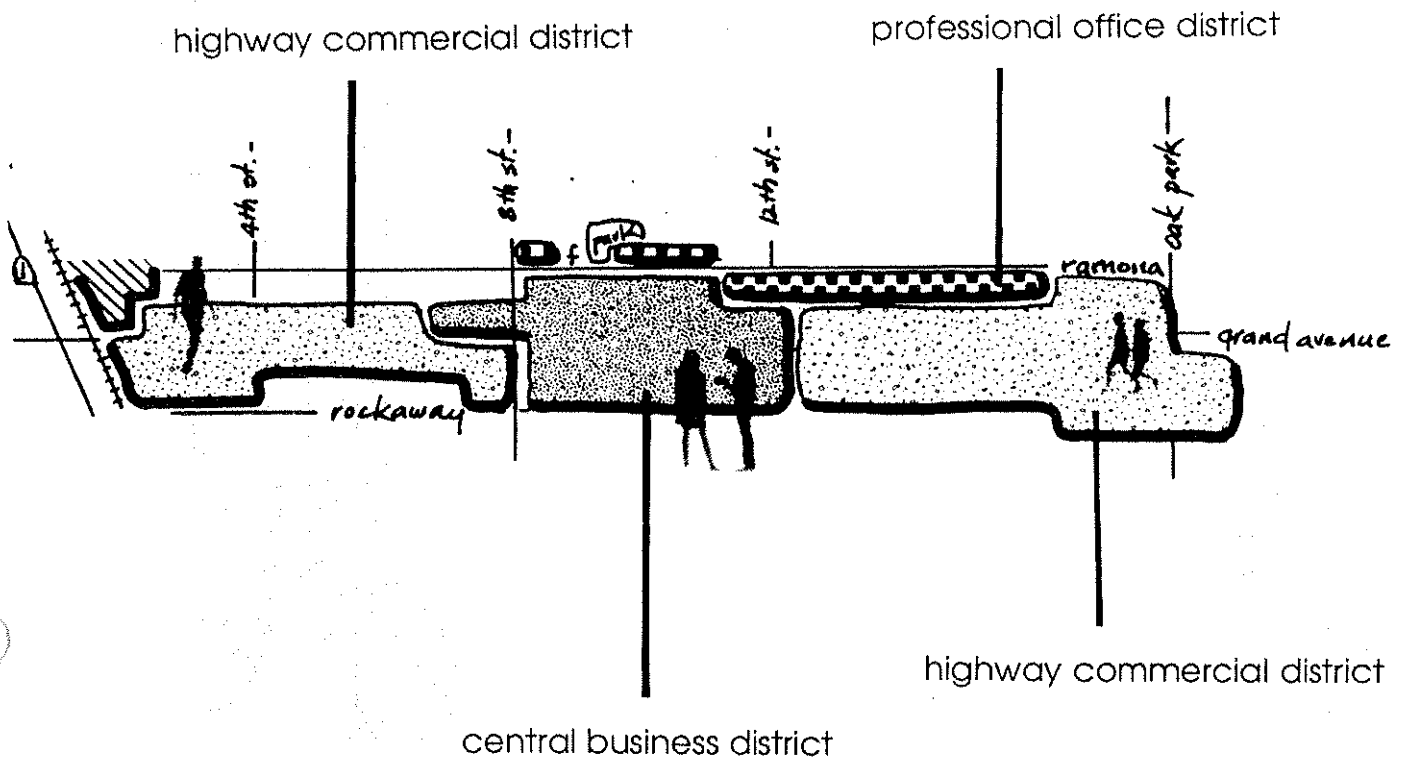
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Table 6 - Projected Dwelling Units and People Per Acre	E-4

Map 1  
The Grand Corridor Plan

**HISTORIC DEVELOPMENT CHARACTERISTICS**



**THE GRAND CORRIDOR NEIGHBORHOOD PLAN**

**CORRIDOR DESCRIPTION:** Grover Beach's most significant commercial corridor extends from Arroyo Grande to the Pacific Ocean. This corridor, with Grand Avenue as its centerline, divides the community into its northern and southern residential sections.

The corridor also provides the community's most important east/west surface transportation route. The corridor contains Grover Beach's primary shopping areas, commercial and governmental service facilities and offices.

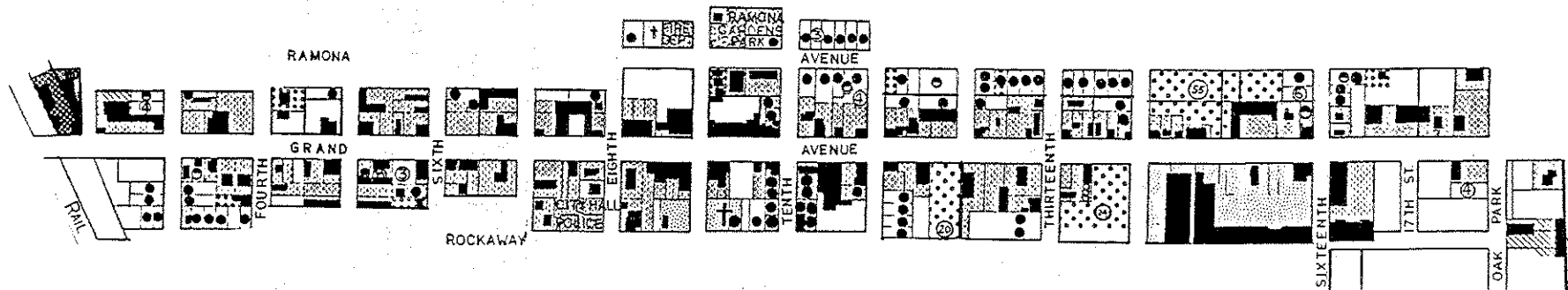
The Beach district, west of Highway 1, is Grand Avenue's ultimate, grand destination, but it is not included within this neighborhood plan. This plan is dedicated to four revised commercial districts comprising the Grand Corridor:

- The Eastern Shopping Center District
- The Central Business District
- The Western Visitor Services District
- The Professional Office District

Map 2  
The Grand Corridor Plan

# Current Land Uses Map

- |                            |                     |
|----------------------------|---------------------|
| ● one dwelling unit        | commercial          |
| ◐ two dwelling units       | office              |
| ④ number of dwelling units | mobilehome park     |
| ■ non-residential use      | public use - school |
| ✚ church                   | park - open space   |
| □ undeveloped parcel       |                     |









A-2

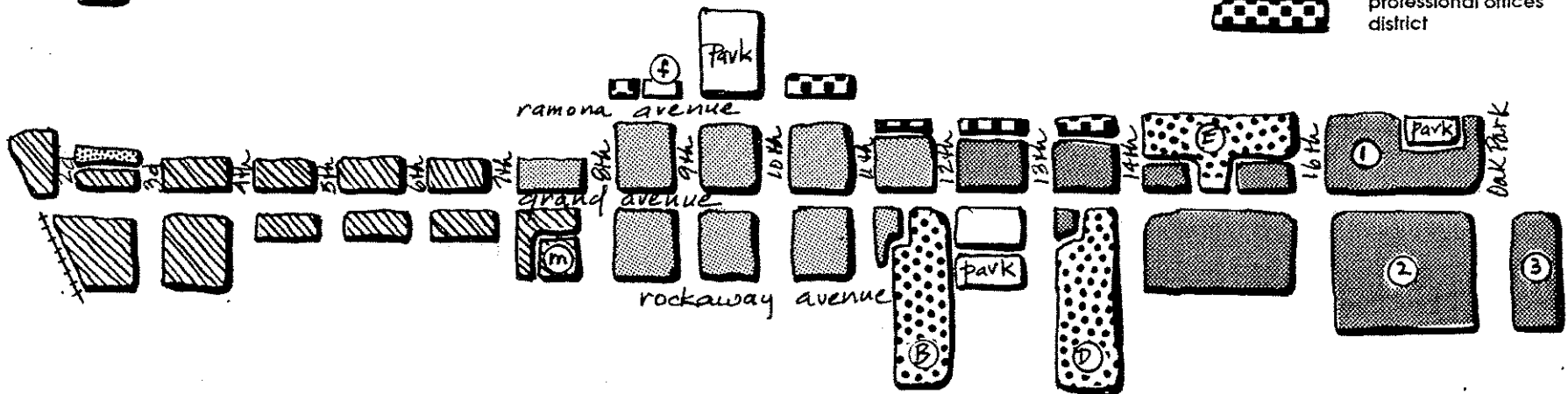


# Map 3 The Grand Corridor Neighborhood Plan Land Use Map

A-3

-  planned unit development project area  
(mixed affordable residential/commercial/office use)
-  planned unit development project area  
(mixed affordable residential/commercial/office use)
-  planned unit development project area  
(mixed affordable residential/commercial/office use)
-  planned unit development project area  
(mixed affordable residential/commercial/office use)
-  fire station
-  municipal civic center
-  park

-  medium density residential district
-  high density residential district
-  visitor services district
-  central business district
-  shopping center district
-  professional offices district



## **WEST GRAND AVENUE VISITOR SERVICE DISTRICT**

**NEIGHBORHOOD DESCRIPTION:** This strip-commercial district paralleling Grand Avenue links the Central Business District with Highway One and the State Beach Park. The Southern Pacific Railroad's tracks are the western boundary of the district.

**NEIGHBORHOOD CHARACTERISTICS:** This neighborhood is the initial and the only direct link between the City-proper, the beach, and Highway One. This neighborhood is Grand Avenue's westerly gate which welcomes visitors from Highway One and the beach area.

The district's land use purpose is to provide for visitor services. The neighborhood lies between a visitor destination, the beach area, and two commercial areas, the Central Business District and the Eastern Shopping Center District. The district is not a strong visitor destination area or a strong commercial competitor to the two shopping areas to the east.

The distance between the beach and the western part of the district is conducive for walking and biking. Auto access from anywhere in the district to the beach is less than five minutes. Restaurants are mixed between leisure and fast-service. Some of the community's better restaurants have traditionally been located within the district.

The three primary uses within this district are not visitor services. They are residential, vacant and parking lot, and office.

Auto repair and towing is the fourth highest land use in the district. Although auto repair could be categorized as visitor serving, most of the providers in this category are more likely to be dependent upon local trade than visitor and tourist generated business.

The district contains 50,000 square feet of motel sites. One of the two motels in the district has been vacant for more than two years and the other recently closed for a period of time.

The area also contains 50,000 square feet of operational auto service property. An additional 17,500 square feet of auto service property has not been operational for over a year.

General retail sites comprise approximately 35,500 square feet of the land use.

There are an estimated 93 people living in the 35 non-conforming dwelling units within the district. There are a number of single-family residences on 7,500 square feet or less lots located off Grand Avenue's direct exposure to heavy traffic. Many of these dwellings are in good condition and provide some of the more affordable housing in the community. Some of the housing stock is older and removal is likely within the life of this plan.

Replacing housing with new residential units in the district is not permitted by the City's zoning regulations which support the current General Plan's intent that the district provide such visitor services as motels and hotels, restaurants, auto services, amusements and souvenir shops.

**FUTURE NEIGHBORHOOD CHARACTERISTICS:** As a visitor service area, the neighborhood's future will be directly related to the community's ability to attract visitors who require lodging, restaurants, gifts, mementos and full service gas stations.

Visitor services will have to be attractive and competitive with other regional tourist service areas in other communities.

## NEIGHBORHOOD CONCERNS AND POTENTIAL SOLUTIONS:

**\* The neighborhood lacks a strong identity.**

*The neighborhood may capitalize upon its central location between the beach visitor area and the Central Business District if there are more public activities such as art, craft, antique, animal, gun and specialty shows, nature hikes, sing-a-long bonfires, camera shoots, butterfly and bird counts, music and dance concerts, community festivals, parades, and events which make the area interesting twelve months a year. These visitor attractions may have to be created and supported by tourist-dependent and oriented businesses.*

*The neighborhood may also capitalize from increased visitors generated by a destination resort and conference facilities created in the beach area, or by any other beach area activities and programs designed to educate people about the ocean and beach habitats and environments.*

*Lodging providers can provide shuttle services to and from events and attractions in the beach area, Central Business District, and within the neighborhood such as restaurants.*

**\* Some neighborhood uses are not visitor oriented or serving, and diminish the attractiveness of the area for visitors to use.**

*The zoning ordinance could be reviewed and amended to provide for the elimination of permitted and use permit uses which do not directly serve visitors or support the intent and purpose of the district.*

*That a zoning ordinance review and amendment be accomplished so that, excepting gasoline service stations, no new auto service related land uses be allowed and that all existing auto service related land uses be phased out over a period of time.*

**\* Some neighborhood properties will not adequately serve a tourist service or commercial use when their current non-conforming uses end. Their conversion to commercial developments could be detrimental to neighboring residential properties.**

*The zoning map should be amended to provide for the transfer of all Coastal Highway Commercial properties north of Las Tiendas shopping center between North Second and Third Streets to medium-density residential.*

**\* A single-ownership 30,000 square foot Grand Avenue property between Sixth and Seventh Streets is divided by zoning districts so as to make a development on the site difficult.**

*The zoning map should be amended to provide for the transfer of all commercially-zoned properties in the Grand Avenue/North Sixth to North Seventh Streets block to the visitor serving/commercial district so as to eliminate the zoning division of the Grand Avenue parking lot and building.*

**\* The neighborhood, as a whole, lacks strong visual interest and appeal for the visitor in comparison with other competitive tourist and visitor centers in the region.**

*A design plan, complementing the Central Business District design theme, may be prepared and adopted for this area which would support the goals of the neighborhood plan and which could help entice visitors into this Grover Beach business district from other regional visitor areas.*

**WEST GRAND AVENUE VISITOR SERVICES DISTRICT  
NEIGHBORHOOD DEVELOPMENT CHARACTERISTICS**

**Table 1**  
**Existing Neighborhood Uses**

**Part A**

<b>EXISTING USES</b>	<b>PARCELS*</b>	<b>D.UNITS</b>	<b>S.F.</b>	<b>ACRES</b>
Comm. Permitted Use	22	3	296,050	6.80
Comm. Use Permit Use	13	0	183,500	4.21
Vacant & Parking Lot	8	0	112,700	2.59
Non-conforming Residential	19	32	130,000	2.98
Non-conforming Industrial	1	0	15,000	.34
Totals	63	35	737,250	16.92

*\* When more than one parcel shares a common boundary, the same ownership and land use, they are combined and represented as one parcel.*

**Part B**

<b>EXISTING USES</b>	<b>S.F.</b>	<b>ACRES</b>
Highway Service Commercial	700,750	16.10
Streets & Rights-of-Ways	479,600	11.03
Railroad Right-of-Way	42,000	.97
Public Facilities-Civic Center	<u>36,500</u>	<u>.84</u>
Totals	1,258,850	28.94

**Part C**

<b>EXISTING USES</b>	<b>S.F.</b>	<b>ACRES</b>	<b>% OF TOTAL</b>
Non-conforming Residential	130,000	2.99	17.6
Vacant & Parking Land	112,700	2.59	15.3
Office	93,500	2.15	12.7
Auto Repair & Towing	83,500	1.92	11.3
Restaurant	72,500	1.67	9.9
Auto Service	50,000	1.15	6.8
Motel	45,000	1.04	6.1
General Retail	35,500	.82	4.8
Convenience Food/Beverage	31,950	.73	4.3
Miscellaneous Service	27,600	.63	3.8
Auto Sales	22,500	.51	3.0
Auto Service-Not In Operation	17,500	.40	2.4
Non-conforming Industrial	15,000	.35	2.0
Totals	737,250	16.92	100.0

**Table 2**  
**Dwelling Units By Density and Conformance**  
**to Zoning District Permitted Uses**

	<b>Conforming</b>	<b>Non-Conforming</b>	<b>Low Density</b>	<b>Medium Density</b>	<b>High Density</b>
Dwelling Units	0	35	15	2	18

**Table 3**  
**Population By Type of Dwelling\***

	<b>Single Family</b>	<b>Mixed-Use Units</b>	<b>4-Plex Units</b>	<b>3-Plex Units</b>	<b>2-Plex Units</b>	<b>Total</b>
Dwelling Units	15	11	4	3	2	35
Persons/Unit**	2.78	2.54	2.54	2.54	2.54	2.66
Population	42	28	10	8	5	93

\* No vacancies assumed

\*\* Based upon 1990 Federal Census occupancy averages

**Table 4**  
**Projected Dwelling Units By Density and Conformance**  
**to Zoning District Permitted Uses**

	<b>Conforming</b>	<b>Non-Conforming</b>	<b>Low Density</b>	<b>Medium Density</b>	<b>High Density</b>
Dwelling Units	15	8	0	0	23

**Table 5**  
**Projected Population By Type of Dwelling\***

	<b>Apt. Units</b>	<b>Mixed-Use Units</b>	<b>3-Plex Units</b>	<b>2-Plex Units</b>	<b>Total Units</b>
Dwelling Units	8	10	3	2	23
Persons/Unit**	2.54	2.54	2.54	2.54	2.54
Population	20	25	8	5	58

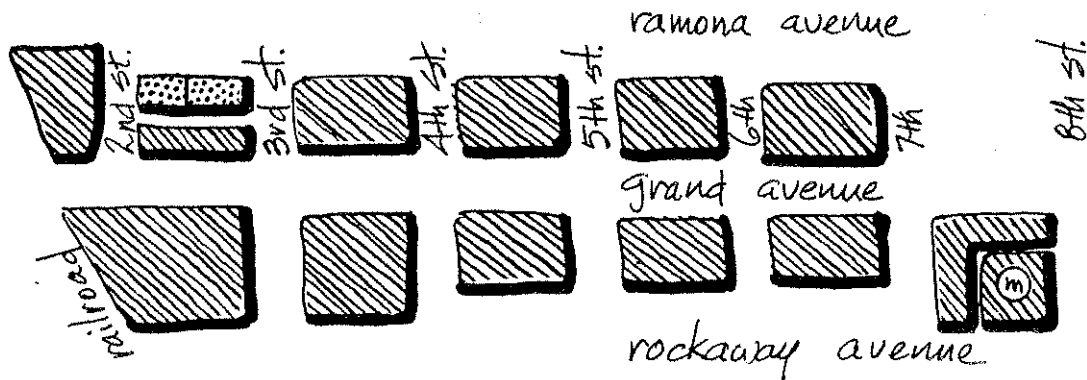
\* No vacancies assumed



\*\* Based upon 1990 Federal Census occupancy averages

**Table 6**  
**Projected Dwelling Units and People Per Acre**

	Units		People	
	Per	Per	Per	Per
Land Use District	Net	Net	Gross	Gross
	Acre	Acre	Acre	Acre
Visitor Services Commercial	1.5	3.8	.9	2.2

Map 5  
The West Grand Avenue Visitor Services District Plan  
Land Use Map



	dwelling units per gross acre		population per gross acre	
	1991 Current	Land Use Standard	Projected At Build-Out	1991 Current <sup>1</sup>
 visitor services district (mixed commercial/ residential use)	.9		.9	2.36
 medium density residential district *				2.17

 municipal civic center

<sup>1</sup> Based upon 100% dwelling unit occupancy.

<sup>2</sup> Based upon 100% dwelling unit occupancy.

\* Contained within the Northwest Neighborhood Plan.

\*\* Contained within the West Grover Beach Neighborhood Plan.

## **CENTRAL BUSINESS DISTRICT**

**NEIGHBORHOOD DESCRIPTION:** The Central Business District (CBD) extends from Seventh to Twelfth Streets along the two-block wide Grand Avenue commercial corridor. Approximately one-half of the private land in the district is currently used by permitted or use permit commercial uses. The close proximity of the post office, a major area bank, a utility pay station, municipal offices and ample parking to various retail and office services, have helped establish the CBD as the community commercial and civic center.

**STRONG NEIGHBORHOOD CHARACTERISTICS:** Historically, Grover Beach lacked a traditional, definable commercial, cultural and civic center and downtown. The Central Business District has taken on the appearance and nature of a more traditional downtown in recent years.

Architectural style used in newer, mixed retail-office developments along North Ninth Street and Ramona Avenue is helping create a favorable design character for the CBD. The same modified-Victorian design has recently been proposed for Grand Avenue development in the 900 block.

The CBD is the geographic center of the City and is divided by the region's most significant commercial street, Grand Avenue. The major transfer and connection point for regional public buses is located across Ramona Avenue from the CBD at Ramona Park. Convenient public parking is located at a central public parking lot, curbside, and at several private parking lots.

The two greatest land uses in the CBD are general retail (33.2%) and non-conforming residential (16.5%). A forty-unit mobile home park on Grand Avenue, at the southwestern edge of the district, is addressed in the West Grover Beach Neighborhood Plan and is not included in this plan's data. Neighborhood retailers have maintained the appearance of relatively small shops which adds to a small town atmosphere.

Evening and night life in the district is limited and appears to center about restaurants, a billiards center, a bar and the post office.

### **FUTURE NEIGHBORHOOD CHARACTERISTICS:**

The future commercial role of the CBD will develop from small, existing lots. Small retail shops and offices will evolve as single-family homes are converted or removed.

The CBD needs people and their activities if it is to establish itself as a successful commercial and civic center. Activities will not be confined to daylight hours. An active evening life is important. An active street life is essential.

It is anticipated that, due to age, condition, location and demand for commercial space in the CBD, that eighty percent of the CBD's dwelling units, other than a mobile home park, will be demolished or converted to other uses, such as offices and shops, within the next twenty years. These same factors could also affect the life of the district's mobile home park.

The loss of forty dwelling units in the CBD could be partially offset by the addition of new mixed-use dwelling units constructed as a part of new commercial development, and permitting the mobile home park to redevelop as a mixed residential-commercial development. This project is discussed further in the West Grover Beach Neighborhood Plan.

The future CBD will have a few remaining single-family residences and small dwelling units integrated into new retail and office developments. It can have a resident population with mixed-use development.



## NEIGHBORHOOD CONCERNS AND POTENTIAL SOLUTIONS:

- \* **There is no assurance that recent positive neighborhood architectural design will continue or that an appropriate CBD theme or image will develop.**

*A design plan could be developed and adopted for this area. A modified-Victorian and shopkeeper's seacoast village theme might support the goals of the General Plan and the neighborhood plan. A good design plan could complement existing CBD and neighboring development and flow into adjoining residential and commercial districts and neighborhoods. A balanced design plan would include open space, landscaping, streetscaping and architectural standards.*

*The streetscaping segment could contain uniform signage, a street furniture system, a construction materials plan, a landscaping plan and lighting plan.*

- \* **The area lacks an active after-hours life.**

*Community activities such as ocean-bounty feasts, fisherman and farmers markets, minor-league bike racing, western dances, flower and boat shows, barbecues, quilting events, soap box derbies, kite-design and performance competitions, and other events, could be held with regularity in the CBD after retail and office hours, or, when appropriate, during retail and office hours. The combined attraction of interesting and creative shops and special events on week-ends and in the evenings could present a festive CBD image which could also attract visitors from outside the region.*

*A small, theme-oriented museum could be created to present information, materials and films about the ocean, beaches and area to visitors. Films and materials might be provided by conservation, environmental and historical organizations, governmental agencies, the media and private companies. Films and materials could be changed with regularity.*

*A study could reveal that Grand Avenue and other CBD streets change their characters and volumes by time of day, week and season, which could make some street capacity available at times for non-vehicular activities.*

- \* **Greater pedestrian activity is desirable for an active CBD.**

*A circulation plan could be developed for the CBD which would promote more pedestrians, as well as greater numbers of people within the CBD. The plan could consider how to bring visitors into the CBD by foot, bike, vehicle and public transportation, and how to accommodate their parking and circulation needs once within the CBD without destroying the image of a shopkeeper's village.*

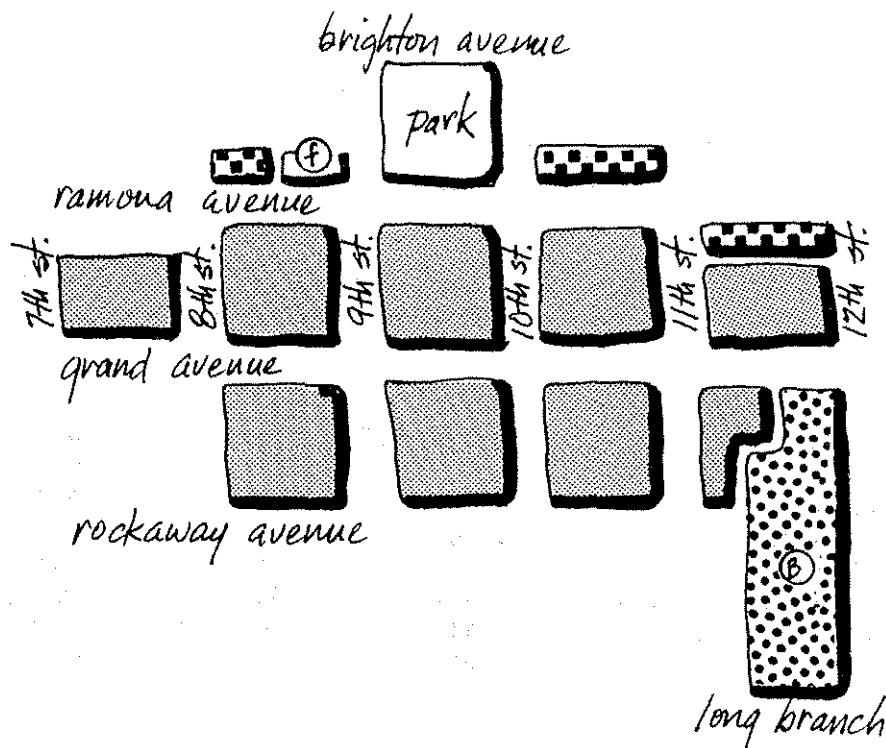
*Greater pedestrian activity can be created by permitting street vendors. The conditions of street vending could be determined as part of a study which could be conducted.*






*Outside dining in conjunction with restaurants could create a more active street scene. How, when and where to permit such uses could be studied and approved.*

*Housing included within commercial development creates a twenty-four hour a day people presence in the CBD. The City should review and amend its zoning ordinances to permit mixed residential-commercial development.*

# Map 6

## The Central Business District\* Neighborhood Plan Land Use Map



	dwelling units per gross acre			population per gross acre	
	1991 Current	Land Use Standard	Projected At Build-Out	1991 Current**	Projected At Build-Out***
 central business district (mixed commercial/ residential use)	1.4		1.1	3.8	2.9
neighborhood averages	1.4		1.1	3.8	2.9
 professional office district (mixed office/ residential use) Density data is contained on the Land Use Map in the East Grand Avenue Shopping Center District of this neighborhood plan.					
 planned unit development project area (mixed affordable residential/office/ commercial use) Project contained within the West Grover Beach Neighborhood Plan.					
 fire station					
 Ramona Park					

\* Includes part of professional office district.  
 \*\* Based upon 100% dwelling unit occupancy.  
 \*\*\* Based upon 100% dwelling unit occupancy.

\* The retail-civic-office-residential nature of the district must be balanced.

*The zoning ordinance could be reviewed and amended so that the intended uses are provided in the proper proportions which support the intended goals of this district and the adjoining visitor services district to the west.*

## NEIGHBORHOOD DEVELOPMENT CHARACTERISTICS CENTRAL BUSINESS DISTRICT

**Table 1**  
**Existing Neighborhood Uses**

### **Part A**

Existing Uses	Parcels*	Dwelling Units	Square Feet	Acres
Permitted Use	21	4	214,998	4.94
Use Permit Use	18	0	158,462	3.64
Vacant & Parking Lot	7	0	72,312	1.66
Non-Conforming Residential	25	30	106,659	2.54**
Non-Conforming Commercial	11	1	92,913	2.13
Totals	82	35	645,344	14.82

\* When more than one parcel shares a common boundary, the same ownership and land use, they are combined and represented as one parcel.

\*\* Does not include 106,659 square feet of mobile home park within the Central Business District which is addressed in the West Grover Beach Neighborhood Plan.

### **Part B**

Existing Uses	Square Feet	Acres
Commercial Business District	630,844	14.48
Streets & Rights-Of-Way	411,200	9.44
Public Facilities-Parking Lot	12,500	.29
Public Facilities-Post Office	2,000	.05
Totals	1,056,544	24.26

**Part C**

<b>Existing Uses</b>	<b>Square Feet</b>	<b>Acres</b>	<b>% of Total</b>
General Retail	213,400	4.91	23.2
Non-Conforming Residential	106,659	2.45	16.5
Vacant & Parking Lot	72,312	1.66	11.2
Banking	63,000	1.45	9.8
Restaurants & Bars	47,848	1.10	7.4
Office	42,750	.98	6.6
Religious Facilities	40,500	.93	6.3
Miscellaneous Service	27,500	.63	4.2
Billiards	15,000	.34	2.3
Convenience Food/Beverage	10,500	.24	1.6
Auto Service	5,875	.14	.9
<b>Totals</b>	<b>754,219</b>	<b>17.34</b>	<b>100.00</b>

**Table 2**  
**Dwelling Units By Density and Conformance**  
**to Zoning District Permitted Uses**

<b>Existing Uses</b>	<b>Conforming</b>	<b>Non-Conforming</b>	<b>Low Density</b>	<b>Medium Density</b>	<b>High Density</b>
Dwelling Units	0	35	15	6	14

**Table 3**  
**Population by Type of Dwelling \***

	<b>Single Family</b>	<b>Mixed-Use Units</b>	<b>4-Plex Units</b>	<b>2-Plex Units</b>	<b>Total Units</b>
Dwelling Units	21	6	4	4	35
Persons/Unit	2.78	2.54	2.54	2.54	2.66
Population **	58	15	10	10	93

**Table 4**  
**Projected Dwelling Units By Density and Conformance**  
**to Zoning District Permitted Uses**

<b>Existing Uses</b>	<b>Conforming</b>	<b>Non-Conforming</b>	<b>Low Density</b>	<b>Medium Density</b>	<b>High Density</b>
Dwelling Units	20	7	7	0	20

**Table 5**  
**Projected Population By Type of Dwelling \***

	<b>Single Family</b>	<b>Mixed-Use Units</b>	<b>Total</b>
Dwelling Units	7	20	27
Persons/Unit **	2.78	2.54	2.54
Population	19	51	70

\* No vacancies assumed

\*\* Based upon 1990 U.S. Census occupancy averages

**Table 6**  
**Projected Dwelling Units and People Per Acre \***

<b>Land Use District</b>	<b>Units Per Net Acre</b>	<b>People Per Net Acre</b>	<b>Units Per Gross Acre</b>	<b>People Per Gross Acre</b>
Commercial	1.8	4.7	1.1	2.9

\* Does not include Project Area B data which is contained within the West Grover Beach Neighborhood Plan.

## **EAST GRAND AVENUE SHOPPING CENTER DISTRICT**

**NEIGHBORHOOD DESCRIPTION:** This commercial corridor paralleling Grand Avenue rivals the Central Business District as the retail core of Grover Beach. Over four hundred thousand square feet of land is dedicated to retail and restaurant uses. An additional one-quarter million square feet is either underdeveloped or undeveloped and can contribute additional commercial development to the community.

**STRONG NEIGHBORHOOD CHARACTERISTICS:** This neighborhood contains several shopping centers exceeding 40,000 square feet. Land dedicated to general retail sales is slightly less than the Central Business District. This district's undeveloped land will make it the primary general retail sales area in the community within the near future.

This area draws shoppers from other communities.

A number of fast food restaurants have helped generate additional traffic into the area and the district is the city's fast-food center.

This easterly gate into Grover Beach welcomes visitors from U.S. 101's Oak Park Boulevard and Grand Avenue exits. The district's land use purpose was to provide for visitor services, however, the district serves more resident than visitor needs.

The district's success as a shopping center district can be partially attributed to its central location in urbanized South County, and its major streets and larger-sized parcels, which have permitted shopping center planning and development. The district contains sufficient undeveloped property to double its current retail square footage.

Currently, there are over 200 people living in 130, non-conforming dwelling units within the district. Most of the dwelling units are mobile homes, located in two mobile home park areas. Much of the non-conforming housing stock in the district is older and will likely require replacement within the next twenty years.

Replacing housing with new residential units in the commercial district is not permitted by the City's zoning regulations which support the General Plan's intent that the district provide for commercial, rather than residential, uses.

The neighborhood also contains 48, high-density apartments which will not require replacement during the next 20 years.

There are two undeveloped park sites located within the neighborhood which are designated by the Parks and Recreation Element for public recreational development. The neighborhood also contains San Luis Obispo County's governmental center which serves South County residents directly from facilities at South Sixteenth Street and Long Branch Avenue.

**FUTURE NEIGHBORHOOD CHARACTERISTICS:** The neighborhood's primary purpose will be to provide for the retail needs of community and area residents.

Additional shopping centers will be developed near the Oak Park Boulevard and Grand Avenue area. New development should provide additional traffic capacity and safety improvements for the major arteries of Oak Park Boulevard and Grand Avenue.

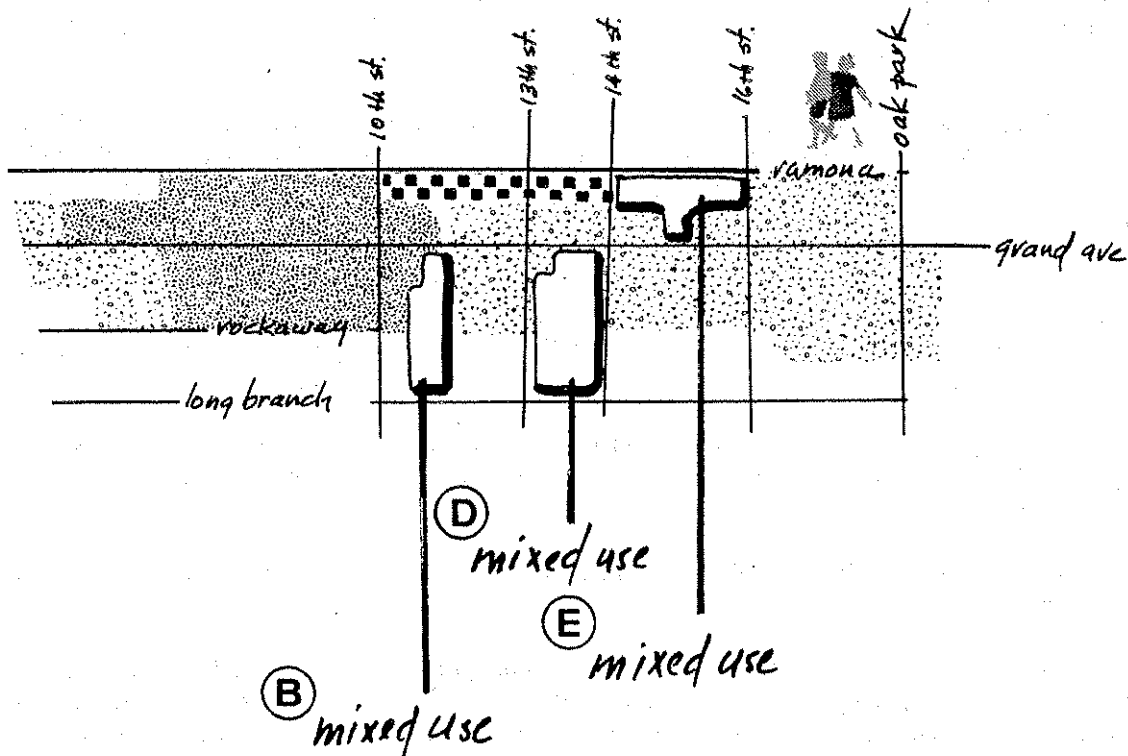
The Thirteenth Street mobile home park and four adjoining properties on Long Branch Avenue may be replaced with a mixed-use, affordable housing and commercial-office development.

#### NEIGHBORHOOD CONCERNS AND POTENTIAL SOLUTIONS:

\* The district is not directly oriented to serving visitors, other than through its restaurant offerings.

*The zoning ordinance could be reviewed and amended to provide for the elimination of permitted and use permit uses which do not directly support a basic retail shopping center intent and purpose of the district.*

Map 7  
Affordable Housing Project Areas



\* More affordable housing in the mobile home parks might be lost if replaced by currently permitted uses.

*A precise plan could be prepared and adopted which would illustrate how these mobile home park sites could be used for special mixed-use development projects in which no more than twenty units per gross acre could be incorporated into a commercial-office-affordable residential development.*

*The plan could allow mobile home park residents first rights of occupancy in the new development.*

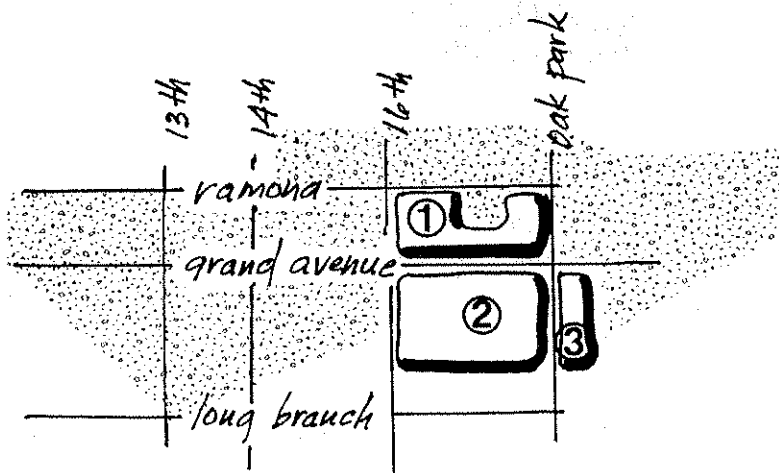
*The plan could incorporate four properties at South Fourteenth Street and Long Branch Avenue which are located within the Professional Office District.*

**\* The community does not reach its maximum commercial potential when shopping centers are created which block or reduce major-street access to neighboring commercial properties.**

*Specific plans can be required for 3 areas near Oak Park Boulevard and Grand Avenue. Adopted designs and standards should prevent one builder from effectively blocking the maximum use of adjoining property and should maximize the potential commercial use of all property.*

Map 8

Planned Development Commercial Areas

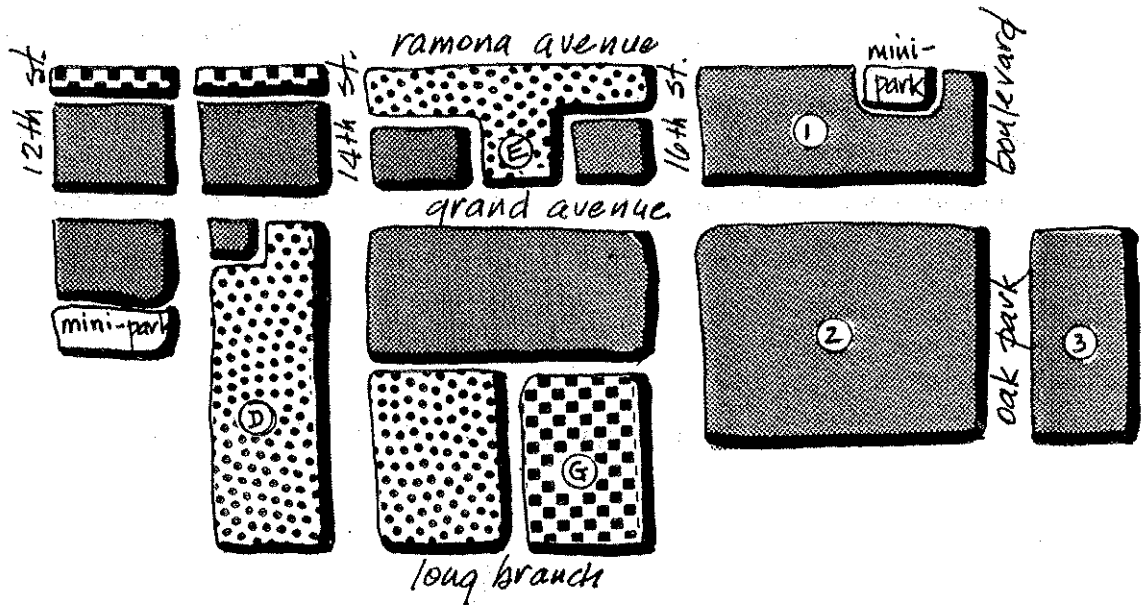








**\* Grand Avenue corridor commercial development is oriented towards Grand Avenue and tends to show its "back" to residential development. Often its "back" can be large expanses of concrete block or stucco, receiving areas and other unattractive features.**

*The City could prepare design standards for separating commercial and industrial and residential developments. Such design concepts could be incorporated in new development plans when new development proposes to be a neighbor to a contrasting land use. Such designs could include screening, construction details, berming, signing, lighting, landscaping, streetscaping and other features, which effectively separate the two or more contrasting uses.*



Map 9  
The East Grand Avenue Shopping Center\* Plan  
Land Use Map



		dwelling units per gross acre		population per gross acre	
		1991 Current	Land Use Standard    Projected At Build-Out	1991 Current**	Projected At Build-Out***
	shopping center district (mixed commercial/ residential use)	.48		.28	1.2    .7
	professional office district (mixed office/ residential use)	3.48		3.48	9.5    8.8
	high-density residential district	17.45	10 - 20	17.45	44.4    44.4
	planned development project area (mixed affordable residential/office/ commercial use)	8.99		8.99	
	planned development project area (mixed affordable residential/office/ commercial use)	19.30		19.30	
	neighborhood averages	3.6		3.5	
	county government center				

\* Includes part of professional office district.  
\*\* Based upon 100% dwelling unit occupancy.  
\*\*\* Based upon 100% dwelling unit occupancy.

\* The lack of sidewalks, paved streets and improved surface storm drainage makes walking, biking and driving difficult at some locations.

*A neighborhood "hike and bike" plan could be prepared, adopted and implemented. Designs and public right-of-way use need not always provide for linear paths and sidewalks. Some curving could add interest and functionality to facilities and the neighborhood.*

## NEIGHBORHOOD DEVELOPMENT CHARACTERISTICS EAST GRAND AVENUE SHOPPING CENTER DISTRICT

Table 1  
Existing Neighborhood Uses

### Part A

EXISTING USES	PARCELS*	D.UNITS	S.F.	Acres
Permitted Use**	33	5	551,095	12.67
Use Permit Use**	5	0	165,987	3.82
Vacant & Parking Lot**	8	0	239,910	5.52
Non-conforming Residential**&***	10	57	189,489	4.36
Non-conforming Commercial**	1	0	8,812	.20
Conforming Residential***	4	48	92,125	2.11
County Government Center****	1	0	92,125	2.11
Professional Offices****	4	3	34,987	.80
Totals	72	113	1,374,530	31.54

### Part B

EXISTING USES	Square Feet	ACRES
Commercial**	1,090,803	25.80
High-Density Residential***	92,125	2.11
County Government Center**	92,125	2.11
Professional Offices****	34,987	.80
Streets & Rights-of-Way**,***&****	552,915	12.69
Public Facilities-Undeveloped Park Sites**	64,500	1.48
Totals	1,927,445	44.23

<b>Part C</b>			
<b>EXISTING USES</b>	<b>Square Feet</b>	<b>ACRES</b>	<b>% OF TOTAL</b>
Vacant & Parking Land**	239,910	5.51	17.5
Restaurant**	232,275	5.33	17.1
General Retail**	203,920	4.68	14.8
Non-conforming Residential**&***	189,489	4.36	13.8
County Government Center***	92,125	2.11	6.7
Conforming Residential***	92,125	2.11	6.7
Miscellaneous Service**	90,000	2.07	6.6
Auto Repair & Towing**	77,700	1.78	5.6
Office**	42,375	.97	3.0
Auto Service**	37,750	.87	2.8
Professional Offices****	34,987	.80	2.5
Auto & RV Sales**	17,187	.39	1.2
Convenience Food/Beverage**	10,000	.23	.7
Non-conforming Commercial**	8,812	.20	.6
Motel**	5,875	.13	.4
Totals	1,374,530	31.54	100.0

\* When more than one parcel shares a common boundary, the same ownership and land use, they are combined and represented as one parcel.

\*\* Commercial zoning district

\*\*\* High-density residential zoning district

\*\*\*\* Professional office district on Long Branch Avenue

**Table 2**  
**Dwelling Units By Density and**  
**Conformance to Zoning District Permitted Uses**

	<b>Conforming</b>	<b>Non-Conforming</b>	<b>Low Density</b>	<b>Medium Density</b>	<b>High Density</b>
Dwelling Units 48		130	6	7	165

**Table 3**  
**Population By Type of Dwelling\***

	<b>Single Mixed-Use Family Units</b>		<b>4-Plex Mobile Units Homes</b>		<b>2-Plex Units</b>	<b>Apt. Units</b>	<b>Totals</b>
Dwelling Units	5	2	4	113	6	48	178
Persons/Unit**	2.78	2.54	2.54	1.68	2.54	2.54	2.00
Population	14	5	10	190	15	122	356

\* No vacancies assumed

\*\* Based upon 1990 U.S. Census occupancy averages

**Table 4**  
**Projected Dwelling Units By Density and Conformance**  
**to Zoning District Permitted Uses**

	<b>High Density</b>	<b>Conforming</b>	<b>Non-Conforming</b>
Dwelling Units	171	171	0

**Table 5**  
**Projected Population By Type of Dwelling\***

	<b>Various Mixed-Use Units!</b>	<b>Project D &amp; E Mixed-Use Units</b>	<b>Apartment Units!!</b>	<b>Totals</b>
Dwelling Units	10	113	48	171
Persons/Unit	2.54	1.68	2.54	1.97
Population**	25	190	122	337

\* No vacancies assumed

\*\* Based upon 1990 U.S. Census occupancy averages

! Commercial zoning district

!! High-density residential zoning district

**Table 6**  
**Projected Units and People Per Acre**

<b>Land Use District</b>	<b>Units Per Net Acre</b>	<b>People Per Net Acre</b>	<b>Units Per Gross Acre</b>	<b>People Per Gross Acre</b>
Shopping Center Commercial	.39	.97	.28	.70
Project D & E Mixed-Use	11.85	30.12	13.80	23.20
High-Density Residential	22.75	57.82	17.45	44.36

## **RAMONA AVENUE PROFESSIONAL OFFICE DISTRICT**

**NEIGHBORHOOD DESCRIPTION:** The one-property deep Ramona Avenue office district is intended to separate and buffer the multi-family districts on the north side of Ramona Avenue from Grand Avenue's commercial development. It was also designed to help provide for the community's office space needs.

**STRONG NEIGHBORHOOD CHARACTERISTICS:** Office space has not developed in this neighborhood as intended. It was intended that office space be provided in a single-family, detached environment, including front-yards, open space and, hopefully, residential-appearing structures.

The Fourteenth Street to Sixteenth Street section of the district contains part of a mobile home park, a single-family home and a six unit apartment. The remaining three block section contains an office, beauty shop and 17 dwelling units, mostly single-family detached. The outward appearance of most of these dwelling units indicates that a majority of them will require replacement or extensive renovation within 20 years.

General street and sidewalk conditions are poor.

The district's section north of the CBD from Eighth to Eleventh Streets is home to Ramona Park, a community recreation and senior center, and the City's only fire station. There are also 7 single-family homes, a three-unit residential development and a church.

**FUTURE NEIGHBORHOOD CHARACTERISTICS:** Most of the aging residences in the district will be complemented by new office development which will be in keeping with the Central Business District design theme. Most of these office structures will also contain a small mixed-use residence.

Ramona Park will expand according to the Parks and Recreation Element plans.

The two block mobile home park section from Fourteenth to Sixteenth Streets will become a commercial-residential mixed use project which replaces the 55, close-to-affordable, mobile units existing on the site in 1991. This project's design will, most likely, provide for residential emphasis on the Ramona Avenue side of the project and commercial-office uses on the Grand Avenue side.

### **NEIGHBORHOOD CONCERNS AND POTENTIAL SOLUTIONS:**

\* The district lacks adequate standards providing for office and office-residential mixed development which would blend and mix well with the Central Business District and the high-density residential district to the north.

*Development standards for the district could be reviewed, amended and adopted to provide for one and two story structures, and office-residential mixed development with a Central Business District-theme residential character.*

\* Street improvements are poor for vehicles, walkers and bikers.

*The district's streets could be incorporated in the proposed Central Business District circulation plan which could promote "hike & bike", vehicle and public transportation, and parking improvements. Improvements should consider the projected high-density residential neighborhood on the north side of Ramona Avenue.*

\* More affordable housing located in the neighborhood's existing mobile home park will be lost if replaced by currently permitted office and commercial uses.

*A precise plan should be prepared and adopted which would illustrate how the park site could be development as a special affordable and mixed-use residential-commercial-office project.*

*The plan could also support objectives stated in the Central Business District Neighborhood Plan.*

*The plan could allow mobile home park residents first rights of occupancy in the new project.*

## RAMONA AVENUE PROFESSIONAL OFFICE DISTRICT NEIGHBORHOOD DEVELOPMENT CHARACTERISTICS

**Table 1**  
**Existing Neighborhood Uses**

### **Part A**

Existing Uses	Parcels*	D.Units	Square Feet	Acres
Permitted Use	2	0	14,125	.32
Use Permit Use	1	0	9,937	.23
Non-Conforming Commercial	1	1	6,625	.15
Non-Conforming Residential	29	88	284,325	6.53
Public Use - Park	1	0	27,000	.62
Public Use - Recreation Cntr.	1	0	14,700	.34
Public Use - Fire Station	1	0	16,562	.38
Totals	36	89	373,274	8.57

### **Part B**

Existing Uses	Square Feet	Acres
Professional Office District	373,274	8.57
Public Rights-Of-Ways	157,631	3.62
Totals	530,905	12.19

### **Part C**

Existing Uses	Square Feet	Acres	% of Total
Non-Conforming Residential	284,325	6.53	76.3
Public Uses	58,262	1.34	15.6
Conforming	24,062	.55	6.4
Non-Conforming Commercial	6,625	.15	1.7
Totals	373,274	8.57	100.0

\* When more than one parcel shares a common boundary, the same ownership and land use, they are combined and represented as one parcel.

**Table 2**  
**Dwelling Units By Density and Conformance**  
**to Zoning District Permitted Uses**

	<b>Conforming</b>	<b>Non-Conforming</b>	<b>Low Density</b>	<b>Medium Density</b>	<b>High Density</b>
Dwelling Units 0	34	25	3	6	

**Table 3**  
**Population By Type of Dwelling\***

	<b>Single Family</b>	<b>Mixed-Use Units</b>	<b>Apt. Units</b>	<b>Total Units</b>
Dwelling Units	27	1	6	34
Person/Unit**	2.78	2.54	2.54	2.74
Population	75	3	15	93

\* No vacancies assumed. All mobile homes/R.V.s are included in East Grand Avenue Shopping Center District Table 3 data, page D-6.

\*\* Based upon 1990 U.S. Census occupancy averages

**Table 4**  
**Projected Dwelling Units By Density and Conformance**  
**to Zoning District Permitted Uses**

	<b>Conforming</b>	<b>Non-Conforming</b>	<b>Low Density</b>	<b>Medium Density</b>	<b>High Density</b>
Dwelling Units	28	6	0	0	34

**Table 5**  
**Projected Population By Type of Dwelling\***

	<b>Mixed-Use Units</b>	<b>Apart-ments</b>	<b>Total Units</b>
Dwelling Units	28	6	34
Person/Unit**	2.54	2.54	2.54
Population	71	15	86

\* No vacancies assumed. All Project E data is included in East Grand Avenue Shopping Center District Table 5, page D-7.

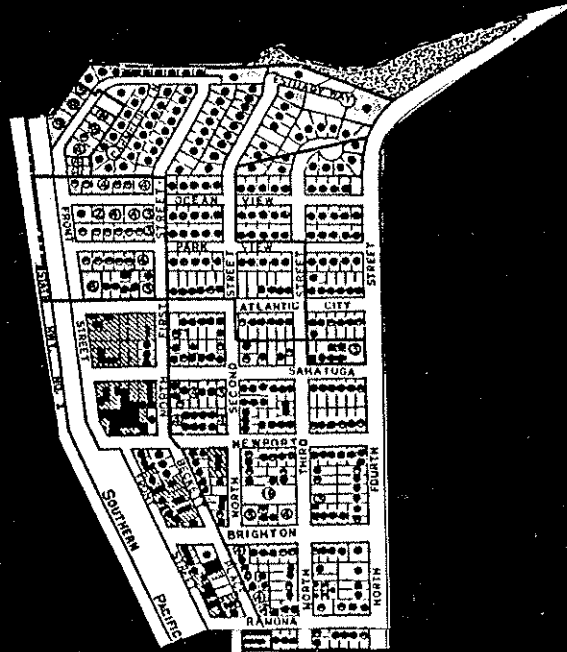
\*\* Based upon 1990 U.S. Census occupancy averages

**Table 6**  
**Projected Dwelling Units and People Per Acre**

	Units People		Units People	
	Per	Per	Per	Per
	Net	Net	Gross	Gross
	Acre	Acre	Acre	Acre
<b>Land Use District</b>				
<b>Professional Office</b>	5.94	15.03	3.48	8.80



# THE NORTHWEST GROVER BEACH PLAN



A GROVER BEACH NEIGHBORHOOD PLAN

**B**

# THE NORTHWEST GROVER BEACH NEIGHBORHOOD PLAN

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## THE NORTHWEST GROVER BEACH NEIGHBORHOOD PLAN

**NEIGHBORHOOD DESCRIPTION:** The neighborhood is primarily a residential district bordered on the north by the City of Pismo Beach, Fourth Street on the east, Grand Avenue on the south, and the industrialized railroad area and State Highway One on the west.

**STRONG NEIGHBORHOOD CHARACTERISTICS:** This quiet neighborhood is highly influenced by the Pacific Ocean. Residential views of the ocean and dunes are spectacular. Hilltop residential sites in the low-density northerly section of this neighborhood also look down upon Pismo Lake, the ecological reserve area. Older, sub standard industrial development at the Southern Pacific Railroad tracks detract from the area's appearance.

The tracks, paralleled by Highway One, effectively separate the neighborhood from the beach and ocean. This separation may well be more of a positive factor than negative as auto and truck access directly from Highway One is prevented. Truck access to the neighborhood directly from Highway One could increase the intensity and frequency of industrial uses in the neighborhood. Direct access would also make the neighborhood a short cut from Fourth Street to Highway One.

The same tracks are paralleled by an industrial strip which competes with residences in the western end of the neighborhood. This confrontation for land use dominance will continue as new industry is built. Southern Pacific Railroad's sale of industrial right-of-way adjoining the tracks has led to the tentative subdivision of the former Southern Pacific site into nine additional industrial lots.

During recent years thirty-eight, two-story planned unit development units were built in the neighborhood's medium-density district. All but four of these units are within one and one-half blocks of the industrial district. Lots for these PUD units range from 3,000 to 4,125 square feet. Some smaller PUD lot developments have generated controversy because of their lack of exterior open space and their impact upon immediate neighbors which are often one-story, single-family, detached structures.

**Table 1**  
**PUD Lot Sizes**

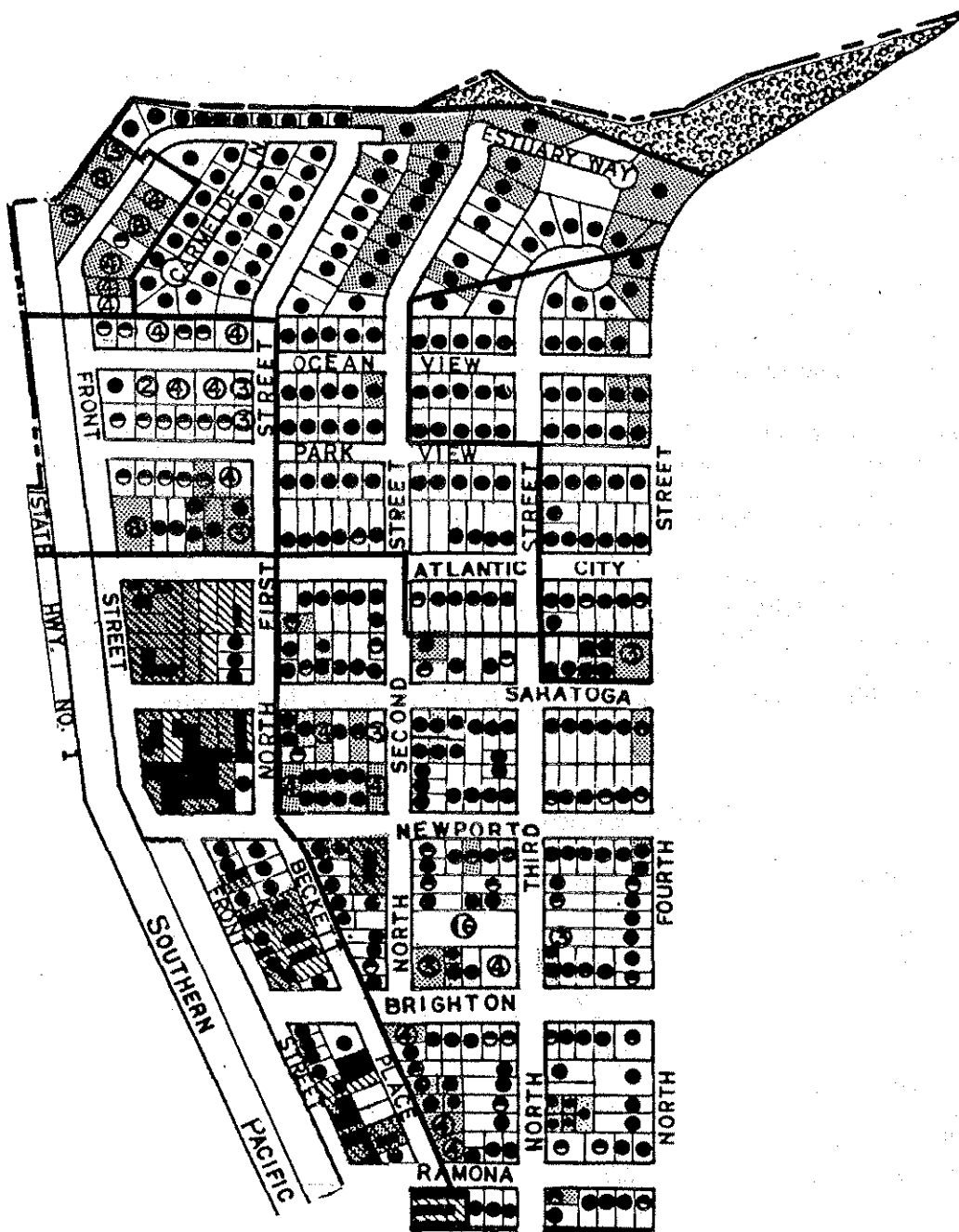
	Number of PUD Units	Lot Square Feet
	9	3,000
	5	3,333
	4	3,500
	16	3,750
	4	4,125
Total	38	
Average Lot Size		3,520
Mean Lot Size		3,750
City Required Minimum Lot Size		3,500

Recent PUD requirements requiring exterior living space, open space, and increased minimum lot sizes to 3,500 square feet, should reduce adverse impacts for neighbors. PUD standards promote two-story construction.

# Map 1

## The Northwest Grover Beach Neighborhood Plan

### Current Land Uses Map



- one dwelling unit
- ◐ two dwelling units
- ⊙ number of dwelling units indicated within circle
- parcel currently vacant or undeveloped
- ▨ commercial
- ▧ industrial

Not all proposed multi-story construction in the neighborhood is reviewed for viewshed impacts prior to development approval. Non-PUD development, exceeding the typical one-story home height, is largely commercial, industrial or apartment. At the neighborhood's extreme northern edge are a number of two-story, hillside homes. Exceptional public views exist on selected street sections and intersections.

**FUTURE NEIGHBORHOOD CHARACTERISTICS:** There are few vacant lots in the neighborhood. Only 17 residential lots remain undeveloped. If these lots are developed to current City standards, the neighborhood population will increase by 54 and the number of dwelling units will increase by 23.

The exterior conditions of neighborhood residences indicates that the neighborhood's housing inventory is in good shape and need not be replaced within the next twenty years. A few units, particularly in the industrial district, indicate conditions ripe for demolition. However, these small units cannot be replaced with new housing because of their industrial zoning.

Additional industrial development will be constructed upon the former Southern Pacific Rail Road right-of-way paralleling Front Street.

Most growth in the neighborhood will likely result from an estimated 41, medium-density residential lots which, if developed to current 3,500 square foot minimum PUD standards, could generate an additional 47 dwelling units.

The projected maximum build-out for the neighborhood assumes:

1. All vacant residential parcels will be built-out.
2. PUDs will be built on all sites which can accept an additional 3,500 square foot lot and an additional unit.
3. One hundred percent occupancy of all units, an unlikely event.
4. No change in Grover Beach's average unit occupancy rate.

The maximum estimated population is projected to be 1,647 people, an increase of 178, or 11% above the current population of 1,469. Almost all of these additional people will find their new homes in the medium-density residential district.

Industrial development will be permitted only after planned development reviews which consider the proposal's impact upon the residential neighborhood. Efforts will be made to prevent large industrial developments and heavy industrial uses.

#### **NEIGHBORHOOD CONCERNS and POTENTIAL SOLUTIONS:**

**\* Conflicting industrial and residential uses:**

1. The management of industrial operations is difficult due to residential complaints of noise, appearance, traffic, dust and possible negative residential property value impacts.

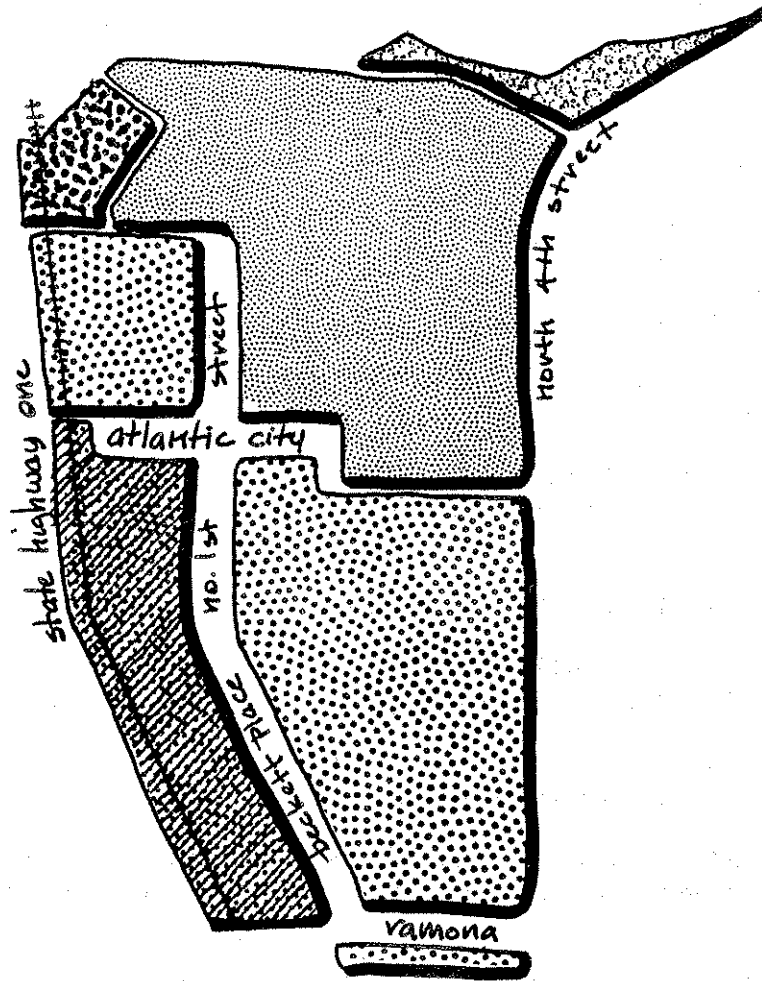
2. Residents suffer losses of potential property value and views and have increased noise, traffic and dust from industrial operations.

*A plan to minimize the transfer of negative impacts between the two types of land uses could be prepared and adopted.*

# Map 2

## The Northwest Grover Beach Neighborhood Plan






### Land Use Map



grand avenue  
x

dwelling units  
per gross acre

population  
per gross acre

		1991 Current	Land Use Standard	Projected At Build-Out	1991 Current1	Projected At Build-Out2
	low-density residential district	4.3	2 - 5	4.5	11.8	12.4
	medium-density residential district	6.0	6 - 9	7.0	15.8	18.7
	high-density residential district	13.9	10 - 20	15.1	35.2	38.4
	industrial district	1.7	-	-	-	-
	open space district	-	-	-	-	-
	neighborhood averages	5.0	-	5.6	13.4	14.9

1 Based upon 100% dwelling unit occupancy.  
2 Based upon 100% dwelling unit occupancy.

- \* **The neighborhood's density is increasing as single-family lots are split into two or more lots and developed as two-story planned units.**

*Infrastructure requirements for maximum build-out could be determined and a municipal and neighborhood capital improvement program prepared, adopted and implemented.*

- \* **Viewshed losses increase as more two-story structures are built or modified and as trees mature.**

*The City could map and identify critical viewsheds and develop and adopt a neighborhood viewshed preservation program.*

- \* **There isn't any outdoor recreation area for children or adults in or near the high-density apartment district.**

*The General Plan Parks and Recreation Element could be used as a guide to identify a site which could be acquired and developed as a neighborhood recreational area easily accessible to apartment residents.*

- \* **No public recreation facilities are located in the neighborhood.**

*The Parks and Recreation Element should be used to identify parks needs. A site should be selected, acquired and developed.*

*The Pismo Lake Ecological Area adjoining the neighborhood could provide some recreational and educational opportunities. A boardwalk could be created along the Lake's southern rim to allow hiking and educational and recreational observation of this habitat.*

- \* **Some industrial development, as viewed from one of the City's primary visitor areas, Highway One, is unsightly.**

*Programs and plans for landscaping the Highway One eastern right-of-way, the railroad right-of-way, Front Street right-of-way, and industrial district properties, could be prepared, coordinated and implemented.*

- \* **There are poor street pavement conditions for auto and bicycle traffic.**

*The City could develop and adopt a neighborhood street, gutter and sidewalk improvement program and plan and incorporate it within a municipal and neighborhood capital improvement program which includes revenue sources.*

- \* **Sporadic sidewalks make neighborhood walking conditions poor.**

*A neighborhood "hike and bike" program and plan could be developed and implemented.*

- \* **The railroad tracks limit and prevent pedestrian access from the neighborhood directly to Highway One.**

*An at-grade pedestrian crossing should be provided over the railroad tracks in the vicinity of Atlantic City Avenue or Saratoga Avenue.*

## CURRENT NEIGHBORHOOD DEVELOPMENT CHARACTERISTICS

**Table 2**  
**Dwelling Units and Lots by Zoning District**

Current Use of	Low Density		Medium Density		High Density		Industrial		Total	
	Lots	Units	Lots	Units	Lots	Units	Lots	Units	Lots	Units
Vacant	9	0	5	0	1	0	3	0	18	0
1 SF	160	160	100	100			19	19	279	279
1 PUD			38	38					38	38
2 Units	4	8	40	80					44	88
Apartments			22	90	8	44			30	134
Mixed-Use							4	9	4	9
Industrial							17	0	17	0
Non-Conforming Industry			1	0					1	0
Totals	173	168	206	308	9	44	43	28	431	548

*C-R-1 = Coastal low-density residential district*  
*R-1 = Low-density residential district*  
*C-R-2 = Coastal medium-density residential district*  
*R-2 = Medium-density residential district*  
*C-R-3 = Coastal high-density residential district*  
*C-I = Coastal industrial district*  
*SF = Single-Family unit*  
*PUD = Planned Unit Development*  
*Condo = Condominium unit*

**Table 3**  
**Dwelling Units By Density and Conformance to Zoning District Use**

	Non- Conforming	Conforming	Low Den.	Med. Den.	High Den.
Low-Den. Resid. Dist. Units	154	14	154	14	
Med.-Den. Resid. Dist. Units	217	91	59	217	32
High-Den. Resid. Dist. Units	44				44
Industrial District Units		28	8	11	9
Totals	415	133	221	242	85



**Table 4**  
**Population By Type of Dwelling\***

	Single PUD Family Units	Duplex Units	Apart- ments	Mixed- Use	Totals
Low-Dens.Dist.Units	160	8			168
Med.-Dens.Dist.Units	100	38	80	90	308
High-Dens.Dist.Units			44		44
Industrial Dist. Units	19			9	28
Unit Totals	279	38	88	134	548
Persons/Units **	2.78	2.78	2.54	2.54	2.68
Population	776	106	224	340	1,469

\* No vacancies assumed

\*\* Based upon 1990 U.S. Census occupancy averages

**Table 5**  
**Existing Land Uses**

Land Use Districts	Net Acres	Gross Acres
Residential Low-Density Districts	28.49	39.39
Residential Med.-Density Districts	33.97	51.48
Residential High-Density District	2.17	3.18
Industrial District	9.46	16.12
Open Space District	2.82	3.54
Railroad	8.11	8.11
Public Rights-of-Way	26.79	0
Totals	121.81	121.81

**Table 6**  
**Existing Units and People Per Acre**

Land Use Districts	Units Per Net Acre	People Per Net Acre	Units Per Gross Acre	People Per Gross Acre
Residential Low-Density	5.9	16.3	4.3	11.8
Residential Med.-Density	9.1	24.0	6.0	15.8
Residential High-Density	20.3	51.7	13.9	35.2
Industrial District	3.0	8.0	1.7	4.7
Average	7.4	19.8	5.0	13.4

**Table 7**  
**Neighborhood Public Right-Of-Way**

Land Use District	R-O-W Acres
Residential Low-Density	10.89
Residential Med.-Density	17.51
Residential High-Density	1.01
Industrial	6.66
Open Space	.72
Total	36.79

**PROJECTED NEIGHBORHOOD DEVELOPMENT CHARACTERISTICS**

**Table 8**  
**Projected Dwelling Units By Density and Conformance to Zoning District Use**

	Conforming	Non-Conforming	Low Density	Medium Density	High Density
Low-Den. Resid. Dist. Units	169	8	169	8	
Med.-Den. Resid. Dist. Units	218	143	53	218	90
High-Den. Resid. Dist. Units	48				48
Industrial District Units	9				9
Totals	454	151	222	226	147

**Table 9**  
**Projected Dwelling Units and Lots by Zoning District**

Current Use of	Low Density Residential Lots Units		Medium Density Residential Lots Units		High Density Residential Lots Units		Industrial Lots Units		Total Lots Units	
Vacant										
1 SF	169	169	53	53					222	222
1 PUD			138	138					138	138
2 Units	4	8	40	80					44	88
Apartments			22	90	9	48			31	138
Industrial							43	9	43	9
Totals	173	177	253	361	9	48	43	9	478	595

*C-R-1 = Coastal low-density residential district*  
*R-1 = Low-density residential district*  
*C-R-2 = Coastal medium-density residential district*  
*R-2 = Medium-density residential district*  
*C-R-3 = Coastal high-density residential district*  
*C-I = Coastal industrial district*  
*SF = Single-Family unit*  
*PUD = Planned Unit Development*  
*Condo = Condominium unit*

**Table 10**  
**Projected Population By Type of Dwelling\***

	<b>Single Family</b>	<b>PUD Units</b>	<b>Duplex Units</b>	<b>Apart- ments</b>	<b>Mixed- Use</b>	<b>Totals</b>
Low-Dens.Dist.Units	169		8			177
Med.-Dens.Dist.Units	53	138	80	90		361
High-Dens.Dist.Units				48		48
Industrial Dist. Units					9	9
Unit Totals	222	138	88	138	9	595
Persons/Unit **	2.78	2.78	2.54	2.54	2.54	2.68
Population	617	384	224	351	23	1,599

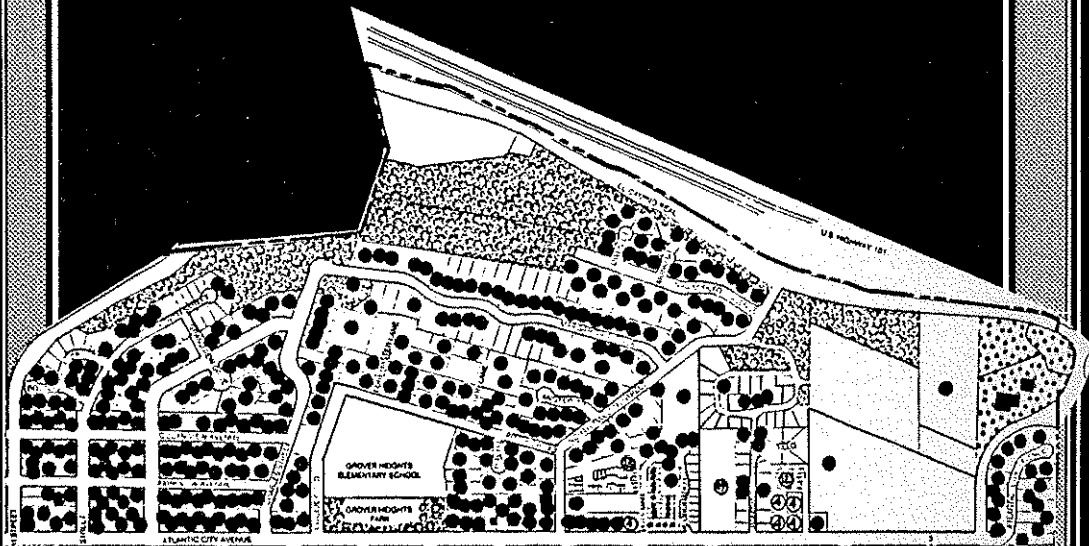
\* No vacancies assumed

\*\* Based upon 1990 U.S. Census occupancy averages

**Table 11**  
**Projected Units and People Per Acre**

<b>Land Use Districts</b>	<b>Units Per Net Acre</b>	<b>People Per Net Acre</b>	<b>Units Per Gross Acre</b>	<b>People Per Gross Acre</b>
Residential Low-Density	6.2	17.2	4.5	12.4
Residential Med.-Density	10.6	28.4	7.0	18.7
Residential High-Density	22.1	56.2	15.1	38.4
Industrial District	3.0	7.5	1.7	4.4
Average	8.3	22.2	5.6	14.9

# THE NORTHERN HILLSIDES PLAN



A GROVER BEACH NEIGHBORHOOD PLAN

C

**THE NORTHERN HILLSIDES NEIGHBORHOOD PLAN  
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## **THE NORTHERN HILLSIDES NEIGHBORHOOD PLAN**

**NEIGHBORHOOD DESCRIPTION:** This primarily residential area of Grover Beach is bordered on the north by the City of Pismo Beach, Arroyo Grande on the east, and Atlantic City Avenue on the south.

U.S. 101 darts through a coastal valley from the sea on its way inland to Arroyo Grande. Sharing this narrow valley with U.S. 101 is Meadow Creek as it wanders to the ecological reserve area at Pismo Lake. Grover Beach residences cascade down the valley's southwestern hillsides, on occasion, buried under a heavy canopy of trees.

Most of the neighborhood is zoned R-1. There are two, recently developed, multi-family districts with new condominiums, apartments and planned unit developments at the ridge line.

A motel and restaurant provide visitor services at the Oak Park Boulevard and Highway 101 intersection.

**STRONG NEIGHBORHOOD CHARACTERISTICS:** This section of Grover Beach is best known for its beautiful views of the coastline, the Pismo Beach Pier area, as well as coastal hills and valleys, which change colors with the seasons.

Residential development ranges from the older, small vacation cottages to the newer, large, multi-storied, single-family homes. Apartments, condos and planned unit developments (PUDs) also reach for a view here. This neighborhood, due to its hillside terrain, is unique within Grover Beach. Short, winding streets create a web of interconnections and cul-de-sacs, and unsuspected residential cloisters. Most residential development is relatively new and is in good to excellent condition.

Due to the desirability of views, 54% of neighborhood residential structures are more than one story. Those hugging the hillside extending to Meadow Creek may have three or four levels. Not all of these larger, single-family structures and their necessary retaining walls are screened by trees or foliage from view on U.S. 101.

The neighborhood is served by a well-maintained elementary school adjoining Grover Heights Park. Grover Heights School's activity grounds provide excellent opportunities for neighborhood youth. Grover Height's Park is among the finest of the City's recreational facilities.

Generally speaking, street improvements are relatively new and vehicular traffic is well served in this neighborhood.

**FUTURE NEIGHBORHOOD CHARACTERISTICS:** There are approximately 90 vacant, undeveloped lots in the neighborhood which will likely be built-out within the next 20 years. There are also several large properties which will be more intensely developed so that neighborhood population will increase. Virtually all new neighborhood housing will be detached, single-family housing.

Underdeveloped R-A property extending from Atlantic City to El Camino Real near Oak Park Boulevard and Atlantic City could provide homesites for approximately 30 single-family homes on large lots.

An additional 10 single-family lots might be created from under-developed R-1 properties within the neighborhood. Sixty-one existing and vacant R-1 and C-R-1 lots could also be built upon within the next twenty years.

The PUD housing unit has become more popular than apartment and condo development in recent years

within the multi-family districts. An additional 28 detached PUDs will likely be built on existing vacant lots in the R-3 district. Approximately 10 more of these medium-density units could be developed in the R-2 district.

The neighborhood's maximum projected population could be 1,770, a 28% increase over the existing population of 1,380. Over the next 20 years, the neighborhood's 515 existing dwelling units can increase to 655 (maximum build-out), a 27% increase in dwelling units.

It is unlikely that more than 10% percent of the existing neighborhood housing stock will be rebuilt in the next 20 years due to the recent age of most existing development. Those units that redevelop are likely to be close to Atlantic City Avenue.

#### **NEIGHBORHOOD CONCERNS and POTENTIAL SOLUTIONS:**

- \* The Pismo Beach/Grover Beach shared boundary along El Camino Real does not follow property or right-of-way lines.**

*The El Camino Real boundary with Pismo Beach should be adjusted by LAFCo upon request of the cities of Pismo Beach and Grover Beach.*

- \* Meadow Creek frontage along El Camino Real attracts trash dumping such as sofas and appliances which are sometimes burned on-site by transients and others.**

*A volunteer "creek-watch" program could be developed to alert the City to the need to remove trash from the site.*

- \* Visitor and public exposure to and involvement with Meadow Creek are minimal.**

*The City could develop an improvement plan for the El Camino Real and Meadow Creek corridor which would provide for traffic and "hike and bike" facilities which interact with the Meadow Creek and the landscaped Highway 101 habitats.*

*Properties held as open space above Meadow Creek should be zoned "Open Space" as an additional protective measure for the natural hillside cover and sections of Meadow Creek.*

- \* Residential development along the ridge line on Atlantic City Avenue, near Oak Park Boulevard, will block current public views of the valleys and hills extending to Lake Lopez.**

*Future development along Atlantic City Avenue could be set back from the street so that structures and roofs do not interrupt views or cause the removal of oaks along Atlantic City Avenue.*

- \* Some hillside areas lack full-width rights-of-way or improvements for walking, biking, parking and driving due to terrain and oaks.**

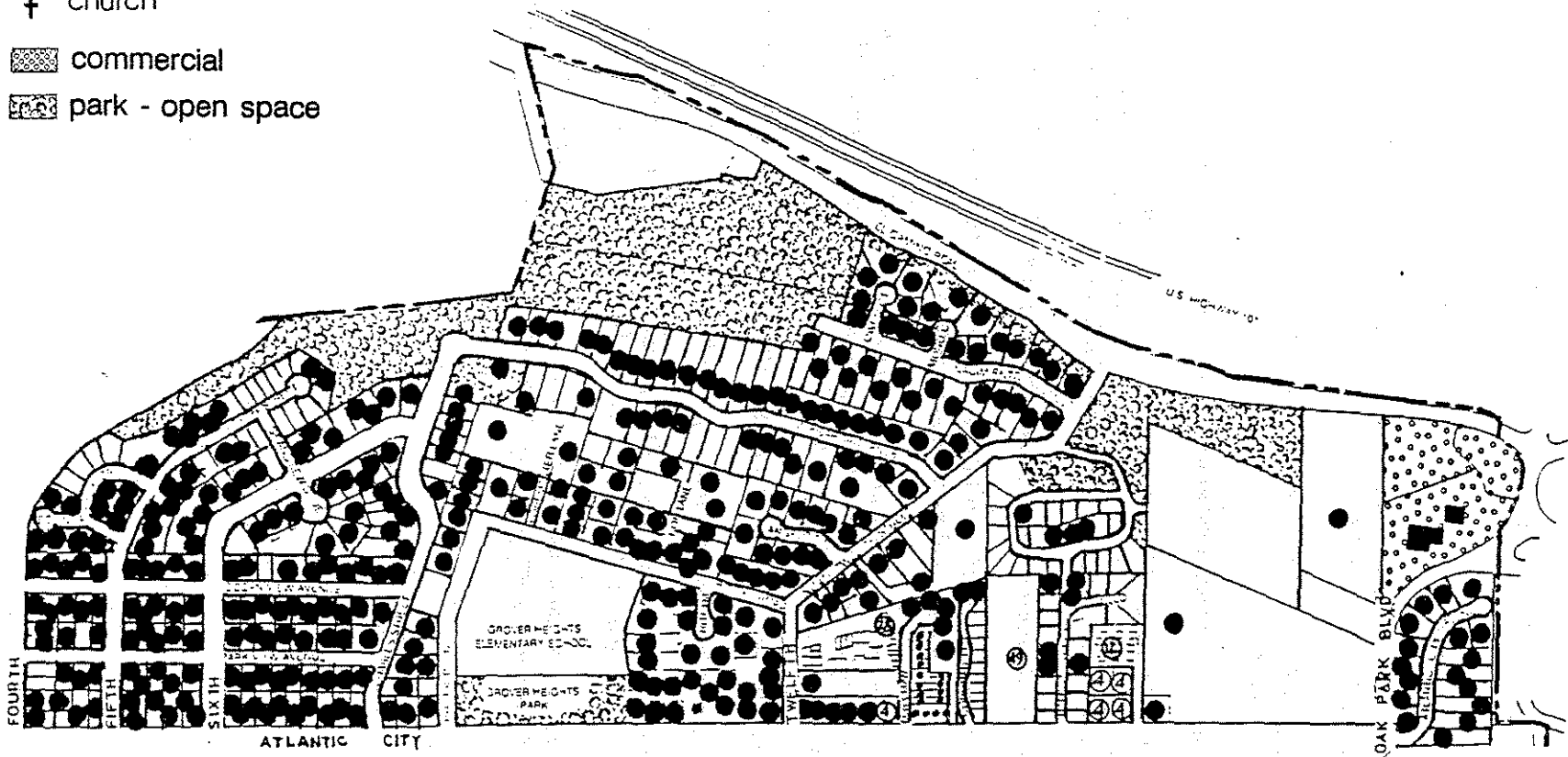
*Special designs could be prepared for these areas so that walking, biking, parking and driver needs can all be accommodated.*

*A pedestrian path should be created to link North Fourth Street with Charles Street through the open space.*

- \* The base of the City of Pismo Beach water tanks between Charles Street and Ritchie Road detract from the immediate residential and school area.**

Map 1  
The Northern Hillside Neighborhood Plan  
Current Land Uses

- one dwelling unit
- two dwelling units
- ⊙ number of dwelling units indicated within circle
- parcel currently vacant or undeveloped
- non-residential use
- † church
- ▨ commercial
- ▩ park - open space





*A landscaping plan could be prepared to screen the bases of these tanks from public view.*

- \* Electronically controlled gates prevent normal vehicular and pedestrian access in and through a limited area on and near North Fifth Street.**

*Additional gated communities can be prevented.*

*Approvals for current gates can be withdrawn at the earliest possible time permitted by authorizations to install the gates.*

- \* The Charles Street Mini-Park, as represented in the Parks and Recreation Element, has not been developed.**

*A neighborhood survey could be conducted to determine local needs and design for this facility.*

*Local residents could be surveyed to determine if there is interest in some type of volunteer program which would result in offsetting public expenses for either the development, maintenance or operation of the facility through fund-raisers, "adopt-a-park" maintenance or other means.*

*Design and implementation plans could be prepared for review, adoption and implementation.*

- \* Only single-family residential districts receive any formal viewshed protection from the City when multi-story development is proposed.**

*An ordinance could be prepared to require all multi-storied development proposals to determine impacts upon viewsheds and to report such findings to the development approval authority, normally the Planning Commission.*

- \* Overhead utility lines detract from neighborhood aesthetics and residential and public views.**




*All new development could be required to underground utilities.*




- \* Major retaining walls on hillsides have not always been successfully screened. Large, unbroken masonry surfaces appear as the base of hilltop fortresses from a distance.**

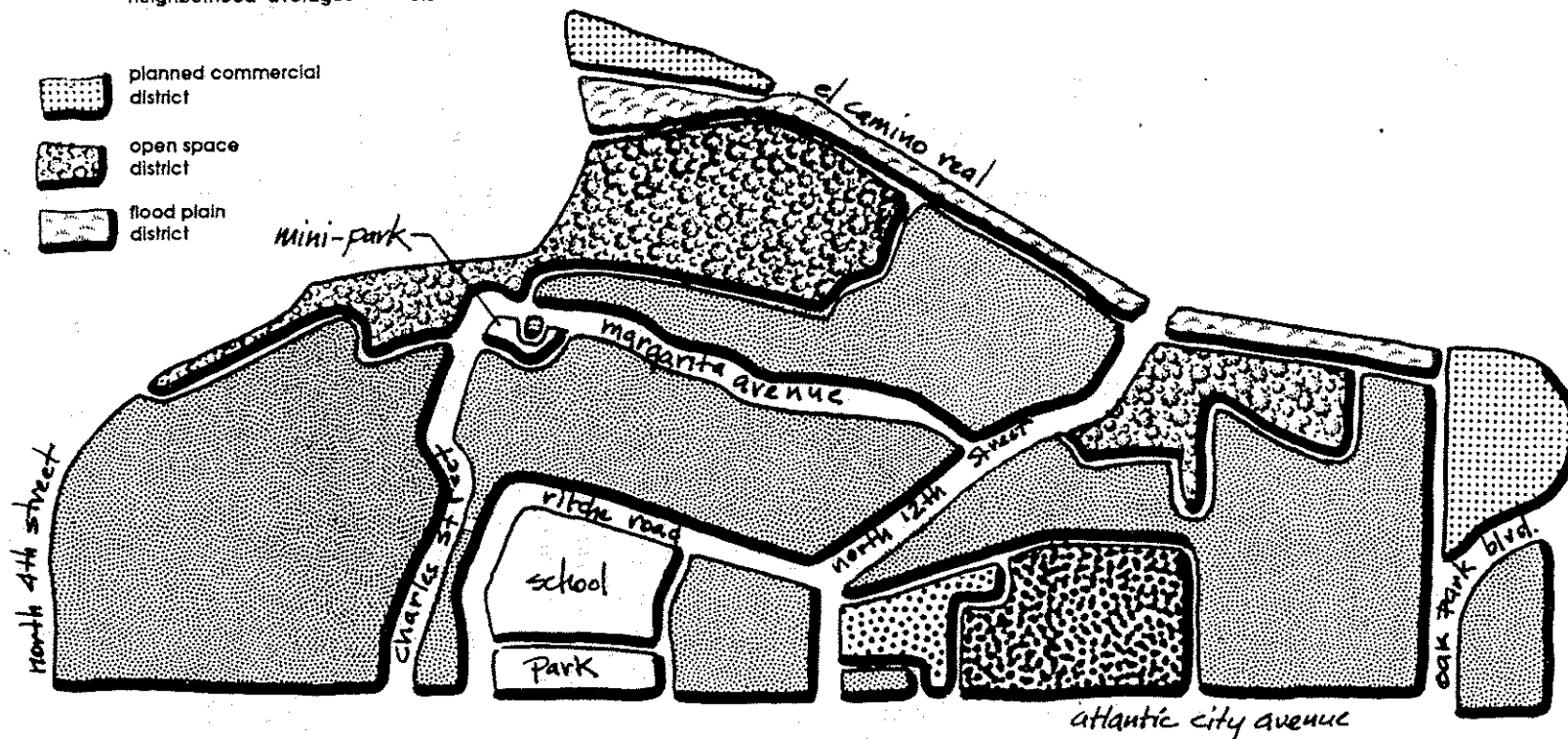
*All proposed retaining walls exceeding six feet in height could be screened by City staff and required to incorporate measures which would breakup the appearance of massive masonry faces.*

# The Northern Hillside Neighborhood Plan Land Use Map

	Dwelling Units per gross acre			Population per gross acre	
	1991 Current	Land Use Standard	Projected At Build-Out	1991 Current*	Projected At Build-Out**

	low-density residential districts	2.8	2 - 5	3.6	7.5	9.6
	medium-density residential districts	6.4	6 - 9	8.2	17.7	22.6
	high-density residential district	10.8	10 - 20	13.7	28.8	36.7
	neighborhood averages	3.5	-	4.4	9.3	11.9

-  planned commercial district
-  open space district
-  flood plain district



\* Based upon 100% dwelling unit occupancy.

\*\* Based upon 100% dwelling unit occupancy.

**CURRENT  
NEIGHBORHOOD DEVELOPMENT CHARACTERISTICS**

**Table 1  
Dwelling Units and Lots by Zoning District**

<b>Current Use of</b>	<b>LDR</b>		<b>CLDR</b>	
	<b>Lots</b>	<b>Units</b>	<b>Lots</b>	<b>Units</b>
Vacant	41	0	20	0
1 SF	314	314	25	25
1 MH	34	34	0	0
<b>Totals</b>	<b>389</b>	<b>348</b>	<b>45</b>	<b>25</b>

<b>Current Use of</b>	<b>MDR</b>		<b>HDR</b>		<b>Totals</b>	
	<b>Lots</b>	<b>Units</b>	<b>Lots</b>	<b>Units</b>	<b>Lots</b>	<b>Units</b>
Vacant	0	0	28	0	89	0
1 SF	1	1	0	0	340	340
1 MH	0	0	0	0	34	34
1 PUD	4	4	9	9	13	13
Condo Unit	28	28	48	48	76	76
4 Unit	1	4	0	0	1	4
49 Units	0	0	1	49	1	49
<b>Totals</b>	<b>34</b>	<b>37</b>	<b>86</b>	<b>106</b>	<b>554</b>	<b>516</b>

*LDR = Low-Density Residential*  
*CLDR = Coastal Low-Density Residential*  
*MDR = Medium-Density Residential*  
*HDR = High-Density Residential*  
*SF = Single-Family Unit*  
*MH = Mobile Home Unit*  
*PUD = Planned Unit Development Unit.*

**Table 2  
Dwelling Units By Density and Conformance to Zoning District Use**

	<b>Conforming</b>	<b>Non- Conforming</b>	<b>Low Density</b>	<b>Medium Density</b>	<b>High Density</b>
LDR District Units	348	0	348	0	0
CLDR District Units	25	0	25	0	0
MDR District Units	36	1	1	4	32
HDR District Units	106	0	0	9	97
<b>Totals</b>	<b>515</b>	<b>1</b>	<b>374</b>	<b>13</b>	<b>129</b>

*LDR = Low-Density Residential*  
*CLDR = Coastal Low-Density Residential*  
*MDR = Medium-Density Residential*  
*HDR = High-Density Residential*

**Table 3**  
**Population By Type of Dwelling\***

	Single PUD Family Units	Condo Units	3&4 Units	Apart- ments	Mobile Homes	Totals
LDR District Units	314				34	348
CLDR District Units	24					24
MDR District Units	1	4	28	4		37
HDR District Units		9	48		49	106
Unit Totals	339	13	76	4	49	515
Persons/Unit**	2.78	2.78	2.78	2.54	2.54	1.68
Population	942	36	211	10	124	57
						1,380

\* No vacancies assumed

\*\* Based upon 1990 U.S. Census occupancy averages

LDR = Low-Density Residential

CLDR = Coastal Low-Density Residential

MDR = Medium-Density Residential

HDR = High-Density Residential

**Table 4**  
**Existing Land Uses**

Land Use Districts	Net Square Feet	Net Acres	Gross Acres
Residential Low-Density	4,888,867	112.23	133.06
Residential Medium-Density	240,210	5.52	5.75
Residential High-Density	396,600	9.12	9.81
Open Space Districts	801,000	18.41	19.27
Commercial Districts	351,200	8.15	10.49
Flood Plain Districts	505,500	11.62	19.25
Public Rights-of-Ways	1,494,543	34.31	0
Public Facilities-Parks	125,400	2.88	3.58
Public Facilities-Schools	266,600	6.13	7.16
Totals	9,069,920	208.37	208.37

**Table 5**  
**Existing Units and People Per Acre**

Land Use Districts	Units	People	Units	People
	Per Net Acre	Per Net Acre	Per Net Acre	Per Net Acre
Residential Low-Density Districts	3.3	8.9	2.8	7.5
Residential Medium-Density Districts	6.7	18.5	6.4	17.7
Residential High-Density Districts	11.6	30.9	10.8	28.8
Open Space Districts	0	0	0	0
Commercial Districts	0	0	0	0
Flood Plain Districts	0	0	0	0
Public Streets & Rights-of-Ways	0	0	0	0
Public Facilities-Schools	0	0	0	0
Public Facilities-Parks	0	0	0	0
Averages	4.1	10.9	3.5	9.3

**Table 6**  
**Neighborhood Public Right-of-Way**

Land Use District	R-O-W Acres
Low-Density Residential	20.83
Medium-Density Residential	.23
High-Density Residential	.69
Commercial Districts	2.34
Flood Plain	7.63
Open Space	.86
Public Facilities - Parks	.70
Public Facilities - Schools	1.03
Total	34.31

# PROJECTED NEIGHBORHOOD DEVELOPMENT CHARACTERISTICS

**Table 7**  
**Projected Dwelling Units and Lots by Zoning District**

Current Use of	LDR		CLDR	
	Lots	Units	Lots	Units
Vacant	0	0	0	0
1 SF	395	395	45	45
1 MH	34	34	0	0
Totals	429	429	45	45

Current Use of	MDR		HDR		Totals	
	Lots	Units	Lots	Units	Lots	Units
Vacant	0	0	0	0	0	0
1 SF	1	1	0	0	441	441
1 MH	0	0	0	0	34	34
1 PUD	14	14	37	37	51	51
Condo Unit	28	28	48	48	76	76
4 Unit	1	4	0	0	1	4
49 Units	0	0	1	49	1	49
Totals	44	47	86	134	604	655

*SF = Single-Family Unit*  
*MH = Mobile Home Unit*  
*PUD = Planned Unit Development Unit*  
*LDR = Low-Density Residential*  
*CLDR = Coastal Low-Density Residential*  
*MDR = Medium-Density Residential*  
*HDR = High-Density Residential*

**Table 8**  
**Projected Dwelling Units By Density  
and Conformance to Zoning District Use**

	Conforming	Non- Conforming	Low Density	Medium Density	High Density
LDR District Units	429	0	429	0	0
CLDR District Units	45	0	45	0	0
MDR District Units	46	1	1	46	0
HDR District Units	134	0	0	37	97
Totals	654	1	475	83	97

*LDR = Low-Density Residential*  
*CLDR = Coastal Low-Density Residential*  
*MDR = Medium-Density Residential*  
*HDR = High-Density Residential*

**Table 9**  
**Projected Population By Type of Dwelling\***

	Single Family	PUD Units	Condo Units	3&4 Units	Apart- ments	Mobile Homes	Totals
LDR District Units	395					34	429
CLDR District Units	45						45
MDR District Units	1	14	28	4			47
HDR District Units		37	48	49			134
Unit Totals	441	51	76	4	49	34	655
Persons/Unit**	2.78	2.78	2.78	2.54	2.54	1.68	2.70
Population	1,226	142	211	10	124	57	1,770

\* No vacancies assumed

\*\* Based upon 1990 U.S. Census occupancy averages

LDR = Low-Density Residential

CLDR = Coastal Low-Density Residential

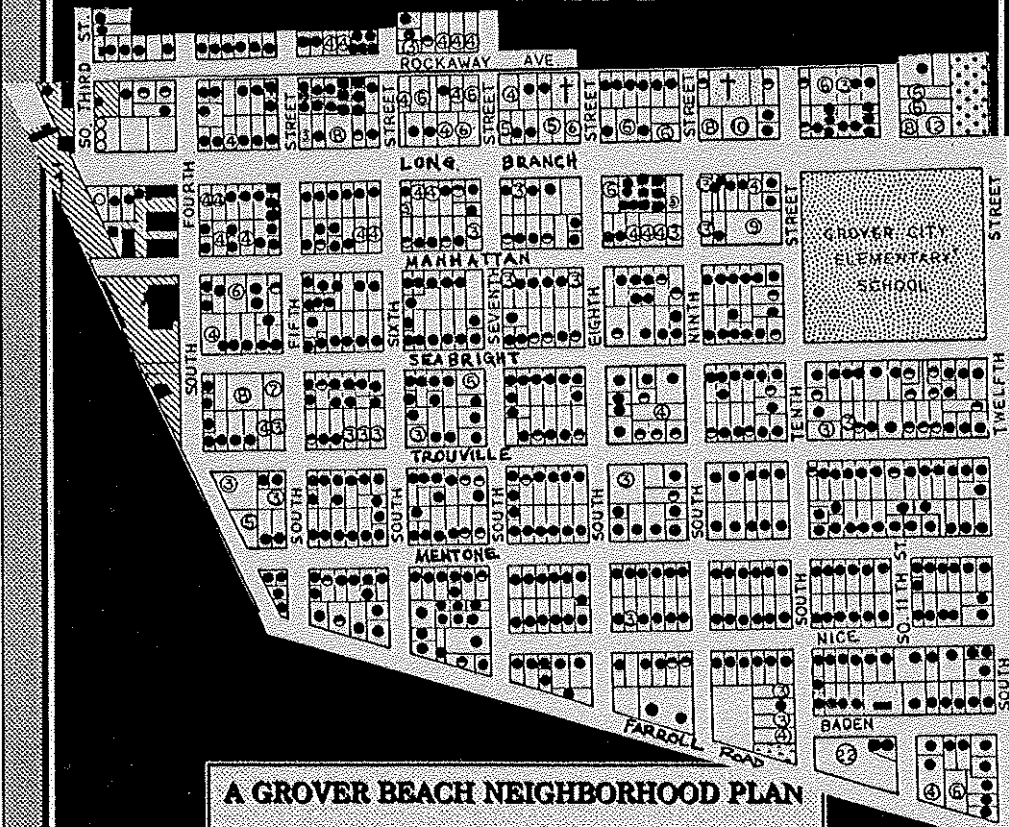
MDR = Medium-Density Residential

HDR = High-Density Residential

**Table 10**  
**Projected Units and People Per Acre**

Land Use Districts	Units Per Net Acre	People Per Net Acre	Units Per Gross Acre	People Per Gross Acre
Residential Low-Density	4.2	11.4	3.6	9.6
Residential Medium-Density	8.5	23.6	8.2	22.6
Residential High-Density	14.7	39.5	13.7	36.7
Open Space Districts	0	0	0	0
Commercial Districts	0	0	0	0
Flood Plain Districts	0	0	0	0
Public Rights-of-Ways	0	0	0	0
Public Facilities-Schools	0	0	0	0
Public Facilities-Parks	0	0	0	0
Average	5.2	14.0	4.4	11.9

# THE WEST GROVER BEACH PLAN



A GROVER BEACH NEIGHBORHOOD PLAN

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# THE WEST GROVER BEACH NEIGHBORHOOD PLAN

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## **THE WEST GROVER BEACH NEIGHBORHOOD PLAN**

**NEIGHBORHOOD DESCRIPTION:** This neighborhood is bounded by the Grand Avenue commercial corridor on the north, the Southern Pacific tracks on the west, Farroll Road on the south and Twelfth Street on the east. The neighborhood is primarily residential with a small and noticeable industrial area on its western side.

**STRONG NEIGHBORHOOD CHARACTERISTICS:** The neighborhood's wide streets were laid in a perfect grid to serve the 50 by 150 foot lots created by D.W. Grover before the turn of the twentieth century for his ideal beach community. Most of these lots are now developed, but that wasn't always the case. Most of these sandy lots remained undeveloped until the last half of the twentieth century.

Smaller single-family residences exist on most of these lots. Even though most of the neighborhood is zoned multi-family, most of the neighborhood's dwelling units (55%) remain traditional single-family structures.

Wide right-of-ways and small single-family structures created a sense of openness which is being eroded by some of the newer and larger developments. Ocean dunes are visible through many wide corridors in the neighborhood's northern area.

Noticeable power and telephone lines are strung from pole to pole on most streets. Many neighborhood streets are partially paved. There is no paving on some street sections, but, for the most part, housing development has brought paving to accommodate basic traffic needs.

Sidewalks are not as prevalent as street pavings. Some street sections have rolled asphalt curbing without adjacent sidewalks. Many street sections do not conform to a master grading plan, thereby, creating localized drainage problems during storms.

The neighborhood is a comfortable place in which to reside and retire. One can find the comfort of long-term neighbors and friends, mature gardens and trees and undemanding, predictable weather.

The neighborhood provides some of the area's more affordable housing for those starting their marriages, families and working years. It's easy walking distance to Grand Avenue's commerce and to Grover Beach's industrial area jobs. The neighborhood is great for commuting and is close to the beach.

There were more neighborhood people living in the multi-family units, PUDs, condos and mobile homes (1,089) in 1990 than in the more traditional single-family structures (1,034).

Rental demand has had a big impact upon the original single-family neighborhood. Only a small portion of the neighborhood's original townsite has been preserved for single-family development through zoning. However, home ownership is on the upswing in the neighborhood due to planned unit developments (PUDs).

In recent years, PUDs, rather than rental units have replaced the more traditional detached single-family units in the multi-family districts. At least 138 planned unit developments (PUDs) and 38 condos have been constructed in the medium and high-density residential districts. Most of these are believed to be owner occupied.

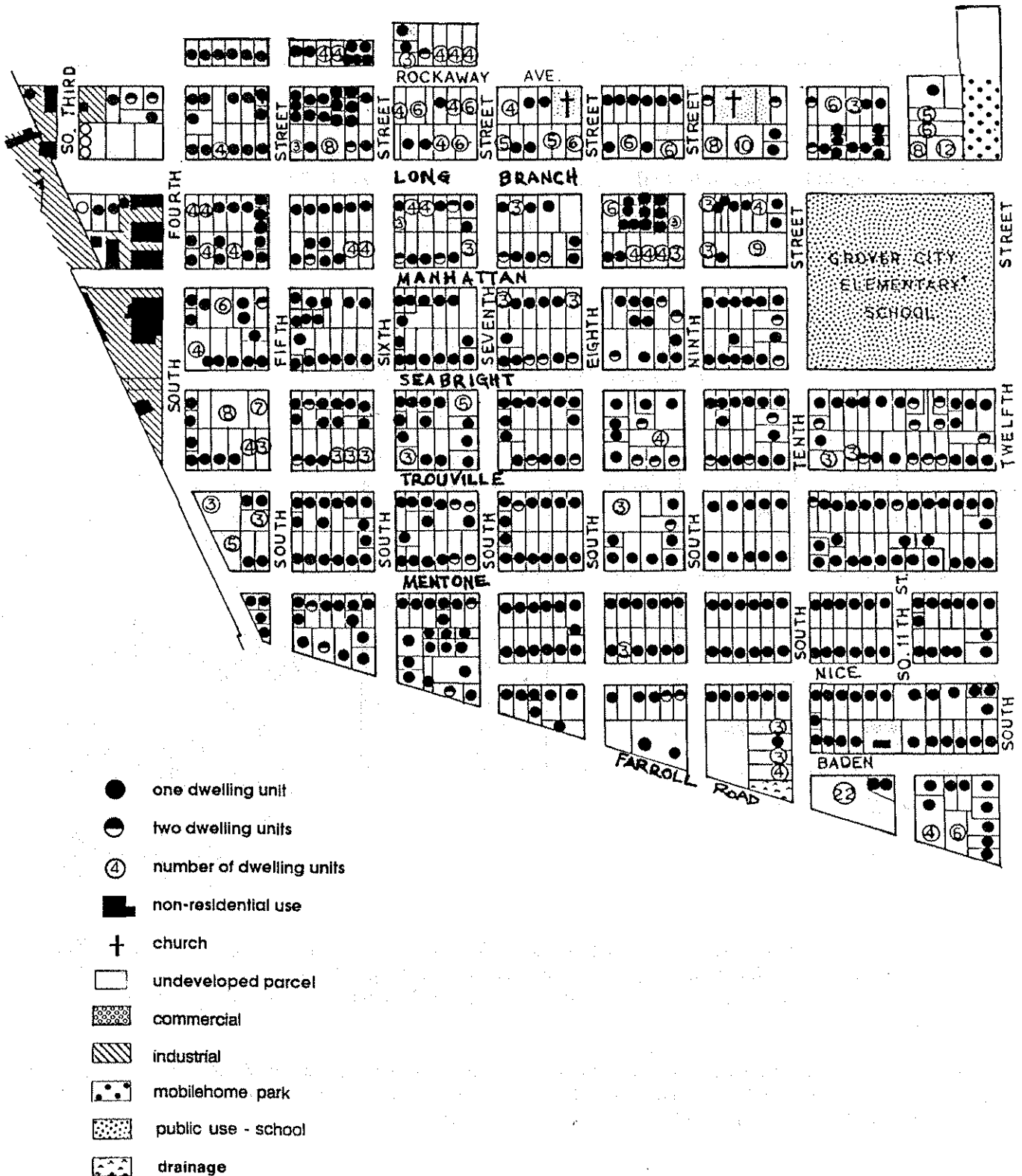
Residential density is highest in the apartments, condos and mobile homes developments paralleling Grand Avenue. Medium-density units and planned unit developments (PUDs) parallel South Fourth Street, Farroll Road and the higher-density district.

The neighborhood's single-family district is close to Grover Beach's industrial area and an elementary school. It is one of the more affordable detached, single-family neighborhoods in the region.

Neighborhood public facilities include the four block square Grover City Elementary School which provides a playground, outdoor basketball courts, two baseball diamond-size sports fields and one of the best academic programs in the Lucia Mar Unified School District. The neighborhood lacks parks.

The neighborhood also contains a visually prominent industrial district sandwiched between well-traveled South Fourth Street and the railroad tracks.

Map 1  
The West Grover Beach Neighborhood Plan  
Current Land Uses



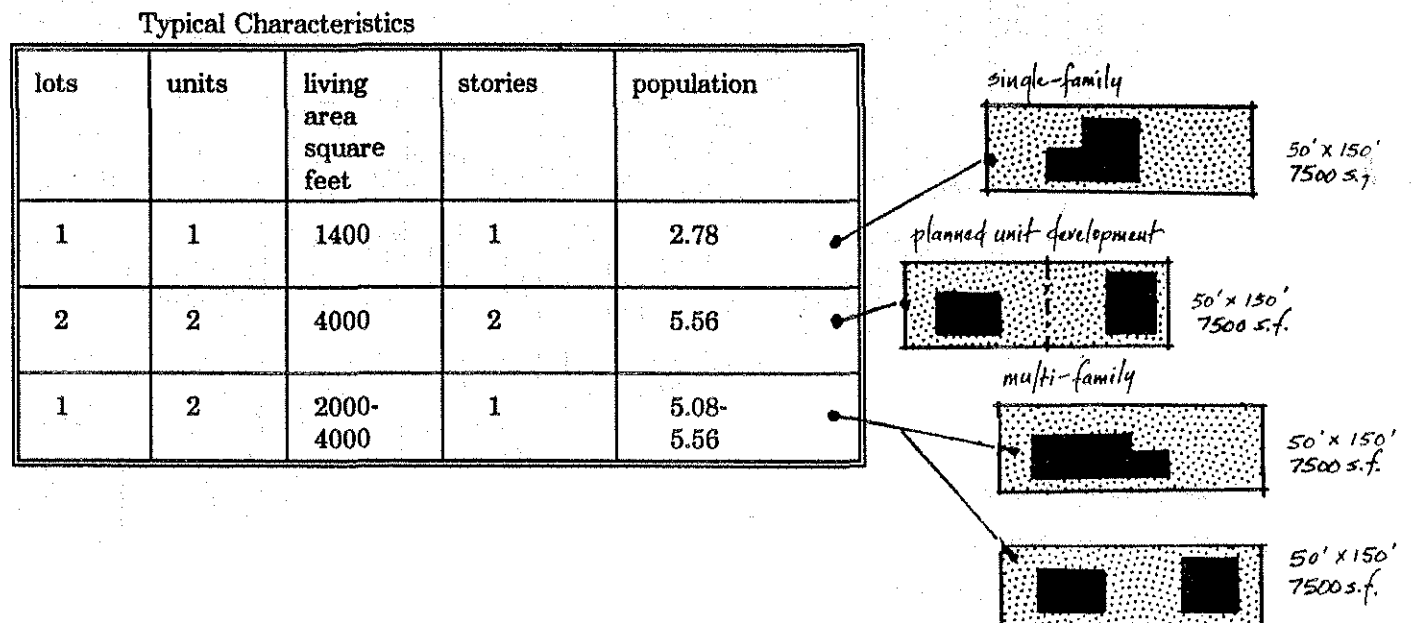
**FUTURE NEIGHBORHOOD CHARACTERISTICS:** Apartments have not been constructed in the neighborhood in recent years. At least 100 PUDs have been built in the same locations where apartments could have been expected. Until there are material changes in rental housing economics, PUDs will continue as a primary type of dwelling unit constructed in the neighborhood.

Lacking the larger lot area of a traditional single-family house, the PUD is most always two stories and, often, the interior living area is larger than the house it replaced. The second story may also provide a better view of coastal Grover Beach.

Two PUDs can replace one traditional single-family unit on the typical 7,500 square foot neighborhood lot. There are over two hundred older single-family residences in the medium and high- density residential districts which could be replaced by PUDs and other units within the next 20 years.

Figure 1 illustrates some of the characteristics of the various types of construction that owners could choose for constructing on a typical 7,500 square foot medium-density R-2 lot.

**Figure 1**  
**Characteristics of Development Alternatives**  
**in the Medium-Density R-2 District**



Single-family construction produces the smallest population and the greatest amount of open space. The duplex or two-unit multi-family development produces more units, greater interior living area and less exterior open space and almost twice the population of the single-family unit. The duplex can be single or two-story.

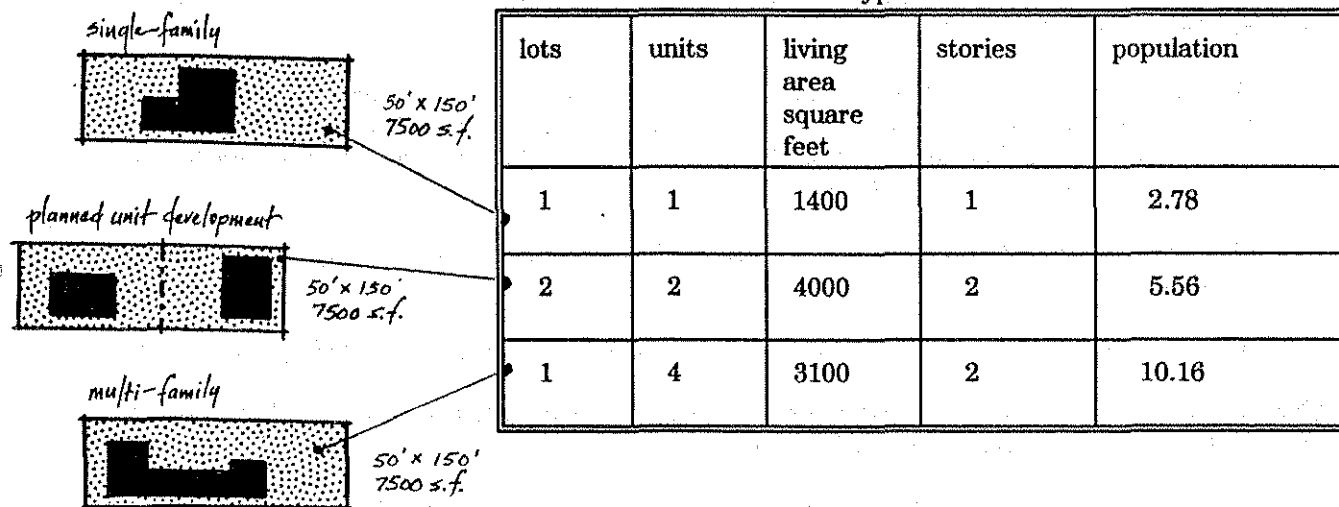
The planned unit development produces the most interior square footage, is two-stories, creates slightly more population than the duplex. The two PUD units have greater fair market value and tax-generating potential than the duplex in today's real estate market-place.

There are 147 density single-family home lots in the neighborhood which can be developed more densely. These lots will generate approximately seventy more people if developed entirely as PUDs as opposed to all duplex construction. This population difference between the two development types is minor in this neighborhood's medium-density districts because many of the single-family residences will not choose to redevelop and most will remain functional and sound housing within the next 20 years.

The PUD plays a different role in the R-3 high-density neighborhood. As Figure 2 illustrates, PUD development reduces the population potential of a lot, perhaps, as much as 40 percent. Projected over the neighborhood's sixty-two remaining high-density lots with single-family structures, the difference between PUD and multi-family unit development to build-out is 285 people.

**Figure 2**  
**Characteristics of Development Alternatives**  
**in the High-Density R-3 District**

Typical Characteristics



When multi-family rentals are constructed with enthusiasm again, they will most likely be built in this high-density area.

As the older, smaller, traditional single-family units are replaced, the neighborhood's younger residents will multiply. The decreasing numbers of larger backyards will also increase demand for parks and recreational activity sites where children can play in their own neighborhood.

A high-density, mixed residential-commercial development will extend from Grand Avenue to Long Branch Avenue on a current mobile home park site if the mobile home park ceases to exist for any reason. This project will allow more affordable housing to replace the more affordable mobile home units and to provide a two block-long project with long-term commercial and office space which supports the Central Business District's objectives.

A 550 plus population increase is projected between 1991 and build-out. It will be concentrated in the multi-family districts. For purposes of projecting the neighborhood's build-out population, it is assumed that one-half of the new, denser units which will be constructed will be PUDs and one-half will be traditional multi-family developments such as duplexes and apartments.

#### **WEST GROVER BEACH NEIGHBORHOOD CONCERNS AND POTENTIAL SOLUTIONS:**

- \* More-affordable renter housing opportunities will become limited in the neighborhood as regional population growth continues without corresponding new lower-cost, multi-family rental unit construction.**

*The City can encourage other area communities to increase their share of more affordable rental units in the region.*

*The City could develop a program which allows an "affordable" rental housing unit to be constructed on the lot of every single-family residence located within a multi-family district.*

- \* More-affordable housing located in an existing mobile home park will be lost if replaced by currently permitted commercial uses.**

*A precise plan could be prepared and adopted which would illustrate how the neighborhood's mobile home park site could be developed as a special mixed-use project area in which affordable housing units, equal to current mobile home numbers, could be constructed in conjunction with office and commercial uses in the future.*

*The plan could allow mobile home park residents first rights of occupancy in the new development.*

*The plan could also support objectives stated in the Central Business District Neighborhood Plan.*

- \* There is no assurance that high-density residential development paralleling Grand Avenue will complement Grand Avenue commercial district goals.**

*A design plan could be developed and adopted for this high-density residential area. A modified-Victorian and shopkeeper's seacoast village theme might support the goals of the General Plan and the Grand Avenue commercial neighborhood plan. A good design plan could complement existing CBD and neighboring development and flow into adjoining residential and commercial districts and neighborhoods. A balanced design plan would include landscaping, streetscaping and architectural standards.*

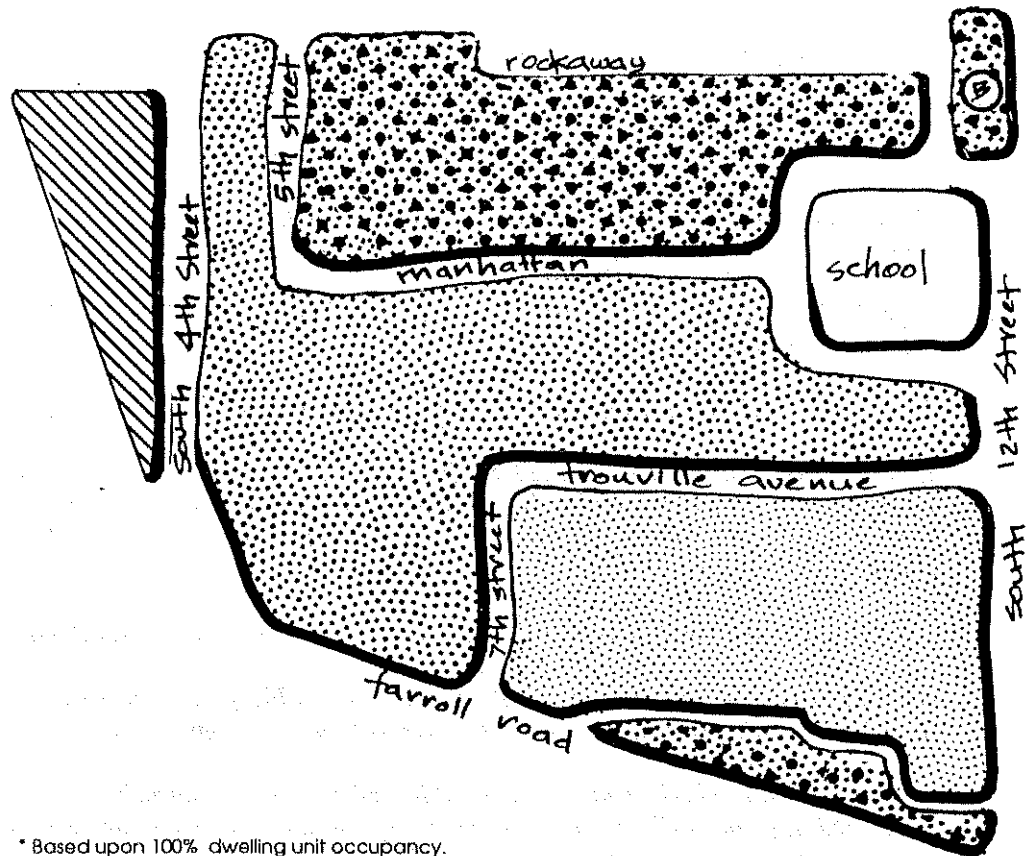
- \* The lack of sidewalks, paved streets and improved surface storm drainage makes walking, biking and driving difficult.**

*A neighborhood "hike and bike" plan could be prepared, adopted and implemented. Designs and public right-of-way use need not always provide for linear paths and sidewalks. Curves could add interest and diversity to sidewalks and bike paths.*





*Sidewalk designs which allow pedestrian walks to meander and to be set back from curbs could be prepared and considered for adoption and integration into existing facilities.*

*Designs could consider the use of materials in addition to concrete which could be incorporated into sidewalks.*

Map 2  
The West Grover Beach Neighborhood Plan  
Land Use Map



\* Based upon 100% dwelling unit occupancy.  
\*\* Based upon 100% dwelling unit occupancy.

	dwelling units per gross acre			population per gross acre	
	1991 Current	Land Use Standard	Projected At Build-Out	1991 Current*	Projected At Build-Out**
 low-density residential district	4.3	2 - 5	4.4	12.0	12.2
 medium-density residential district	5.9	6 - 9	8.2	15.7	22.2
 high-density residential district	9.1	10 - 20	10.2	23.5	26.5
 industrial district (mixed industrial/ residential use)	1.3	-	0	2.6	0
neighborhood averages	6.0	-	7.8	15.9	20.8



planned unit development project area  
(mixed affordable residential/commercial/office use)



*The district's streets could be incorporated in the proposed CBD circulation plan which could promote "hike & bike", vehicle and public transportation and parking improvements.*

*A sidewalk improvement program and fund could be explored for offsetting or postponing property owner improvement costs.*

**\* Overhead utility lines detract from neighborhood aesthetics and residential and public views.**

*City underground utility policies could be reviewed to determine if revisions are necessary.*

*Underground utility districts could be explored to determine their applicability to resolving the problem.*

**\* A mini-park site, as represented in the Parks and Recreation Element, has not been located and developed for neighborhood use.**

*A neighborhood survey could be conducted to determine local needs and design for this facility.*

*Local residents could be surveyed to determine if there is interest in some type of volunteer program which would result in offsetting public expenses for acquisition, development, maintenance or operation of the facility through fund-raisers, adopt-a-park maintenance or other means.*

*Design and implementation plans could be prepared for review and adoption.*

*Surplus right-of-ways and other public or private holdings should be explored to determine if additional lands are available for future recreational use development.*

*PUD and rental unit site standards might be reviewed to determine if communal play areas could be created in projects of more than three or four units in order to increase occupant access to play areas and to reduce dependency upon public facilities.*

*A mini-park site should be located and acquired.*

## CURRENT NEIGHBORHOOD DEVELOPMENT CHARACTERISTICS

**Table 1**  
**Dwelling Units and Lots by Zoning District**

Current Use of	LDR		MDR		CMDR		HDR		Comm.		Indust		Total	
	Lots	Units	Lots	Units	Lots	Units	Lots	Units	Lots	Units	Lots	Units	Lots	Units
Vacant	2	0	4	0	2	0	8	0					16	0
1 SF*	157	157	97	97	50	50	58	62			4	4	366	370
1 PUD*			58	58	41	41	39	39					138	138
1 Condo*							6	38					6	38
2 Units	5	10	33	66	3	6	10	20			2	4	53	106
3 Units	2	6	9	27	3	9	12	36					26	78
4 Units			1	4	7	28	18	72					26	104
Apartments			1	5	3	18	16	118					20	141
Mobile Home									1	40	2	4	3	44
Industrial											9	2	9	2
Non-Resi**	1	0					2	0					3	0
<b>Totals</b>	<b>167</b>	<b>173</b>	<b>203</b>	<b>257</b>	<b>109</b>	<b>152</b>	<b>169</b>	<b>385</b>	<b>1</b>	<b>40</b>	<b>17</b>	<b>14</b>	<b>666</b>	<b>1,021</b>

*LDR = Low-density residential*

*MDR = Medium-density residential*

*CMDR = Coastal medium-density residential*

*HDR = High-density residential*

*Comm. = Commercial.*

*\* SF = Single-Family unit PUD = Planned Unit Development Condo = Condominium unit*

*\*\* One preschool and two churches*

**Table 2**  
**Dwelling Units By Density and Conformance to Zoning District Use**

	Conforming	Non-Conforming	Low Density	Medium Density	High Density
LDR Units	157	16	157	10	6
MDR Units	155	102	97	124	36
CMDR Units	84	68	50	47	55
HDR Units	323	62	62	59	264
CI Units	0	14	10	4	0
Comm. Units	0	40	0	0	40
<b>Totals</b>	<b>719</b>	<b>302</b>	<b>376</b>	<b>244</b>	<b>401</b>

*LDR = Low-density residential*

*MDR = Medium-density residential*

*HDR = High-density residential*

*CMDR = Coastal medium-high density residential*

*CI = Coastal industrial*

*Comm. = Commercial*

**Table 3**  
**Population By Type of Dwelling \***

	Single PUD Family		Condo Units	Duplex Units	3&4 Units	Apart- Moile ments Homes		Totals
LDR Units	157			10	6			173
MDR Units	97	58		66	31	5		257
CMDR Units	50	41		6	37	18		152
HDR Units	62	39	38	20	108	118		385
CI Units	6			4			4	14
Comm. Units							40	40
Unit Totals	372	138	38	106	182	141	44	1,021
Persons/Unit**	2.78	2.78	2.78	2.54	2.54	2.54	1.68	2.63
Population	1,034	384	106	269	462	358	74	2,687

\* No vacancies assumed

\*\* Based upon 1990 U.S. Census occupancy averages

LDR = Low-density residential

MDR = Medium-density residential

CMDR = Coastal medium-density residential

HDR = High-density residential

CI = Coastal industrial

Comm. = Commercial

**Table 4**  
**Existing Land Uses**

Land Use Districts	Net Square Feet	Net Acres	Gross Square Feet	Gross Acres
Residential Low-Density	1,161,350	26.66	1,739,200	39.93
Residential Med.-Density	1,940,750	44.55	3,042,725	69.85
Residential High-Density	1,377,450	31.62	1,935,950	44.44
Industrial Districts	390,910	8.97	561,925	12.90
Public Rights-of-Ways	2,533,200	58.16	0	0
Public Facilities-School	<u>448,900</u>	<u>10.31</u>	<u>572,750</u>	<u>13.15</u>
Totals	7,852,560	180.27	7,852,560	180.27

**Table 5**  
**Existing Units and People Per Acre**

	Units Per Net Acre	People Per Net Acre	Units Per Gross Acre	People Per Gross Acre
<b>Land Use Districts</b>				
Residential Low-Density	6.49	17.89	4.33	11.95
Residential Med.-Density	9.18	24.65	5.86	15.71
Residential High-Density	12.81	33.05	9.11	23.51
Industrial Districts	1.56	3.79	1.32	2.64
Public Rights-of-Ways				
Public Facilities-School				
Average	8.95	23.73	5.99	15.87

**Table 6**  
**Neighborhood Public Right-Of-Way**

<b>Land Use District</b>	<b>R-O-W Acres</b>
Residential Low-Density	13.27
Residential Med.-Density	25.30
Residential High-Density	12.82
Industrial	3.93
Public Facilities-School	2.84
Total	58.16

### PROJECTED NEIGHBORHOOD DEVELOPMENT CHARACTERISTICS

**Table 7**  
**Projected Dwelling Units By Density and  
Conformance to Zoning District Use**

	Conforming	Non- Conforming	Low Density	Medium Density	High Density
LDR Units	161	16	161	10	6
MDR Units	355	10	1	328	36
CMDR Dist Units	160	46	0	151	55
HDR Dist Units	432	0	0	206	226
CI Units	0	0	0	0	0
Project B	40				40
Totals	1,146	72	162	695	363

*LDR = Low-density residential*  
*MDR = Medium-density residential*  
*CMDR = Coastal Medium-density residential*  
*HDR = High-density residential*  
*CI = Coastal industrial*  
*Project B = Mixed use residential and commercial*

**Table 8**  
**Projected Dwelling Units and Lots by Zoning District**

Current Use of	LDR Lot DU	MDR Lot DU	CMDR Lot DU	HDR Lot DU	Project B Lot DU	Indust Lot DU	Total Lot DU
Vacant							0 0
1 SF*	161 161	1 1					162 162
1 PUD*		262 262	145 145	148 148			555 555
1 Condo*				6 38			6 38
2 Units	5 10	33 66	3 6	10 20			51 102
3 Units	2 6	9 27	3 9	12 36			26 78
4 Units		1 4	7 28	18 72			26 104
Apartments		1 5	3 18	16 118			20 141
Mixed Use					1 40		1 40
Industrial						17 0	17 0
Non-Resid**	0 0			2 0			2 0
Totals	168 177	307 365	161 206	212 432	1 40	17 0	866 1,220

\* SF = Single-Family unit. PUD = Planned Unit Development Condo = Condominium unit

DU = Dwelling Unit

\*\* Two churches

**Table 9**  
**Projected Population By Type of Dwelling\***

	Single Family Units	PUD Units	Condo Units	Duplex Units	3&4 Units	Apart-ments	Mixed Use	Totals
LDR Units	161			10	6			177
MDR Units		1	262	66	31	5		365
CMDR Units			145	6	37	18		206
HDR Units			148	38	20	108	118	432
Project B							40	40
Unit Totals	162	555	38	102	182	141	40	1,220
Persons/Unit**	2.78	2.78	2.78	2.54	2.54	2.54	1.68	2.67
Population	450	1,543	106	259	462	358	67	3,245

\* No vacancies assumed

\*\* Based upon 1990 Census occupancy averages

**Table 10**  
**Projected Units and People Per Acre**

	Units Per Net Acre	People Per Net Acre	Unit Per Gross Acre	People Per Gross Acre
<b>Land Use Districts</b>				
Residential Low-Density	6.64	16.80	4.43	12.22
Residential Med.-Density	12.54	34.75	8.17	22.16
Residential High-Density	14.29	37.62	10.17	26.46
Industrial Districts	0	0	0	0
Public Rights-of-Ways	0	0	0	0
Public Facilities-School	0	0	0	0
Average	10.73	28.73	7.78	20.83

# THE SOUTH GROVER BEACH PLAN



A GROVER BEACH NEIGHBORHOOD PLAN

H

# THE SOUTH GROVER BEACH NEIGHBORHOOD PLAN

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## **THE SOUTH GROVER BEACH NEIGHBORHOOD PLAN**

**NEIGHBORHOOD DESCRIPTION:** This neighborhood plan has been prepared for the City to govern development within an area that represents the largest area of vacant land remaining within the City's jurisdiction. This neighborhood plan will play an important role in the decision-making process on the development of this area.

The area for which this neighborhood plan has been prepared is bounded generally by South Fourth Street on the west, Farroll Road and the boundary of undeveloped land on the north, and the City municipal limits on the east and south. Within this boundary lies the vast majority of the City's remaining land to be developed, much of it currently in strawberry production.

Access from Highway 101 to the study area is provided via South Fourth Street through the City, or via Oak Park Boulevard and Grand Avenue to South Thirteenth Street. Additional access is provided from the south via South Fourth or South Thirteenth Street from Highway 1 through Oceano.

**STRONG NEIGHBORHOOD CHARACTERISTICS:** The character of the area is transitional overall, with vacant land interspersed throughout the area. Much of the vacant land is currently in strawberry production. Industrial uses are concentrated in the west half of the study area and residential uses in the east half. The aerial photograph in this plan illustrates the current mix of developed and undeveloped land.

Photograph 1  
The South Grover Beach Neighborhood Plan  
South Grover City Aerial



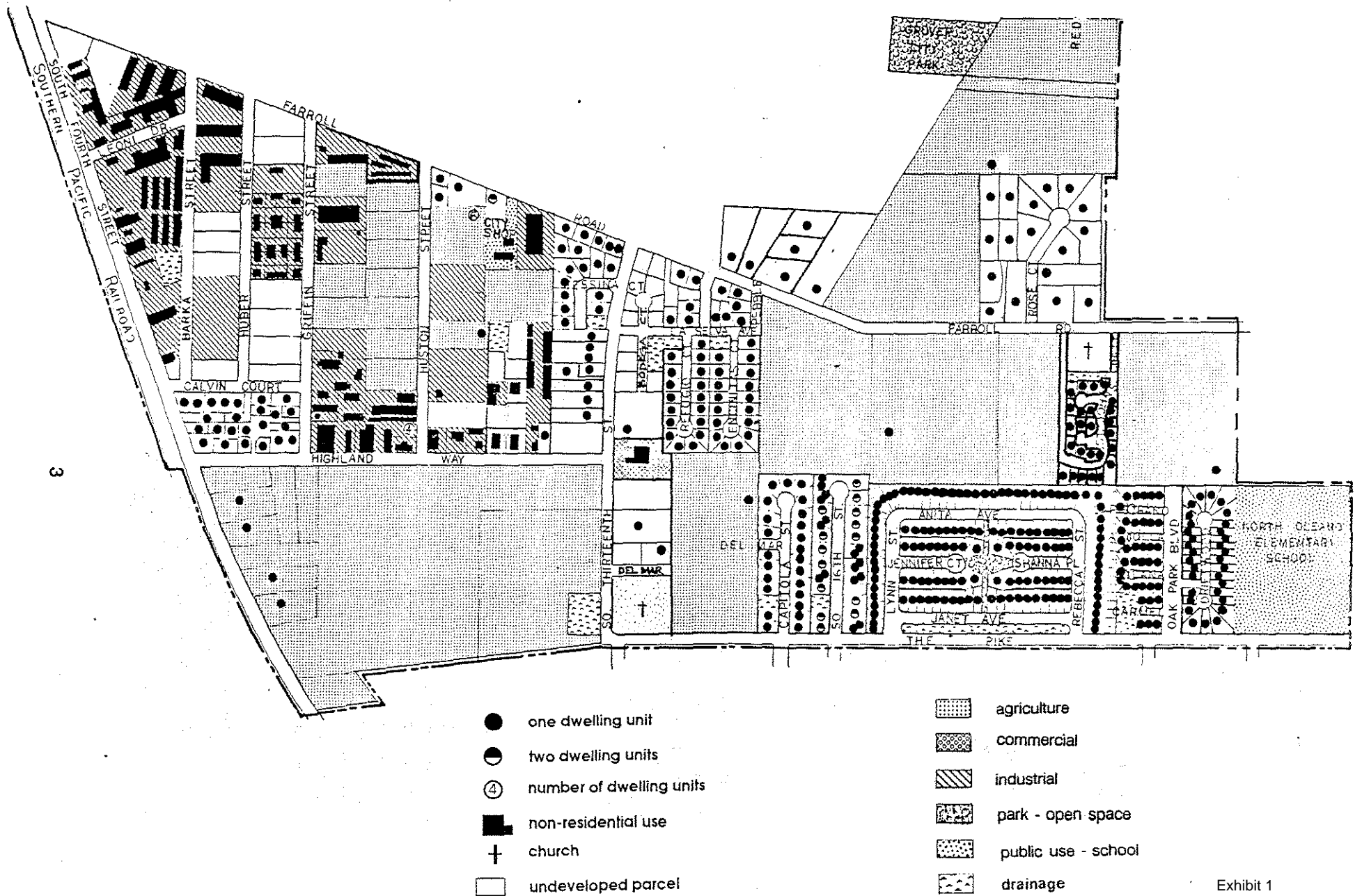
Photo was taken 12/88

Exhibit 1

GRB-1-13 (Grover Beach LCP Update)

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# Map 1 The South Grover Beach Neighborhood Plan Current Land Uses



## CURRENT NEIGHBORHOOD DEVELOPMENT CHARACTERISTICS

**Table 1**  
**Dwelling Units and Lots by Zoning District**

Current Use of	Low-Dens.		Med.-Dens.		High-Dens.		Commercial		Industrial	
	Lots	Units	Lots	Units	Lots	Units	Lots	Units	Lots	Units
Vacant	24	0	1	0	0	0	1	0	33	0
1 SF	127	127	118	118	131	131	1	1	4	4
1 PUD	3	3								
2 Units	1	2	11	22					1	2
Apt. Units									2	10
Mixed-Use Units									1	1
Industrial									66	0
Commercial	1	0								
Totals	156	132	130	140	131	131	2	1	107	17

*SF = Single Family Unit*

*PUD = Planned Unit Development Unit*

**Table 2**  
**Dwelling Units By Density and Conformance to Zoning District Use**

	Non-Conforming		Low Density	Medium Density	High Density
Low-Density Dist. Units	130	2	130	2	
Med.-Density Dist. Units	140			140	
High-Density Dist. Units	131				131
Industrial Dist. Units		16	4	2	11
Commercial District		1	1		
Totals	401	19	135	144	142

**Table 3**  
**Population By Type of Dwelling\***

	Single Family	PUD Units	Two Units	Mixed Units	Apart-ments	Totals
LDR District Units	127	3	2			132
MDR District Units	118		22			140
HDR District Units	131					131
Comm. District Units		1				1
Industrial Dist. Units		4	2	1	10	17
Unit Totals	381	3	26	1	10	421
Persons/Unit**	2.78	2.78	2.54	2.54	2.54	2.76
Population	1,059	8	66	3	25	1,161

\* No vacancies assumed

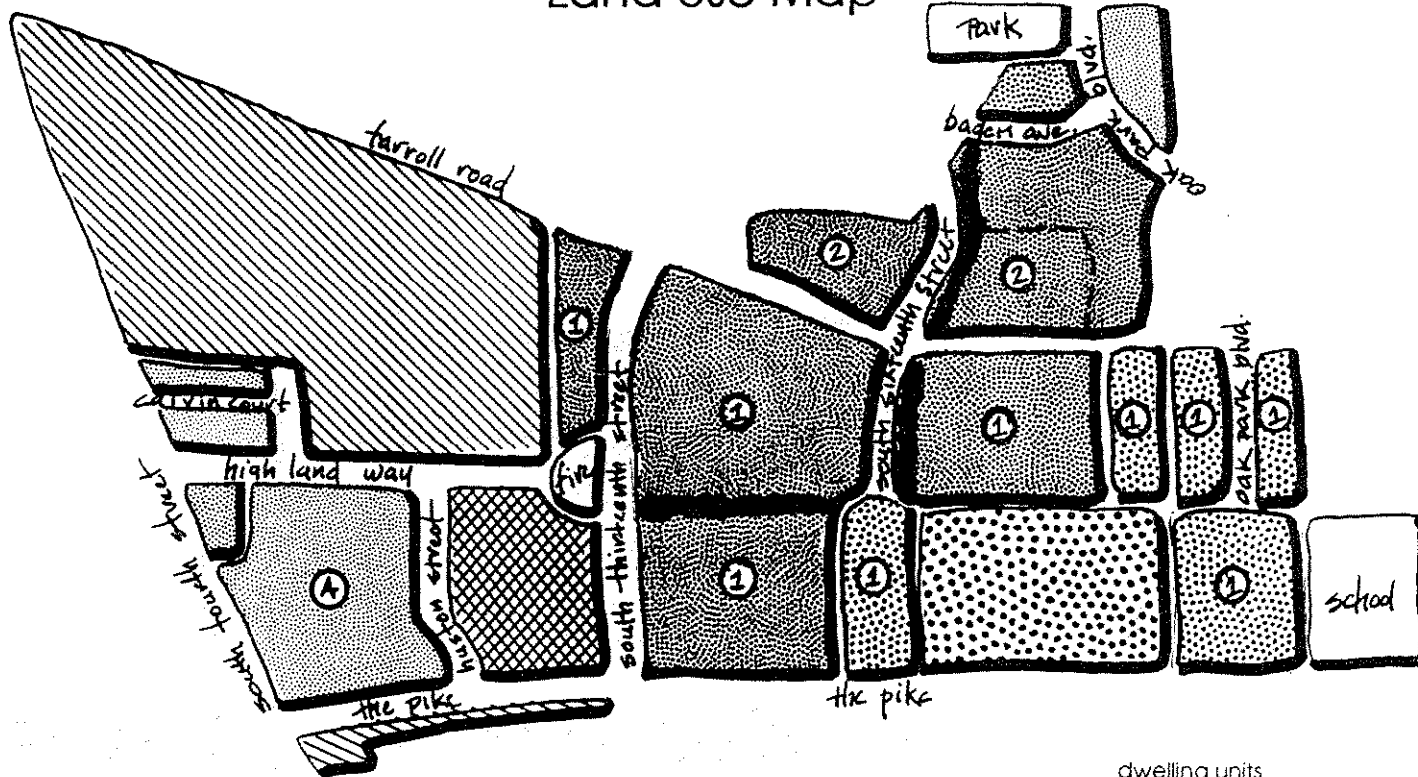
\*\* Based upon 1990 U.S. Census occupancy averages

*LDR = Low-Density Residential*

*MDR = Medium-Density Residential*

*HDR = High-Density Residential*

# Map 2 The South Grover Beach Neighborhood Plan Land Use Map



greenways



planned unit development project area  
(affordable residential)



mini-park selection area number one



mini-park selection area number two



planned manufacturing  
(no mixed residential)



low-density  
residential district



medium-density  
residential district



high-density  
residential district



light industrial district  
(mixed industrial/  
residential use)  
neighborhood averages

	dwelling units per gross acre			population per gross acre	
	1991 Current	Land Use Standard	Projected At Build-Out	1991 Current*	Projected At Build-Out**
low-density residential district	.88	2 - 5	3.10	2.45	8.46
medium-density residential district	7.06	6 - 9	7.33	19.35	19.56
high-density residential district	6.50	10 - 20	6.50	18.07	18.07
light industrial district (mixed industrial/ residential use)	.24		.36	.61	.54
neighborhood averages	1.55		2.96	4.27	7.97

\* Based upon 100% dwelling unit occupancy  
\*\* Based upon 100% dwelling unit occupancy

**Table 4**  
**Existing Land Uses**

<b>Land Use Districts</b>	<b>Net Acres</b>	<b>Gross Acres</b>
Residential Low-Density	132.15	149.69
Residential Medium-Density	14.02	19.84
Residential High-Density	13.49	20.14
Industrial District	59.11	71.72
Commercial District	10.02	10.68
Public Streets/Rights-of-Way	40.60	0
Public Facilities-Schools	10.01	10.67
Public Facilities-Park	.38	.38
Public Facilities-Drainage	3.34	0
<b>Totals</b>	<b>283.12</b>	<b>183.12</b>

**Table 5**  
**Existing Units and People Per Acre**

<b>Land Uses Districts</b>	<b>Units Per Net Acre</b>	<b>People Per Net Acre</b>	<b>Units Per Gross Acre</b>	<b>People Per Gross Acre</b>
Residential Low-Density	1.00	2.77	.88	2.45
Residential Medium-Density	9.99	27.39	7.06	19.35
Residential High-Density	9.71	26.98	6.50	18.07
Industrial District	.29	.74	.24	.61
Commercial District	.10	.30	.09	.28
Public Streets/Rights-of-Ways	0	0	0	0
Public Facilities - Drainage	0	0	0	0
Public Facilities - Park	0	0	0	0
Public Facilities - School	0	0	0	0
<b>Average</b>	<b>1.84</b>	<b>5.07</b>	<b>1.55</b>	<b>4.27</b>

**Table 6**  
**Neighborhood Public Right-Of-Way**

<b>Land Use District</b>	<b>Right-Of-Way Acres</b>
Residential Low-Density	16.16
Residential Medium-Density	5.11
Residential High-Density	5.70
Commercial District	.66
Industrial District	12.31
Public Facilities - School	.66
<b>Totals</b>	<b>40.60</b>

**FUTURE NEIGHBORHOOD CHARACTERISTICS:** This plan provides that the neighborhood's current agricultural lands will be replaced by residential and industrial development, and that major public infrastructure improvements will take place to support existing and future development.

The neighborhood's 421 dwelling units will increase by eighty per cent to 788. The population will increase by seventy-eight per cent or so. Major developments will include a planned eighty-six unit cluster development east of South Fourth Street and south of Highland Way. Industrial parks will be created between South Thirteenth Street and Huston Street. A fire station will be constructed near the South Thirteenth Street and Highland Way intersection.

The neighborhood's commercial zoning will become medium-density residential. Some agricultural acreage adjoining the Sixteenth Street Park will be used for park expansion. Two more mini-parks will be created in the neighborhood, and a greenway will connect the grassed industrial parks to the Sixteenth Street Park. Most, if not all, of the remaining agricultural land will develop as [low-density residential]—R1.

The conversion from agricultural to residential uses is helped by adoption of the "agricultural combining district" and "right-to-farm" programs.

## 1. Land Use

There are five land use categories addressed in this plan: Light Manufacturing Area, Planned Manufacturing Area, Residential Area, Agricultural Uses, and Proposed Parks and Greenways.

### 1.1 Light Manufacturing Area

1.1.1. General Character: The existing "M"-zoned area south of Farroll Road, east of South Fourth Street and north of Highland Way should be zoned "LM" Light Manufacturing zone and reserved for uses that are primarily small-scale manufacturing or commercial service in character. The general nature of these uses should be similar to the type of existing uses now predominant in this area, however design and site development standards should conform to the standards as proposed in this plan.

1.1.2. Permitted and Conditional Uses: Uses should be provided for in the zoning ordinance. Use permits will be required for those uses that will require a greater level of scrutiny such as auto repair, trucking and shipping facilities.

1.1.3. Parcel Size: New parcels in the "LM" area should be permitted to be smaller than in the "PM" Planned Manufacturing area, i.e. 20,000 s.f. or larger. Condominium developments may establish smaller unit sizes, provided that overall parking and site amenities are consistent with City standards as set forth in the "LM" zone.

### 1.2 Planned Manufacturing Area

A significant portion of the Okui property is proposed for "PM" Planned Manufacturing use. Zoning regulations should provide for an area where larger manufacturing, wholesaling, or industrial firms may be located to reinforce the economic base of the City, but where such businesses will be generally compatible with surroundings.

1.2.1. General Character: A major portion of the Okui property west of South Thirteenth Street and south of Highland Way is reserved for Planned Manufacturing "PM" uses which require larger parcel sizes—with an "AG" Combining District.

1.2.2. Permitted Uses: Uses allowed in this new industrial area include larger manufacturing firms,



research and development parks and similar uses as set forth in this plan and the zoning ordinance to be adopted. Industrial development of this property should be phased in accordance with an approved Development Plan for the entire "PM" portion of the property. This Development Plan should specify the subdivision configuration, internal circulation, access points for loading, parking, buffer zones and setbacks, and infrastructure improvements.

**1.2.3. Minimum Parcel Size:** The minimum parcel size required for subdivision of the Planned Manufacturing area will be 2.5 acres.

**1.2.4. Landscaping and Site Development:** Adequate yard setbacks and landscaping should be provided in all new industrial developments, both to enhance the attractiveness and quality of such development and to protect residential development nearby. The landscaped setback surrounding the Planned Manufacturing area should be developed with a meandering pedestrian and bicycle path. Standards for on-site landscaping and site development are provided in the "PM" Zoning District as defined in this neighborhood plan and in the zoning ordinance.

**1.2.5** A 6-foot masonry wall should be developed along with heavy landscaping in a 10-foot wide buffer strip to separate manufacturing uses from the residential planned unit development project area that is proposed on the west side of Huston Street.

### **1.3 Residential Area**

The following programs apply to all proposed residential areas and projects. They are intended to provide for orderly development of residential areas, and to protect the character of existing neighborhoods.

**1.3.1. Existing Developed Areas:** The general character and uses of areas previously subdivided and developed for residential use will remain the same under this neighborhood plan. Land use designations in the neighborhood plan reflect these underlying, pre-existing development patterns.

**1.3.2. Base Zoning in Agricultural and Other Undeveloped Areas:** Residential zoning and land use categories are established for those portions of the neighborhood plan that have not been fully subdivided and developed for residential and other uses. Densities authorized for these areas represent a maximum entitlement that would be permitted by the City only if other requirements of the neighborhood plan are met, i.e. dedication of proposed circulation and drainage improvements, greenways, etc.

**1.3.3. Planned Development Cluster Unit Project:** The Land Use Map identifies approximately 17.5 acres west of Huston Street and South of Highland Way which should be developed for no more than eighty-six dwelling units. These units, which may be stick, modular housing or mobile home housing, should be clustered in three or four smaller neighborhoods on the site. Walking and bicycle trails will link these three or four clusters with each other and with a central recreational facility which should contain a clubhouse.

All dwelling units will be designed and provided to those who qualify for affordable housing.

The central recreational facility will provide occupants with inside and outside recreational opportunities operated and maintained by a homeowners association. If these on-site recreational facilities are maintained and operated continuously by the development owners, the development should be exempt from payment of Quimby and other City park development fees.

Remaining open space on-site, including a five acre storm drainage basin, will be retained by the development and operated as a permanent flora and fauna habitat and passive use area for development residents and guests.

1.3.4. **Development Plan Required:** All new major subdivisions or residential developments of five units or more should be required to submit a development plan for review and approval by the Planning Commission showing the intended uses and location of development on the entire property, the internal circulation and drainage improvements needed to accommodate planned build-out, and proposed common open space and park land areas. Any plan submitted to meet the requirement of paragraph 1.4.2 (Process for Removal of the "AG" Combining District) will also meet the requirements of this paragraph. Requirements for the dedication of park land and payment of any required impact fees should be based upon the ultimate build-out contained and approved in this development plan. All subsequent development proposed on the property must be consistent with the approved development plan unless subsequently modified by the Planning Commission or City Council.

1.3.5. **Lower Densities:** Each of the six properties identified on Map 3 may elect not to develop to the dwelling unit densities identified in this plan which require greenbelts, bike and pedestrian ways and other high-level improvements. In such event, development shall not exceed one dwelling unit per 20,000 square feet of site and "standard" on- and off-site improvements.

"Standard" improvements shall be those typically required of subdivisions and developments such as streets, utilities, drainage, and those fees and taxes typically paid for schools, parks, etc.

#### **1.4 Agriculture Combining District Area**

The following programs apply to all property within the "AG" or Agriculture Combining District. The intent of this combining district is to protect agricultural uses as viable, conforming uses in the short-term, and to provide opportunities for Transfers of Development Rights over the long-term.

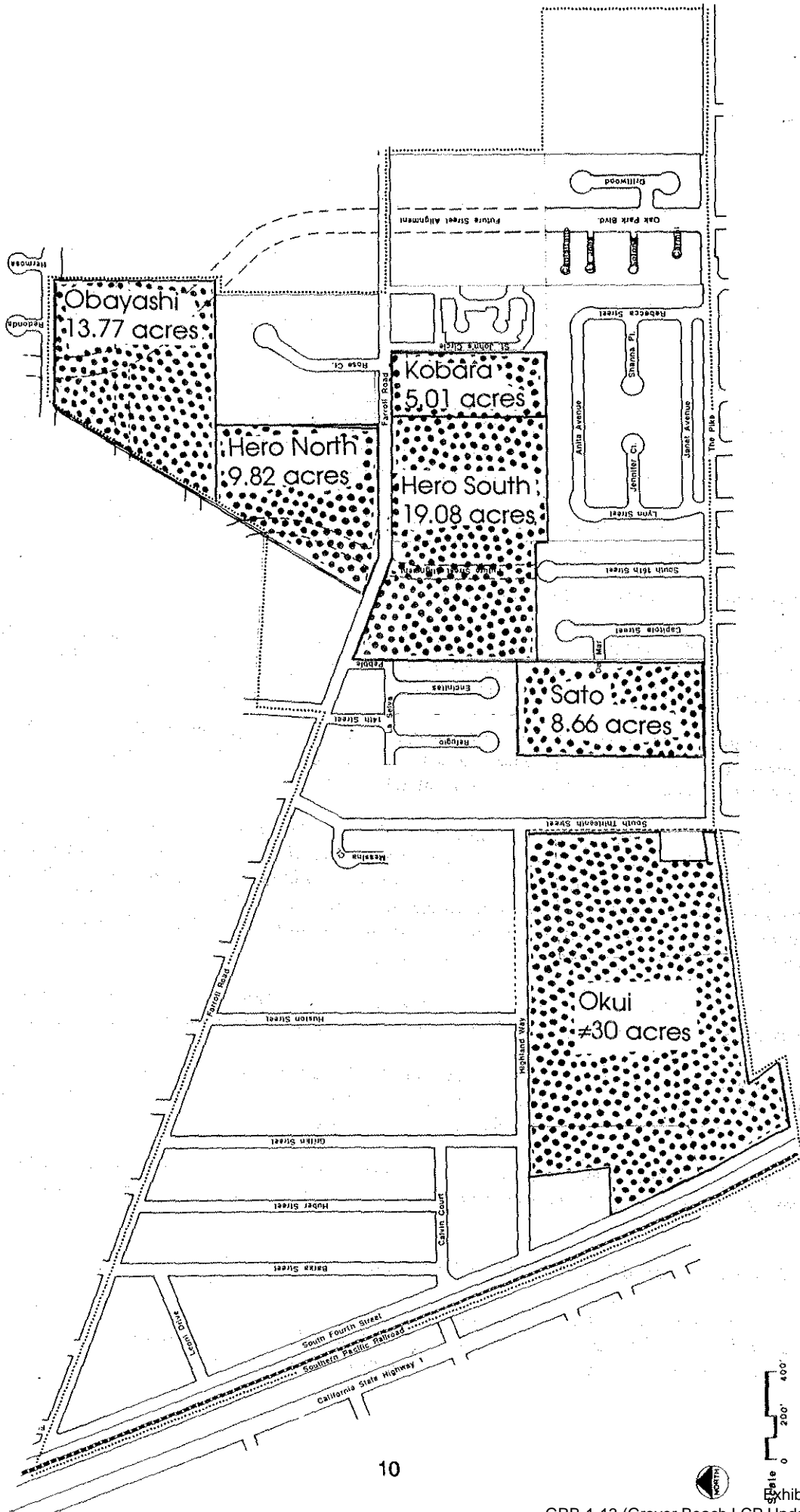
1.4.1. **Agricultural Combining District Established:** An "AG" or Agricultural Combining District shall be designated for those agricultural lands identified on Map 3. This designation may be removed only if findings can be made as set forth in paragraph 1.4.2.

1.4.2. **Process for Removal of the Combining District:** The existing agricultural use of the affected properties shall be protected as a conforming use through the "AG" or Agricultural Combining District. Removal of this combining district, and development of this area for other uses as designated by the underlying neighborhood plan land use categories, may be allowed upon the ability of the Planning Commission to make the following findings based on information provided by City staff, other concerned agencies, the property owner and members of the public:

- (a) That continued agricultural use is no longer viable due to the termination of strawberry production, depressed markets, regulatory restrictions, or other economic, environmental, or social factors;
- (b) That the proposed zoning change (i.e., removal of the Agricultural Combining District) is accompanied by a development plan showing the proposed subdivision configuration in accordance with the applicable policies and standards set forth in this neighborhood plan;
- (c) That the proposed development provides public benefits, such as the dedication of land for park or greenway purposes, affordable housing, or off-site improvements (sidewalks, bike paths, bus shelters, etc.); and
- (d) That the proposed development conforms to the adopted neighborhood plan.

1.4.4. **Right to Farm Measure to be Enacted:** The City shall adopt a "Right-to-Farm" ordinance to protect existing agricultural uses on properties that have been in continuous production for at least five years, and are located within the "AG" or Agricultural Combining District in the neighborhood plan area.

Map 3  
The South Grover Beach Neighborhood Plan  
Agricultural Combining District Eligible Properties



## 1.5 Parks and Greenways

The following programs apply to areas of the neighborhood plan proposed for parks and greenways identified on Map 2 and in the City's Parks and Recreation Element. The South Grover Beach area should develop with an adequate range of park, recreational, and open space amenities for residents and employees of the area.

1.5.1. Dedications Required: Any property development subject to a proposed "Park/Greenway" designation shall be required to dedicate and improve land for park or greenway areas, consistent with this neighborhood plan. Where no "Park/Greenway" area is shown, the developer should be required to pay in-lieu fees consistent with the City's parks and recreation fee ordinances and regulations and policies of the time.

1.5.2. Park Site Proposed: A site is proposed for a community park which is shown as the expanded Sixteenth Street Park on the Land Use Map. This park site is strategically located in an area that lies adjacent to the existing park. The City should attempt to acquire this park site either through fee title purchase or through dedication, or a combination of both.

1.5.3. Development for Recreational Use: Proposed park sites should be developed with a variety of recreational facilities appropriate for all age groups. Proposed greenway areas should emphasize the provision of recreational facilities suitable for children, including pre-school age children.

1.5.4. Greenways Proposed: Greenway corridors are also shown on the Land Use Map. They connect the park expansion site with some of the residential neighborhoods of the neighborhood plan area, and with the landscaped buffer area surrounding the "Planned Manufacturing Area". These greenway corridors should be developed in conjunction with new subdivisions or development on the property they affect. Their precise alignment and character should be designed in a manner that takes maximum advantage of accessibility, visual amenities, drainage, and linkages to neighboring greenways and open space areas.

1.5.5. Mini-Parks Proposed: The Parks and Recreation Element proposes the acquisition and development of two mini-park sites in South Grover Beach. These developments, known as South Mini-Park Areas Number One and Number Two, are in addition to the greenways and Sixteenth Street Park expansion discussed in this plan.

## PROJECTED NEIGHBORHOOD DEVELOPMENT CHARACTERISTICS

**Table 7**  
**Projected Dwelling Units By Density and Conformance**  
**to Zoning District Use**

	Conforming	Non-Conforming	Low Density	Medium Density	High Density
Low-Density Dist. Units	317	5	317	5	
Med.-Density Dist. Units	219			219	
High-Density Dist. Units	131				131
Project A Cluster Units	86				86
Industrial Dist. Units					5
Totals	758	5	317	224	222

**Table 8**  
**Projected Population By Type of Dwelling\***

	<b>Single Family</b>	<b>PUD Units</b>	<b>Two Units</b>	<b>Cluster Units</b>	<b>Mixed-Use Units</b>	<b>Total Units</b>
LDR District Units	317	3	2	86		408
MDR District Units	117		102			219
HDR District Units	131					131
Industrial Dist. Units					5	5
Unit Totals	565	3	104	86	5	763
Persons/Unit**	2.78	2.78	2.54	2.54	1.00	2.64
Population	1,517	8	264	218	5	2,012

\* No vacancies assumed

\*\* Based upon 1990 U.S. Census occupancy averages

LDR = Low-Density Residential

MDR = Medium-Density Residential

HDR = High-Density Residential

**Table 9**  
**Projected Dwelling Units and Lots By Types and Locations**

<b>Current Use of</b>	<b>Low-Dens. Lots Units</b>		<b>Med.-Dens. Lots Units</b>		<b>High-Dens. Lots Units</b>		<b>Commercial Lots Units</b>		<b>Industrial Lots Units</b>	
Vacant										
1 SF	317	317	117	117	131	131				
1 PUD	3	3								
2 Units	1	2	51	102						
Industrial Mixed-Use									108	5
Cluster										
Units	1	86								
Totals	323	408	168	219	131	131	0	0	108	5

SF = Single Family Unit

PUD = Planned Unit Development Unit

LDR = Low-Density Residential

MDR = Medium-Density Residential

HDR = High-Density Residential

**Table 10**  
**Projected Units and People Per Acre**

Land Uses Districts	Units	People	Units	People
	Per	Per	Per	Per
	Net	Net	Gross	Gross
	Acre	Acre	Acre	Acre
Residential Low-Density	4.37	11.92	3.10	8.46
Residential Medium-Density	9.70	25.85	7.33	19.56
Residential High-Density	9.71	26.98	6.50	18.07
Industrial Mixed-Use	.42	.64	.36	.54
Public Streets/Rights-of-Way	0	0	0	0
Public Facilities - Drainage	0	0	0	0
Public Facilities - Park	0	0	0	0
Public Facilities - School	0	0	0	0
Average	3.89	10.52	2.96	7.97

**Table 11**  
**Projected Land Uses**

Land Use Districts	Net	Gross
	Acres	Acres
Residential Low-Density	93.47	131.63
Residential Medium-Density	22.59	29.86
Residential High-Density	13.49	20.14
Industrial District	70.67	83.28
Public Streets/Rights-of-Way	57.67	0
Public Facilities-Schools	10.01	10.67
Public Facilities-Park	6.38	7.54
Public Facilities-Drainage	8.34	0
Totals	283.12	283.12

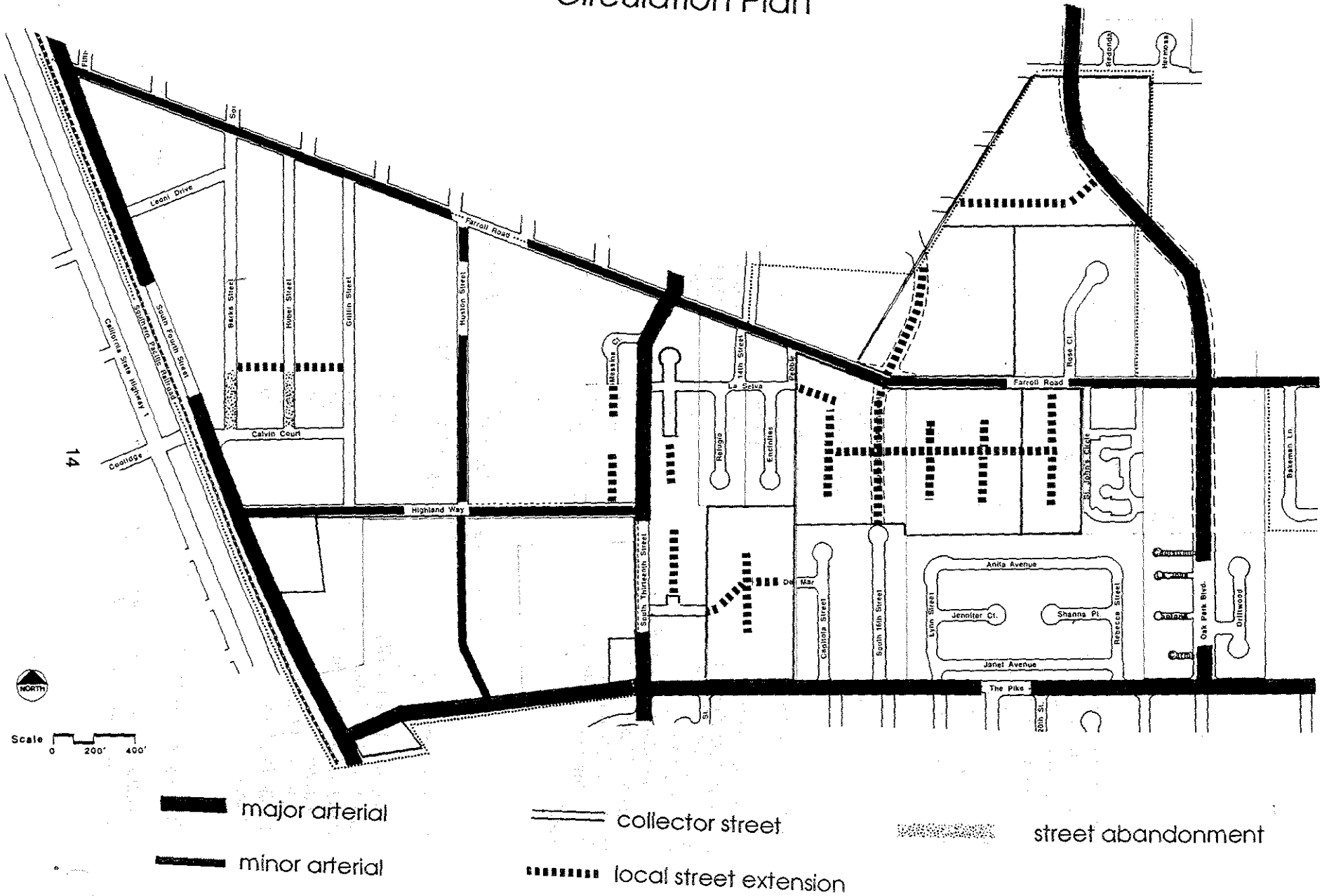
**Table 12**  
**Projected Neighborhood Public Right-Of-Way**

Land Use District	Right-Of-Way Acres
Residential Low-Density	30.49
Residential Medium-Density	6.64
Residential High-Density	5.70
Industrial District	13.02
Public Facilities - School	.66
Public Facilities - Parks	1.16
Totals	57.67

## 2. Improvement Programs

Significant infrastructure improvements will be necessary to serve current and future South Grover Beach residents, workers and visitors. Storm drainage, circulation and sanitary sewer are just some of the

Map 4  
The South Grover Beach Neighborhood Plan  
Circulation Plan



improvements needed to serve South Grover Beach as it currently exists. Future neighborhood development must contribute to its infrastructure needs.

## **2.1 Circulation Plan Programs**

One of the most significant circulation proposal in the planning area will be the extension of Oak Park Boulevard along the City's easterly boundary. Completion of this road will provide a second needed north-south arterial through the city, and an important access route both to Highway 101 on the north and to Highway 1 on the south. A 1/4-mile section of this minor arterial already exists within the planning area north of The Pike (Tracts 885 and 1190). Another 1/4 mile section was developed within the City of Arroyo Grande just north of Farroll Road during 1992.

Another significant circulation project is opening South Grover Beach to Highway One through a surface level rail crossing at the current west end of Farroll Road. The westerly extension of Farroll Road will require right-of-way across the rails and County property on Highway One currently leased to a private party for a recreational vehicle camp.

Map 4 illustrates proposed circulation for the planning area. Almost all new street extensions shown in that plan will occur with private development. These include Huston Street below Highland Way, Del Mar, La Selva, South Sixteenth Street, Oak Park Boulevard, and Baden Avenue. Two exceptions to this principle are: 1) A portion of the extension of Oak Park Boulevard in the northern part of the planning area, where the planned alignment of Oak Park Boulevard would abut the proposed park expansion site; and 2) The new east-west connection between lower Barca, Huber, and Griffin Streets in the "LM" area, which would be developed by the City in conjunction with drainage improvements for that industrial area.

In the "LM" area, the City should take responsibility, in conjunction with area property owners, for improving (or in some cases, abandoning) the existing "paper streets" of lower Barca, Huber, Griffin, and Huston as shown in the Proposed Land Use Map. Financing for the completion of these streets, and for their on-going maintenance, is discussed below.

In addition, street pave-out with curbs, gutters and sidewalks should be completed along all unimproved frontage of existing development in this area. These improvements could be provided in conjunction with the extension of streets and the completion of sewer facilities for this area (see below), thereby avoiding disruption of street segments any longer than necessary. At the same time, the City should consider undergrounding overhead utilities within this area wherever possible.

The following programs are proposed to apply to development of private land and public right-of-way within this neighborhood plan area.

2.1.1. Proposed development and/or subdivisions which contain existing or future alignments of the following streets shall dedicate the required right-of-way as shown in on Map 4, Circulation, and provide the necessary frontage improvements (curbs, gutters, and sidewalks) as shown on Map 6, the Street Improvement Plan:

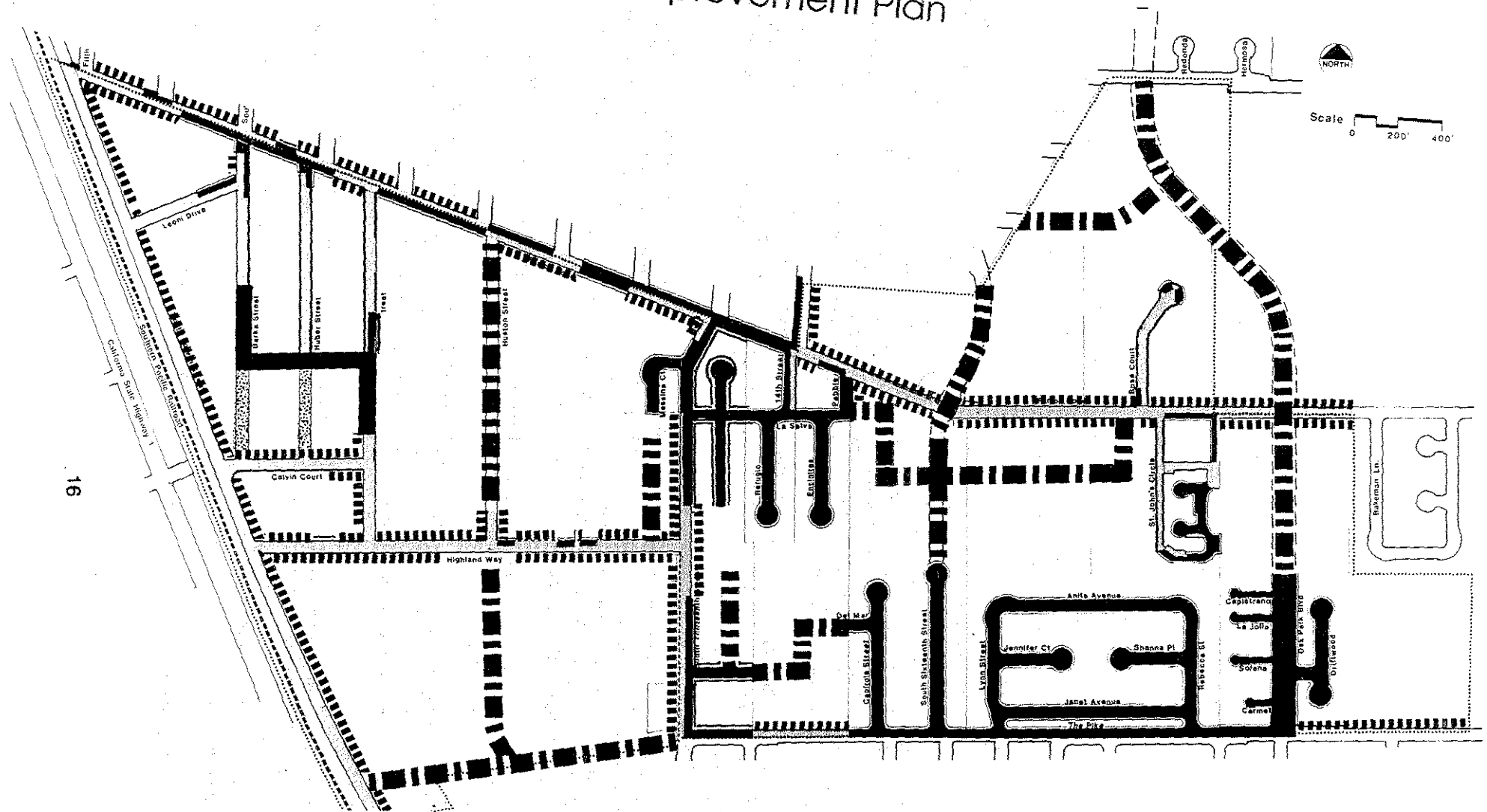
(a) Oak Park Boulevard is designated as a "Major Arterial" with a minimum 100' right-of-way. A landscaped center island divider shall be included in the development of all sections of this street.

(b) South Fourth Street, South Thirteenth Street, and The Pike shall be designated as "minor arterial", with a minimum 70' right-of-way wherever possible.

(c) Farroll Road, Highland Way, and Huston Street are designated as "collectors", with minimum 60' right-of-way wherever possible.



# Map 5 The South Grover Beach Neighborhood Plan Street Improvement Plan



existing street improvements  
 paving  
 paving, curb and gutter  
 paving, curb, gutter and sidewalk

proposed street improvements  
 paving with curb, gutter and sidewalk  
 improve or additional paving with curb, gutter  
 improve or additional paving with curb, gutter and sidewalk  
 abandonment of rights-of-way

(d) All remaining streets within the planning area are designated "local" streets and shall be required to have a minimum 52' right-of-way unless otherwise approved with a tentative tract map or development plan.

The alignment and width of these streets shall be consistent with this neighborhood plan, the City's adopted Circulation Element of the general plan, and the City's Engineering Standards and Specifications.

2.1.2. Within the proposed "LM", Light Manufacturing area, new developments shall be required to provide the necessary street, sidewalk, curb and gutter improvements along their respective site frontages.

2.1.3. The City shall also accept for maintenance, all existing rights-of-way for Barka, Huber, Griffin and Huston Streets upon completion of the necessary street pave-out, curbs and gutters, and sidewalks where required.

2.1.4. Truck routes shall be as provided in the Circulation Element; i.e. South Fourth Street, South Thirteenth Street, Farroll Road, Highland Way, and The Pike. The westerly extension of The Pike to South Fourth Street shall also be designated a truck route.

2.1.5. The City should establish a development impact fee program, and possibly other financing measures, to pay for additional circulation improvements needed in South Grover Beach. Fees should be required of each new subdivision to help fund needed improvements to the area's streets. These fees may be based upon the proportion of traffic that would be generated by each new development, or other equitable basis.

Lots fronting streets exceeding 52' in width shall be exempt from such fees if they construct over 50 per cent of the width of the oversized street improvements as part of development and if they contribute 50 per cent or more of the right-of-way required for improvement.

Interior lots not fronting oversized streets, even though they may be a part of an fee-waiver eligible development, should not have their fees waived.

2.1.6. Bicycle lanes shall be provided along all arterial and collector streets in the neighborhood plan planning area, and/or within the proposed Greenway areas.

2.1.7 This plan proposes a new east-west street to connect Barka and Griffin Street in the industrial area. This new street will serve to provide alternative frontage to the large parcels between this new street and Calvin Court, and will substitute for the existing north-south extensions of lower Barka and Huber Streets which will be abandoned. This circulation scheme facilitates a proposed change for the parcels fronting on the north side of Calvin Court from industrial to single-family residential use; this arrangement is more compatible with the small single-family neighborhood there.

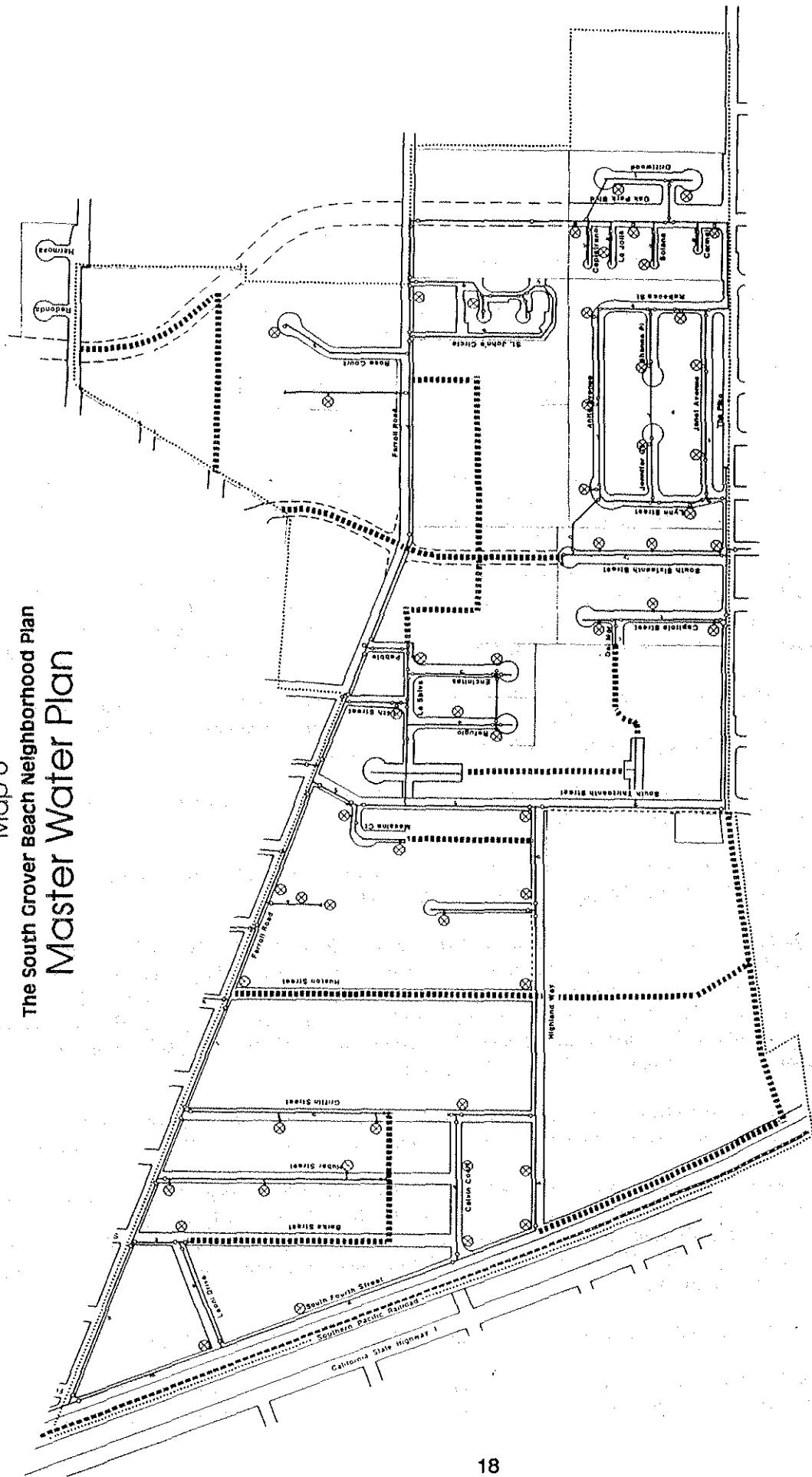
The proposed east-west street between Barka and Griffin Street should be acquired through negotiation with the property owners, accounting for the abandonment of the lower end of Barka and Huber Streets.

2.1.8. With development of the proposed "PM", Planned Manufacturing area as shown in the neighborhood plan, an extension of two streets is planned to facilitate circulation. First, The Pike will be extended westerly from South Thirteenth Street to South Fourth Street, along the southern City limits. Its westerly 350' section will help buffer the proposed residential planned unit development project from adjoining industrial uses proposed to the south.

2.1.9. Huston Street will be extended south from Highland Avenue to meet The Pike.

2.1.10. In addition, South Sixteenth Street is proposed to be extended as a local street running generally north-south between Huntington Avenue and The Pike. This extension will be completed upon

Map 6  
The South Grover Beach Neighborhood Plan  
Master Water Plan



— existing water lines  
- - - - - proposed water main extensions

development of the Hero property consistent with this neighborhood plan. Its extension will require a controlled intersection with Farroll Road and alterations to remove the cul-de-sac at the southern edge of the Hero property.

2.1.11. Several local streets are proposed to serve future residential development of the Hero, Kobara, and Obayashi properties. In addition, north-south cul-de-sacs will be provided to serve development on both sides of South Thirteenth Street, in order to minimize any conflicting driveway access points into that important arterial. This type of design is already incorporated into Tract 1778, which also will provide the westerly extension of La Selva Avenue. In addition, Messina Court will be extended south to permit future development of the properties in that location without requiring access from South Thirteenth Street

2.1.12. Other proposed local street extensions include the following:

- Unnamed north-south cul-de-sac for the Sato property, which will connect with:
- East-west extensions of Del Mar Avenue between South Thirteenth Street and Capitola Street.
- Baden Avenue between South Sixteenth and Oak Park Boulevard.

2.1.13. Nice Avenue will not be extended. It will cul-de-sac into the proposed Sixteenth Street Park expansion site.

2.1.14. Street frontage improvements proposed in this plan include completion of curb/gutter and sidewalk sections in appropriate portions of the planning area. These proposed improvements are shown on Map 5.

## **2.2 General Infrastructure Programs**

Adequate drainage and sewer infrastructure, as well as water supplies and water pressure, are vital necessities if the planning area is to be developed to its potential. The following programs are intended to provide for orderly development and extension of these items of infrastructure. These programs, together with this plan's financing recommendations, should provide for needed improvements in the planning area's basic service systems.

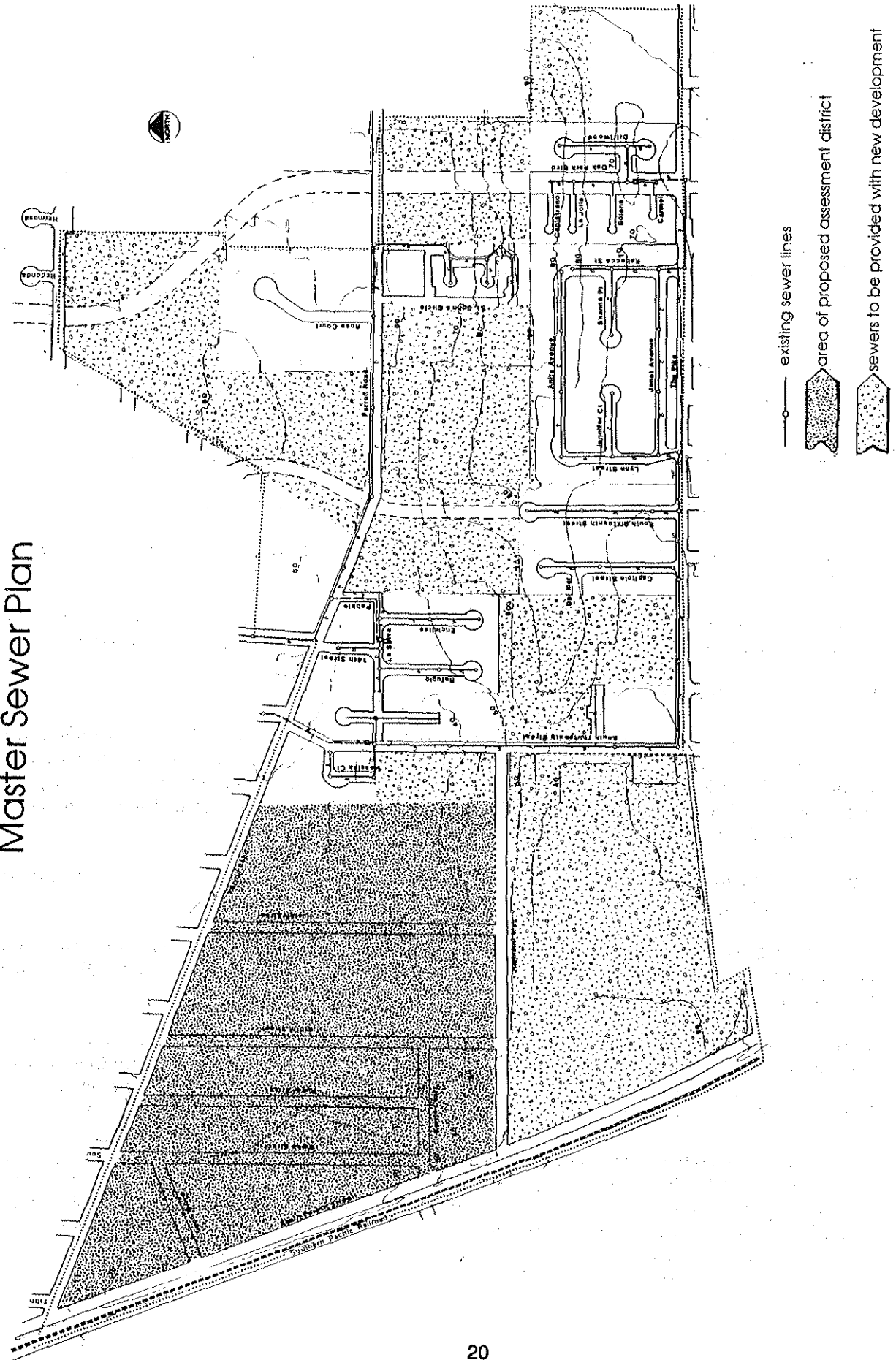
2.2.1. The City shall give priority to developing the necessary infrastructure, especially sewers, to provide for cohesive, integrated build-out of the planning area.

2.2.2. The subdivider or his/her successor in interest shall be responsible for providing the necessary street, sewer, water, drainage and other infrastructure improvements in accordance with an approved tentative tract map or development plan.

In the event of phased development, the Planning Commission shall review the extent of total off-site and on-site improvements necessary to serve all phases and full build-out of the site. The Commission shall use its judgement in determining at what stages of development improvements will be put in place. All improvements need not, in all circumstances, be required as part of first phase development.

2.2.3. A new fire station, near the corner of Highland Way and South Thirteenth Street, is shown on the Land Use Map. The site will be selected within a radius of 620' from the center of the intersection, which shall not include properties on the east side of South Sixteenth Street. This facility will require land acquisition, engineering and architectural drawings, and construction, as well as major equipment purchases. Preliminary specifications provide for a 4,000 square foot building on a 1/2-acre site, with related parking, training area, and equipment.

Map 7  
The South Grover Beach Neighborhood Plan  
Master Sewer Plan



## **2.3 Water System Programs**

The planning area is generally well-served with existing water mains. Unsubdivided areas lacking water service will require water mains when developed. Exceptions will be: 1) A portion of the extension of Oak Park Boulevard in the northern part of the planning area; and 2) The connection of the stub-out pipes at the lower end of Barca, Huber, and Griffin Streets as shown on Map 6. In addition, a water main is required for virtually the full length of Huston Street, about 1400'. Installation of the water mains in the "LM" area could cost \$154,000 at 1990 prices.

The following programs shall be implemented in the planning area, consistent with the diagram shown on Map 7, of the Master Water Plan.

2.3.1. Additional water main capacity will be provided to meet the projected 3,350 gpm demand within the planning area. This capacity can probably be met most efficiently by means of an adequately-sized water main in the future extension of South Sixteenth Street, Oak Park Boulevard, or both.

2.3.2. The City should continue to conserve water in order to meet projected growth within the neighborhood plan area and elsewhere.

## **2.4 Solid, Hazardous and Sanitary Sewer System and Waste Management Programs**

Drainage and sanitary waste water collection deficiencies limit full development of this planning area. First, there are no sanitary sewer lines serving the proposed "LM", Light Manufacturing area. An assessment district that would finance such a system was proposed at one time, but the district was not created and development in this area remains served by septic tanks.

Most of the study area is already sewered, or can be provided sanitary sewer service through extension from existing trunk lines nearby. (See Map 7, Master Sewer Plan). A new waste water collection system is proposed for the "LM", Light Manufacturing area in order to curtail further use of septic systems in this area, and to improve prospects for locating appropriate small-scale manufacturing uses in the area. According to an engineering estimate, a new sewer system will be required for an area about 81 acres in size at a cost in 1990 dollars of about \$8,000 per acre. This equates to about \$504,000.

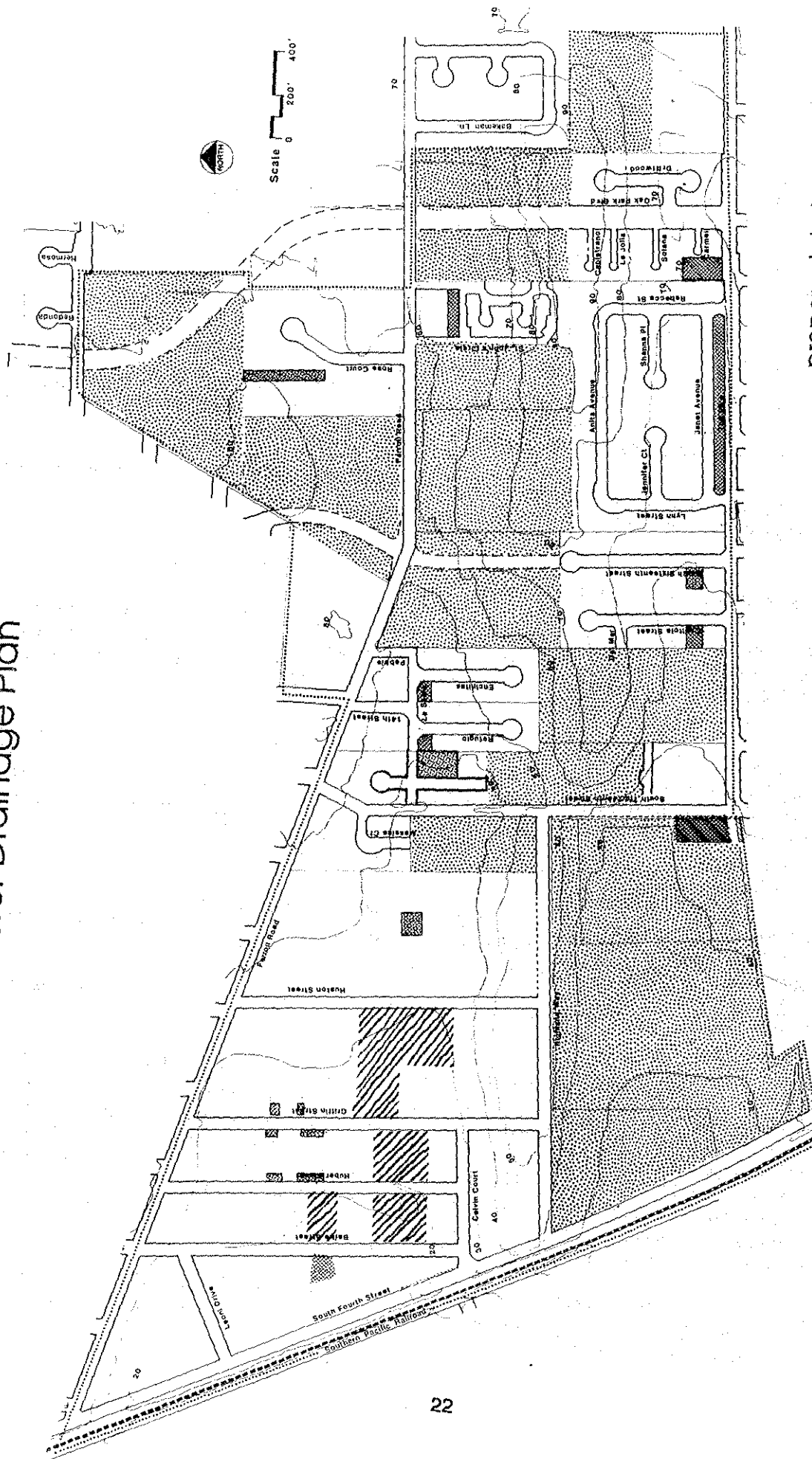
2.4.1. The proposed "LM", Light Manufacturing area, part of which is already developed with septic systems, shall be provided with a full sewer system to convey its projected 107,000 gallons/day of effluent to the South County Sanitation District treatment plant.

2.4.2. When a new sewer system is available, existing septic systems should be abandoned in an appropriate manner to assure protection of groundwater.

2.4.3. Existing and new industrial uses that generate hazardous materials should ensure that these materials are managed and disposed of in a safe and responsible manner to protect the public health and welfare, and are not to be discharged either to existing septic tanks nor to the new sewer system. The City should adopt a hazardous waste disclosure ordinance that requires all businesses that produce hazardous materials to file annual or bi-annual reports identifying the type and volume of hazardous material produced, the means and frequency of disposal, and location of storage on-site. Materials considered hazardous include those identified, as such, by the State Health Services Department. The City's fire department should be responsible for enforcing this ordinance.

2.4.4. Solid waste receptacles shall be shown on proposed development plans and shall be designed in such a manner as to facilitate recycling. Receptacles shall be located in areas convenient to each occupant, consistent with aesthetic and site planning factors.

# Map 8 The South Grover Beach Neighborhood Plan Master Drainage Plan



proposed drainage basins



on-site basins with development



new enlarged basin sites

existing drainage basins



## **2.5 Storm Drainage System Programs**

A major neighborhood deficiency concerns drainage basin capacity in the planning area. The drainage area north of Highland Way (the "Middle Watershed") was proposed in the City's 1975 Master Drainage Plan to have a basin capacity of 27 acre-feet; only about 4 acre-feet has been developed to date. More recent engineering analysis indicates that a total of 37 acre-feet of storage is needed in this area (thus requiring an additional 33 acre-feet beyond the 4 already developed). Serious ponding problems occur in streets in the Pismo Beach Gardens tracts; in fact, the City now pumps ponded water from the low point in South Fourth Street to a culvert north of Farroll Road during and after major storms. In the drainage area south of Highland Way (the "South Watershed"), the 1975 Plan called for 13 acre-feet of storage basin capacity; only four acre-feet have been developed.

A new areawide drainage basin or basins is required in the area of lower Barka, Huber, and Griffin Streets. (See Map 8, Master Drainage Plan). The new basin(s) will require City acquisition of private property and substantial improvements including design, excavation, landscaping, and fencing. The cost of purchasing private property required for the basin(s) can be reduced to some degree, if the basin(s) can be located on the lower end of Barka and Huber Streets, where dedicated street rights-of-way are proposed to be abandoned. It is not possible at this time to state, with certainty, the amount of land that will be needed, or the most appropriate location for the basins. Preliminary engineering plans should be prepared for the basins, and property should be acquired to provide the needed capacity.

The following policies shall be implemented in the planning area, consistent with the diagram shown on Map 9, the Master Drainage Plan.

2.5.1. To the maximum extent possible, storm runoff should be retained within the study area rather than conveyed in storm drains to Meadow Creek, in order to recharge the groundwater basin lying beneath the planning area. Additional storm runoff detention basin capacity should be developed, at a minimum, to meet the goals of the 1975 Drainage Master Plan.

2.5.2. Within the Middle Watershed (north of Highland Way), an additional 33 acre-feet of retention/storage capacity is required, unless storm runoff is successfully diverted to Meadow Creek. This requires a coordinated strategy. Properties within the "LM", Light manufacturing area should have storm runoff accommodated within an enlarged Barka Street basin, or a new area-wide basin on other nearby property. Culverts should be provided to a 10-year design capacity to convey drainage from Barka, Huber, Griffin, and Huston Streets and fronting properties to the new basin(s). All other residential properties within this watershed, including those located west, as well as east of South Thirteenth Street, should provide on-site drainage basins to retain runoff.

2.5.3. For the South Watershed (south of Highland Way), the required drainage basin capacity should be acquired by the City through dedications associated with phased, private development of the Okui property. The development plans for these projects should indicate on-site runoff basins within landscaped setbacks or other designated basin areas sufficient to accommodate the required capacity for this watershed.

## **2.6 Improvement Financing**

The primary area where public investment will be required for the South Grover Beach Neighborhood Plan area is the "LM" area between South Fourth Street, Farroll Road, South Thirteenth Street, and Highland Way. As noted above, this area will require additional drainage, sewage collection, and street improvements as well as a new water main.

Significant costs for the Farroll Road extension to Highway One and at-grade rail crossing will require



special financial analysis and planning. Funding sources and cost estimates for this circulation improvement must be explored.

Additional costs will be incurred for the proposed fire station and park facilities in this neighborhood.

The following are preliminary cost estimates for the infrastructure proposed for this neighborhood plan, including both the "LM", Light Manufacturing area and the other community facilities (fire station and community park). The figures are derived from preliminary studies by an engineering consultant and other assumptions as stated:

**Preliminary Cost Estimates for Proposed Facilities - 1990**

Street Extensions and Improvements	\$ 448,000
Water Mains	\$ 154,000
Sewer Facilities	\$ 504,000
Drainage Facilities	\$ 346,000
Total: Light Manufacturing Area Facilities	\$1,452,000
Cost per acre = \$ 23,050 or \$0.53 per square foot	

Community Park Site:	
Land, 6 ac @ \$286,000 per acre	\$1,716,000
Landscaping, facilities, etc.	\$ 300,000
Total	\$2,016,000

Fire Station:	
Land, 4/10 acre @ \$286,000	\$ 114,400
Building, 4,000 square foot @ \$120	\$ 480,000
Equipment, 1 pumper	\$ 200,000
Furniture, landscaping, paving, etc.	\$ 250,000
Total	\$1,044,400

Total Community Improvements (Park and Fire Station)	\$3,060,400
---	-------------

*Note: The above estimates are approximate. More refined estimates will be provided as the basis for any consideration of specific financing proposals.*

The most common tools for financing the above infrastructure needs are assessment district bonds, developer fees, tax increment financing, industrial development bonds, or other borrowing instruments available to municipal governments. Each of these tools will be described generally below:

**Assessment District:** This type of financing is commonly used for streets, storm drains, sewers, water lines, and other property-related infrastructure. It is recommended for the estimated \$1.45 million in improvements estimated for the 63-acre "LM", Light Manufacturing area. As noted in the above table, the direct costs for the improvements (not including interest, contingencies, or engineering) would average out to approximately \$0.53 per square foot. Even the least expensive lots in this area were selling for approximately \$5 per square foot, and sales at about \$8 per square foot were registered in 1990. Thus, the area could be fully improved for the range of uses for which it is suitable for approximately 10% of the land values.

**Developer Fees:** This tool is more and more popular among cities and counties in California, and could be useful in South Grover Beach as well. The City's in-lieu park fees could be increased modestly, for example, and other water/sewer connection fees could be applied in addition to the existing connection fee

in order to add capacity. Facilities such as the proposed park and fire station are not likely to be financed solely through developer fees; and since they serve a city-wide function, it is recommended that the City use other tools as available for these facilities.

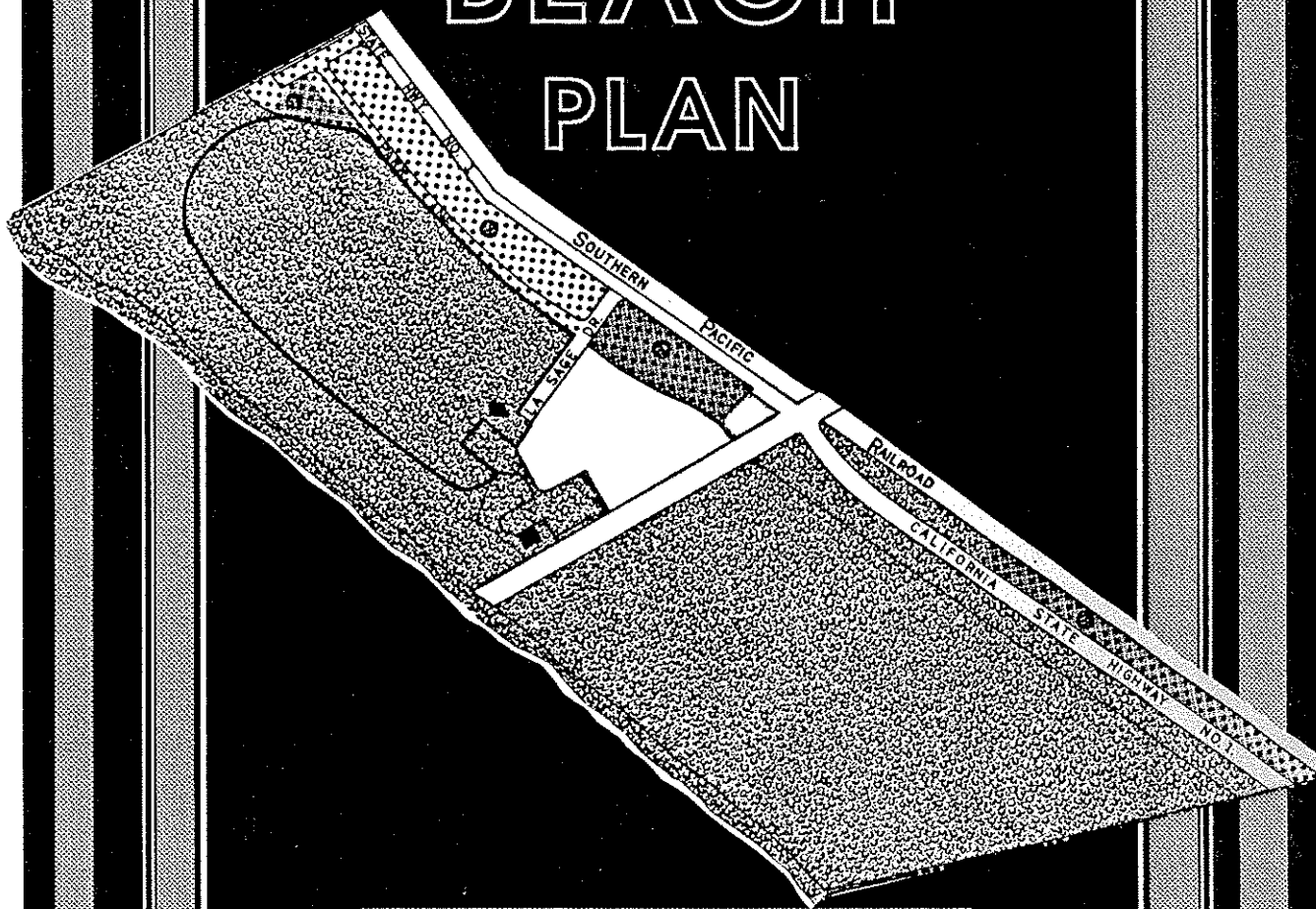
The City should review its developer-related impact fee programs to determine if alterations are desirable or necessary to produce the public improvements identified in this plan. Inequitable programs and fees should be adjusted so not to burden new development.

**Tax Increment Bonds:** Commonly called redevelopment bonds, this type of financing is used in eligible areas that qualify as "blighted" under the California Redevelopment Act. The advantage of these bonds is that they are secured entirely by the increase (increment) in property tax revenues that accrue from the increased market activity following improvement of the redevelopment area. Pismo Beach and Paso Robles have redevelopment areas, and the concept may have applicability in this area as well. The City could legitimately use redevelopment law within the "LM" area in place of assessment district financing. The costs of issuing the bonds may, in fact, be somewhat lower depending on conditions in the bond market.

**Fire Aide Agreements:** Automatic and mutual aide should be explored as alternative means of offsetting costs or eliminating the need for second fire station construction.

**Other tools:** A number of other instruments are available to the City for financing the improvements required for the South Grover Beach area. These include industrial development bonds ("IDB's", as they are known), certificates of participation, revenue bonds, lease-purchase financing, and an assortment of other creative tools. IDB's are not as popular in California at this time due to a number of factors (investor uncertainty, complexity of the enabling legislation, etc.). Certificates of participation are increasingly popular, particularly for relatively small amounts of debt. The City should seek effective advice of bond counsel to assist the City in making the appropriate choice.

# THE BEACH PLAN



A GROVER BEACH NEIGHBORHOOD PLAN

# THE BEACH NEIGHBORHOOD PLAN TABLE OF CONTENTS

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## **THE BEACH NEIGHBORHOOD PLAN**

**NEIGHBORHOOD DESCRIPTION:** The Beach area includes, for purposes of this neighborhood plan, the historic Coastal Branch of the Southern Pacific Railroad, scenic California State Highway One, and the dunes, beaches and Pacific Ocean. The neighborhood includes Pismo Beach State Park.

**STRONG NEIGHBORHOOD CHARACTERISTICS:** The neighborhood is defined by the Ocean. Its climates, typography, fauna, flora and land uses are a direct result of the ocean and its forces.

The Grand Corridor funnels Grover Beach's population over the Southern Pacific tracks and through Highway One to Grover Beach and to the Pacific Ocean. Highway One also channels visitors to the beach through western Grand Avenue.

The beach and dune vehicle and pedestrian entry points at the end of Grand Avenue are, in a sense, the end of a dream for many who come and came west to view the ultimate sunset at the edge of the North American continent.

Those entering the beach in recreational and other vehicles are restricted to a left turn and limited beach use to the south. Pedestrians know they can avoid vehicular concerns north of Grand Avenue where vehicles are prohibited. Many local residents are strollers, walkers, joggers, and runners who enjoy the frequent, if not daily, ritual of visiting the tidal area stretching from Oceano to Pismo Beach.

State Park facilities at the beach include a restaurant, improved outdoor table and bench area, golf course and club house, parking facilities and rest rooms. There is also an RV waste disposal facility.

Grover Beach is, without question, intrinsically linked with the beach and dunes ecosystems of Oceano Beach and Pismo Beach. RV visitors and equestrians most likely head towards Oceano. Pedestrians often find their destinations and "turn-arounds" at the Pismo Pier or at Pismo Creek.

The State Park fronts upon Highway One south of Grand Avenue. The area presents an image of dense brush and shrubs from the roadway. However, the area's dunes and trails are much more hospitable than their initial appearance from the roadway.

North of Grand Avenue, the beach and State Park are shielded from Highway One by recreational vehicle and mobile home parks. The two parks have the capacity for over 140 units. Many of the units contain permanent residents. Other units may be considered no more than second homes and some Rvs may contain only visitors.

An additional fifty-plus RVs are located south of Grand Avenue, between Highway One and the Southern Pacific rails.

The rails move people and goods through Grover Beach but they do not stop.

The neighborhood's characteristics are best, and amply, described in the City's Local Coastal Program, which, in a sense, contains much of the neighborhood plan for this area and should be used as a reference when determining the policies and programs for The Beach area.

Grover Beach's Local Coastal Plan was approved by the Local Coastal Commission after the City determined it to be consistent with the City's General Plan. The Local Coastal Plan and the General Plan must be consistent with each other.

**CURRENT  
NEIGHBORHOOD DEVELOPMENT CHARACTERISTICS**

**Table 1  
Dwelling Units and Lots by Zoning District**

Current Use of	Coastal Planned Commercial		Totals	
	Lots	Units	Lots	Units
RVs & Mobile Homes	3	194	3	194
Totals	3	194	3	194

**Table 2  
Dwelling Units By Density and Conformance to Zoning District Use**

	Conforming	Non- Conforming	Low Density	Medium Density	High Density
Rvs & Mobile Homes		194	194		
Totals		194	194		

**Table 3  
Population By Type of Dwelling\***

	RVs and Mobile Homes	Totals
Coastal Planned Commercial Units	194	194
Unit Totals	194	194
Persons/Unit**	1.68	1.68
Population	326	326

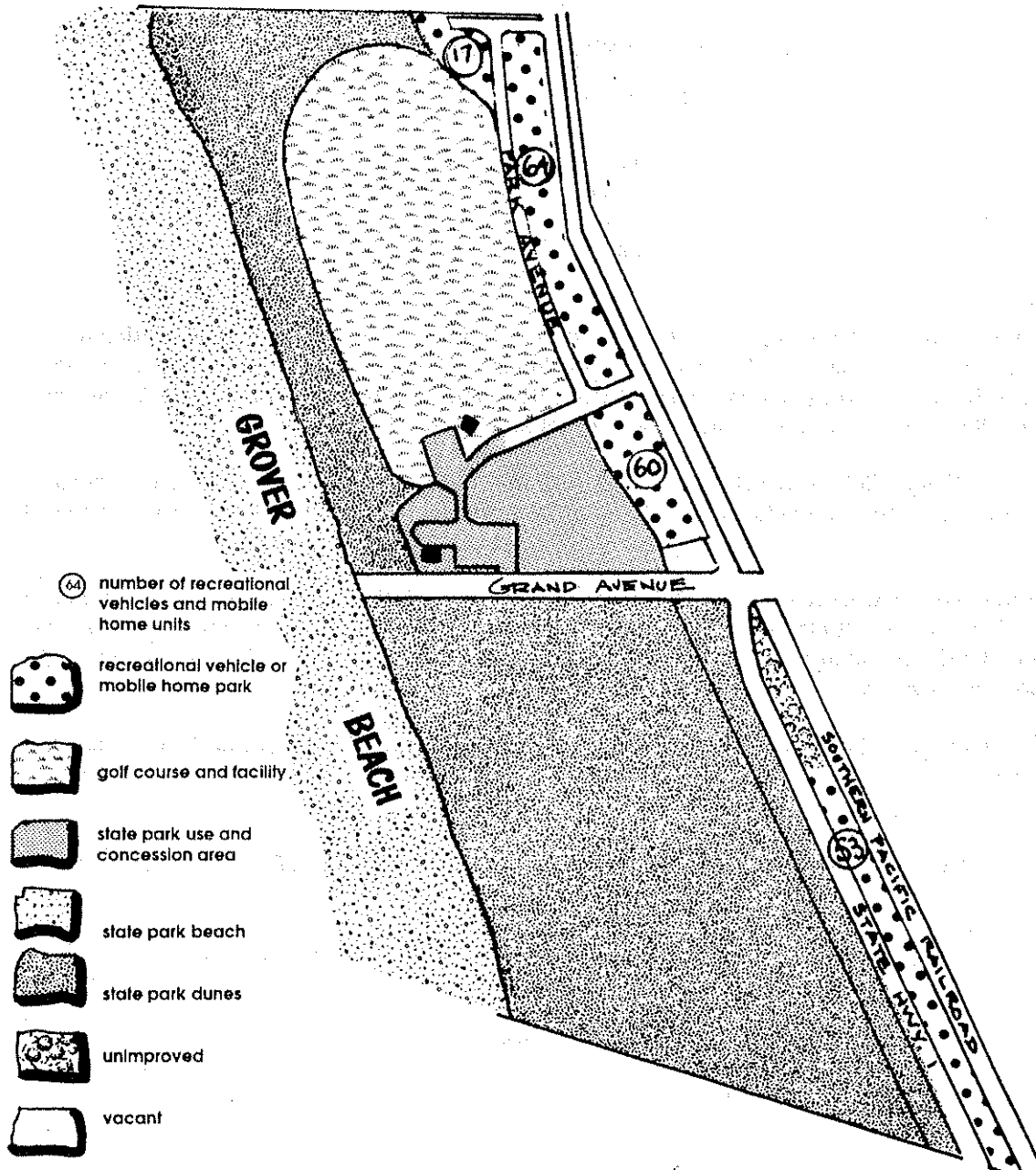
\* No vacancies assumed

\*\* Based upon 1990 U.S. Census occupancy averages

**Table 4  
Existing Land Uses**

Land Use Districts	Net Square Feet	Net Acres	Gross Square Feet	Gross Acres
Planned Commercial District	1,095,000	25.17	1,606,020	36.92
Public Streets/Right-Of-Ways	962,655	22.13	0	0
Railroad Right-Of-Ways	308,000	7.08	419,340	9.64
Public Facilities-Park	6,525,000	150.00	6,865,170	157.82
Totals	8,890,655	204.38	8,890,650	204.38

Map 1  
The Beach Neighborhood Plan  
Current Development Characteristics  
and Land Uses



**Table 5**  
**Existing Units and People Per Acre**

Land Uses Districts	Units	People	Units	People
	Per	Per	Per	Per
	Net	Net	Gross	Gross
	Acre	Acre	Acre	Acre
Planned Commercial Districts	7.71	12.95	5.25	8.83

**Table 6**  
**Neighborhood Public Right-Of-Way**

Land Use District	Right-Of-Way Acres
Commercial District	11.75
Railroad	2.56
Public Facilities-Parks	0
Totals	22.13

**FUTURE NEIGHBORHOOD CHARACTERISTICS:** Improved and expanded educational and recreational activities and facilities at the beach and dunes, including a pier, will attract more local residents and visitors. A master-planned lodge and convention or conference facility at Grand Avenue and Highway One will provide a new and identifiable regional anchor and destination.

Beach and dune activity will be supported by master-planned clusters of visitor-serving facilities such as shops, restaurants, and bed and breakfast inns. Residential mobile home and RV park uses will be reduced or eliminated.

Commuting and rail travel will become possible from a new passenger station development and multi modal transcenter. The station will also make the beach and environs a convenient and attractive getaway destination for Southern Californians from San Diego to Santa Barbara. Demand for local over-night accommodations will increase.

Visitor serving developments will be linked by bike lanes, pedestrian paths, trails and boardwalks and public transportation.

### PROJECTED NEIGHBORHOOD DEVELOPMENT CHARACTERISTICS

**Table 7**  
**Projected Maximum Dwelling Units and Lots by Zoning District**

Current Use of	Coastal Planned Commercial		Totals	
	Lots	Units	Lots	Units
Rvs & Mobile Homes	3	194	3	194
<b>Totals</b>	<b>3</b>	<b>194</b>	<b>3</b>	<b>194</b>



**Table 8**  
**Projected Maximum Dwelling Units By Density and**  
**Conformance to Zoning District Use**

	Conforming	Non- Conforming	Low Density	Medium Density	High Density
Rvs & Mobile Homes		194	194		
Totals		194	194		

**Table 9**  
**Projected Maximum Population By Type of Dwelling\***

	Rvs and Mobile Homes	Totals
Coastal Planned Commercial Units	194	194
Unit Totals	194	194
Persons/Unit**	1.68	1.68
Population	326	326

\* No vacancies assumed

\*\* Based upon 1990 U.S. Census occupancy averages

**Table 10**  
**Projected Land Uses**

Land Use Districts	Net Square Feet	Net Acres	Gross Square Feet	Gross Acres
Planned Commercial District	1,095,000	25.17	1,606,020	36.92
Public Streets/Right-Of-Ways	962,655	22.13	0	0
Railroad Right-Of-Ways	308,000	7.08	419,340	9.64
Public Facilities-Park	6,525,000	150.00	6,865,170	157.82
Totals	8,890,655	204.38	8,890,650	204.38

**Table 11**  
**Projected Maximum Units and People Per Acre**

Land Uses Districts	Units Per Net Acre	People Per Net Acre	Units Per Gross Acre	People Per Gross Acre
Planned Commercial Districts	7.71	12.95	5.25	8.83

**Table 12**  
**Projected Neighborhood Public Right-Of-Way**

<b>Land Use District</b>	<b>Right-Of-Way Acres</b>
Commercial District	11.75
Railroad	2.56
Public Facilities-Parks	0
Totals	22.13

**NEIGHBORHOOD CONCERNS and POTENTIAL SOLUTIONS:**

- \* Southern Pacific rails currently transport people and goods through Grover Beach. There are no local Amtrak stops and starts which assist commerce or traveler.**

*In order to entice or expedite the development of a full-service passenger station for Grover Beach, the City, after coordination with the County, Amtrak, Southern Pacific and CalTrans, could solicit private-party development proposals for the construction of a station and development of a site which would contain amenities and conveniences for the visitor, commuter and traveler, such as concessions.*

*Plans should be prepared for attending to traveler non-rail transportation needs, such as depot parking, limousine, bus, taxi, and other services for pedestrians and cyclists.*

*Depot or station development may be accompanied by other visitor-serving development such as restaurants and gift shops in a Grover Beach theme-design village.*

- \* The vacant and undeveloped portions of Pismo Beach State Park easterly of the Grand Avenue restaurant concession parking lot contributes few benefits, if any, to visitors, local residents or business interests.**

*A feasible development plan which contributes to the recreational interests of visitors and the economic and environmental interests of the City and its residents should be prepared and adopted for implementation.*

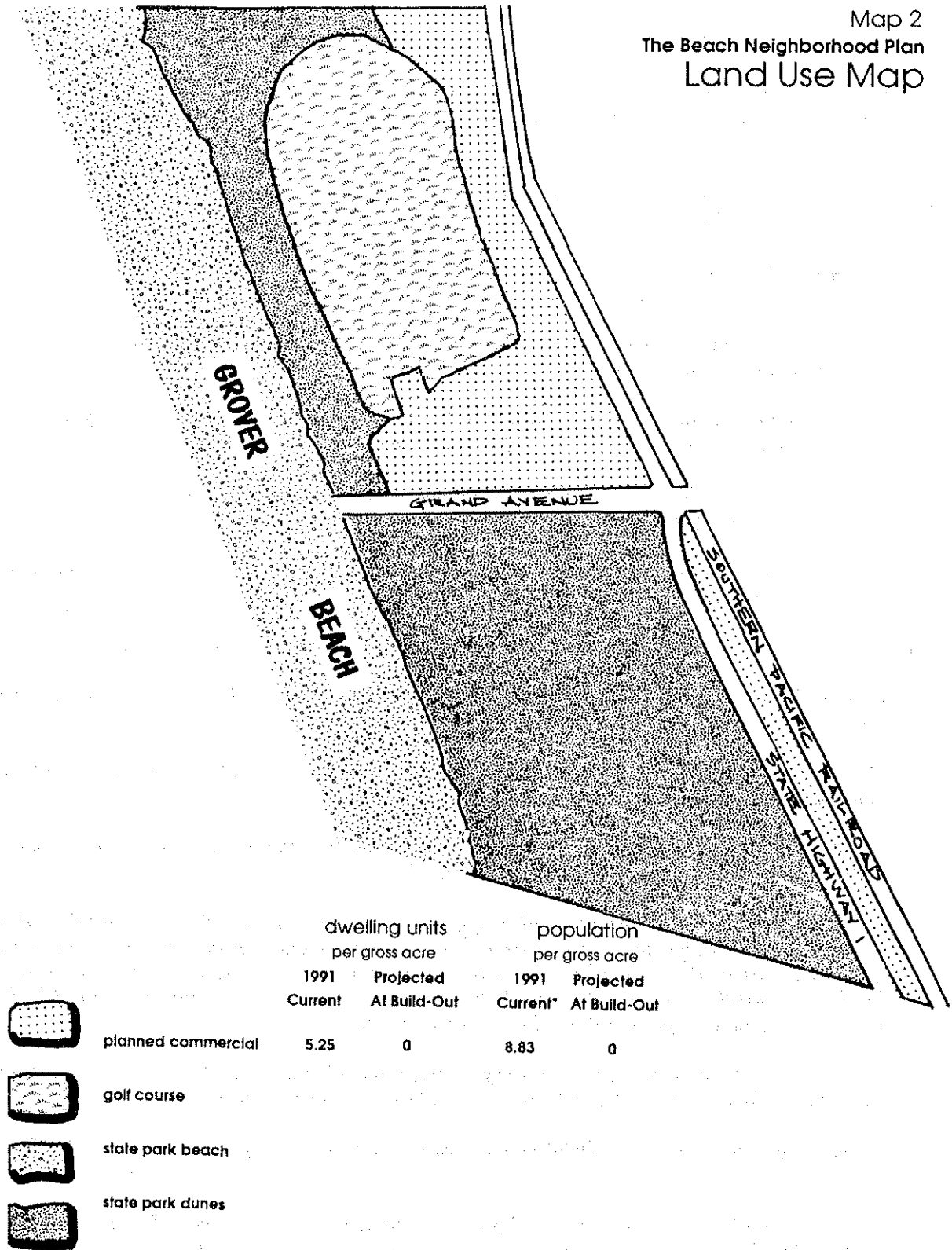
- \* The former Grand Avenue/Highway One service station site, in its current undeveloped condition, does not contribute to the Local Coastal Plan's objectives.**

*This site could be acquired and incorporated into development which includes State property immediately to the west.*

*This site, at the community's visitor crossroads, is highly visible and should create a favorable impression by incorporating a community-theme monument such as a statute, sign, water, landscape or other representative feature at its corner or in the adjacent Grand Avenue right-of-way.*

- \* Beach and dune visitor attractions and activities, such as a pier, volleyball courts, an ecological/environmental interpretive center, fire rings, boardwalks, hiking trails, biking routes and facilities have not developed or become part of an organized and recognizable recreational and visitor services system.**

Map 2  
The Beach Neighborhood Plan  
Land Use Map



\* Based upon 100% dwelling unit occupancy.

*Trails to the north and south of Grand Avenue should be linked and provide a pedestrian system from the northerly to the southerly limits of the City and beyond.*

*Pedestrian routes should cross Highway One and access the Pismo Lake Ecological Area and the Northwest Grover Beach neighborhood railroad pedestrian crossing.*

*Pedestrian trails and boardwalks should be multi-purpose and should serve pedestrians as well as those interested in educational pursuits that can be found in the dunes, sands and wetlands west of Highway One.*

*A conference of State and local authorities could be assembled to discuss the desirability of a master development plan for Grover Beach.*

*A Grover Beach master development plan should also include surrounding properties and uses which influence the plan area and uses.*

*A master plan could include recreational activities sponsored, directed and financed by or through the Parks and Recreation Department of Grover Beach.*

*A master plan could include visitor activities sponsored, directed and financed by or through local civic and business groups and associations.*

*A sound master plan should contain assignment of responsibilities, target accomplishment dates and should address financing feasibility.*

**\* Unrestricted beach and dune pedestrian access is not assured for the future.**

*Future visitor-serving development should not restrict local pedestrian access to and from the beach.*

*Pedestrian access and use of the beach should always be without cost, including some parking opportunities near pedestrian access points.*

**\* There is no assurance that Beach neighborhood development will complement the Grand Corridor commercial and other goals or vice-versa?**

*A design plan could be developed and adopted for the beach area which is compatible with the Grand Corridor design plan and theme and vice-versa. A seacoast theme should support the goals of the General Plan for both areas and result in a greater sense of a single-place for the beach area and the commercial areas of Grover Beach. A balanced design plan would include landscaping, streetscaping and architectural standards.*

**\* Development of a Grand Avenue pier may be expedited if complementary concessionaire development is included as part of the design and development plan.**

*A feasibility study could be undertaken to determine when and how pier development should take place.*

*The study could explore the nature and types of activities which would complement the pier and goals of the State Park and City as cited in the General Plan and Local Coastal Program.*

*The study could identify which complementary activities could have a privatization application which could contribute to a private/public partnership expediting development and goal attainment.*

**\* Visitor attractions along Highway One and major traffic arteries should be designed so as to promote safe conditions for pedestrians, bicyclists and motorists.**

*Traffic conditions and other safety issues concerning various governmental agencies, such as Butterfly Grove visitor parking and Highway One pedestrian crossings and traffic measures, could be routinely addressed and coordinated through the formation of an inter-agency coordinating committee.*

## **RESOLUTION NO. 14-46**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH APPROVING A LOCAL COASTAL PROGRAM AMENDMENT FOR DEVELOPMENT APPLICATION 11-12**

**WHEREAS**, in February 2010, the City Council adopted a comprehensive update to the Land Use Element of the General Plan; and

**WHEREAS**, in August 2012, the City Council approved a Local Coastal Program (LCP) Amendment (Resolution 12-55) to bring it into conformance with the City's Land Use Element; and

**WHEREAS**, in October 2012, the City Council adopted the Development Code to replace the Zoning Code (Ordinance No. 12-06) to bring it into conformance with the City's Land Use Element; and

**WHEREAS**, approval by the California Coastal Commission is required for the Amendment to take effect for the revisions to the Local Coastal Program and the adoption of the Development Code, which is the implementation plan for the City's Local Coastal Program; and

**WHEREAS**, a LCP Amendment was submitted to the California Coastal Commission for their review and consideration; and

**WHEREAS**, Coastal Commission staff has provided the City with several suggested modifications to the LCP Amendment and City staff has decided that the suggested modifications should be reviewed by the City Council prior to the Coastal Commission consideration of the LCP Amendment; and

**WHEREAS**, public notice has been given in the time and manner required by State law and City code; and

**WHEREAS**, the Planning Commission of the City of Grover Beach reviewed and considered the proposed Local Coastal Program Amendment associated with Development Permit Application No. 11-12 at Public Hearings on June 9 and June 24, 2014; and

**WHEREAS**, on June 24, 2014, the Planning Commission of the City of Grover Beach recommended the City Council adopt the proposed Local Coastal Program Amendment associated with Development Application 11-12 and rescind City Council Resolution No. 12-55; and

**WHEREAS**, at its meeting of July 7, 2014, the City Council conducted a public hearing and duly considered all evidence, including public testimony from interested parties, and the recommendations by the Planning Commission for the proposed Local Coastal Program Amendment associated with Development Application 11-12; and

**WHEREAS**, the City of Grover Beach City Council makes the following findings:

1. The amendments to the Local Coastal Program are consistent with all other provisions of the General Plan and Development Code.

2. An addendum to the previous Initial Study and Negative Declaration has been prepared for the amendment to Development Application 11-12 in compliance with the California Environmental Quality Act and determined in their independent judgment that the Amendment would not increase the severity of the impacts previously identified; therefore, the Amendment would not have a significant impact on the environment.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Grover Beach **DOES HEREBY APPROVE** a Local Coastal Program Amendment associated with Development Application 11-12 as set forth in the attached Exhibit "A" and rescinds City Council Resolution 12-55.

**AND BE IT FURTHER RESOLVED** as follows:

1. The City Council directs staff to submit this Local Coastal Program Amendment to the California Coastal Commission for certification in conformance with California Code of Regulations, Title 14, Division 5.5.
2. This Local Coastal Program Amendment shall take effect immediately upon final certification by the California Coastal Commission if no amendments are made to the City approved Local Coastal Program Amendment. If the Coastal Commission makes revisions to the City approved Local Coastal Program Amendment, then the Amendment shall be approved by the City Council prior to certification.
3. This Local Coastal Program Amendment meets the requirements of and is in conformity with the policies of Chapter 3 of the Coastal Act.

On motion by Council Member Nicolls, seconded by Council Member Bright, and on the following roll-call vote, to wit:

AYES:	Council Members Bright, Marshall, Nicolls, Mayor Pro Tem Lee, and Mayor Peterson.
NOES:	Council Members – None.
ABSENT:	Council Members – None.
ABSTAIN:	Council Members – None.

the foregoing RESOLUTION NO. 14-46 was **PASSED, APPROVED, and ADOPTED** at a Regular Meeting of the City of Grover Beach City Council on this 7<sup>th</sup> day of July 2014.

  
DEBBIE PETERSON, MAYOR

Attest:

  
DONNA L. McMAHON, CITY CLERK

Approved as to Form:

  
MARTIN D. KOCZANOWICZ, CITY ATTORNEY

## **EXHIBIT A**

### **Part 1. The last sentence on the Cover Page shall be deleted as follows:**

~~This document references the City of Grover Beach Land Use Element of the General Plan and the Zoning Ordinance, which are on file in the Grover Beach Community Development Department.~~

### **Part 2. Section 1.3 is hereby deleted in its entirety and replaced with the following:**

#### **1.3 RELATIONSHIP TO THE GENERAL PLAN AND DEVELOPMENT CODE**

In the Coastal Zone, the Local Coastal Program, which consists of this document, in addition to the Development Code sections identified below, is the legal standard of review for issuance of Coastal Development Permits.

The following Chapters and/or Sections of the Development Code constitute the City's ordinances for the implementation of the Grover Beach Local Coastal Program and any amendments shall be approved by the Coastal Commission:

1. Chapter 1 – Purpose and Applicability. All Sections.
2. Chapter 2 – Zone and Allowable Land Uses. Section 2.10 that affects the CPR1, CR1, CR2, CR3, CVS, CC, CI, CIC, CGC, COS, CPB and CVB zones; Section 2.20 that affects the CPR1, CR1, CR2 and CR3 zones; Section 2.30 that affects the CVS and CC zones; Section 2.40 that affects the CI and CIC zones; Section 2.70 that affects the CGC, COS, CPB, and CVB zones; and Section 2.90 Overlay Zones.
3. Chapter 3 - Standards for All Development and Land Uses. All Sections.
4. Chapter 4 - Standards for Specific Development and Land Uses. All Sections.
5. Chapter 5 - Site Development Regulations. All Sections.
6. Chapter 6 - Procedures. Sections 6.10, 6.20.040, 6.20.050, 6.20.100, and 6.30.
7. Chapter 7 - Administration. All Sections.
8. Chapter 8 - Subdivision Regulations. All Sections.
9. Chapter 9 - Definitions. Sections 9.10.020 and 9.10.030.

### **Part 3. Section 1.4 is hereby deleted in its entirety.**

### **Part 4. Map 2 Neighborhood Plans is hereby deleted in its entirety.**

### **Part 5. Section 2.1.3.A is hereby amended as follows:**

#### **MEADOW CREEK**

#### **PRESENT AND POTENTIAL USES**

The primary function of the western branch of Meadow Creek is presently that of channeling runoff from urbanized portions of Grover Beach and adjacent communities into the Oceano Lagoon and Arroyo Grande Creek to the south. In 1963 the natural creek channel south of Grand Avenue was dredged to improve drainage blocked by sediment and vegetation. The portion of Meadow Creek north of Grand Avenue between the golf course and a mobilehome park has been channeled for flood control purposes and much of the original habitat value has been lost. A restoration and enhancement plan for this 0.5 mile portion of the creek could provide for planting of riparian and other native plants to help restore the resource value of the



area. New development ~~in the Beach Neighborhood~~ shall incorporate restoration and enhancement of this portion of the creek.

**Part 6. Section 2.1.3.B is hereby deleted in its entirety and replaced with the following:**

**B. AGRICULTURAL LAND**

The City of Grover Beach has no agricultural land within the Coastal Zone.

**Part 7. Section 2.1.4.C.1 is hereby deleted in its entirety.**

**Part 8. Section 2.1.5.A. shall be amended as follows:**

**A. MARINE RESOURCE AREAS**

**SUBTIDAL ZONE**

1. Policy: All new development shall minimize risks to life and property in area of high geologic, flood and fire hazard and assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms.
2. New development shall be located outside of the San Luis Obispo County Tsunami Inundation Area to the maximum extent feasible. If all or part of a new construction project is required to be located within the Tsunami Inundation Area, a Coastal Development Permit authorizing such development shall be conditioned to require property owners to submit a tsunami safety plan to the permitting agency for review and approval. The tsunami safety plan shall clearly describe the manner in which hazards associated with tsunamis shall be addressed. At a minimum, the plan shall be prepared in cooperation with the San Luis Obispo County Office of Emergency Services, and shall be in general conformance with any are-wide tsunami safety plan that has been prepared for this section of the coast.
3. As a condition of any development in a known coastal hazard zone, the property owner shall be required to acknowledge and assume all risks from coastal hazards (including but not limited to hazards from episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunami, tidal scour, flooding, and the interaction of same) associated with development on the property, waive any claims of damage or liability against the permitting agency, and agree to indemnify the permitting agency against any liability, claims, damages or expenses arising from any injury or damage due to such hazards. Prior to issuance of a Coastal Development Permit, any private property owner shall execute and record a deed restriction against the property that explicitly assumes these risks, on behalf of themselves and any successors or assigns.
14. No revetments, breakwaters, groins, channels or similar structures that might alter tidal and current action or wind action and thus effect replenishment of the beach and sand dunes shall be permitted except where necessary for the public safety, specifically for the protection of existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

25. Policy: Offshore oil drilling or any other activity which creates the potential for oil spills that may endanger Pismo Clam populations or recreational value of the beach shall be prohibited within the City boundaries.
36. Policy: Sand mining ~~in the Beach Neighborhood and offshore but~~ within the City's jurisdiction shall be prohibited. (Section 30233 (a) (6))

**Part 9. Section 2.1.5.B. Inland Resources #4. shall be amended as follows:**

**B. INLAND RESOURCE AREAS**

**WATER RESOURCES**

**PISMO LAKE AND MEADOW CREEK (NORTHEASTERN BRANCH)**

4. Action: Areas designated for development in the Meadow Creek uplands shall ~~be at a density of 0-4~~ not exceed 5 units per gross acre.

**Part 10. Section 2.1.5.B. General shall be amended as follows:**

**GENERAL**

1. Policy: The City shall designate the following types of land as open space:
- a. Sensitive habitats or unique resources such as oak woodlands, riparian/creek corridors, significant wetlands and corridors which connect habitats.
  - b. Those areas which are best suited to non-urban uses due to:
    - i. Infeasibility of providing proper access or utilities;
    - ii. Excessive slope or slope instability;
    - iii. Wildland fire hazard;
    - iv. Noise exposure;
    - v. Flood hazard; and
    - vi. Scenic value.
2. Policy: Lands designated Open Space/Resource Conservation should be used for purposes which do not need urban service, major structures, or extensive landform changes. Such uses include:
- a. Unimproved trails.
  - b. Watershed protection; wildlife and native plant habitat; and passive recreation.
  - c. Buildings, lighting, paving, use of vehicles, and alterations to the landforms and native or traditional landscapes on open space lands should be minimized, so rural character and resources are maintained.
3. Policy: The City shall preserve and protect:
- a. The ecological integrity of creek corridors that support riparian resources by preserving native riparian plants, and to the extent feasible, removing invasive nonnative plants.
  - b. Wetland resources including creeks and other seasonal wetland areas in conformance with Coastal Act Sections 30233 and 30236; all adverse impacts to riparian resources from any allowable development within wetlands or streams shall be fully mitigated.

4. Policy. The City should manage its Meadow Creek wetlands, floodplains, and associated resources to achieve the multiple objectives of:
  - a. Maintaining and restoring natural conditions and fish and wildlife habitat.
  - b. Preventing loss of life and minimizing property damage from flooding.
  - c. Providing recreational opportunities which are compatible with fish and wildlife habitat, flood protection, and use of adjacent private properties.
5. Policy: Environmentally sensitive habitat areas (ESHA) shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
6. Policy: Environmentally Sensitive Habitat Areas shall be buffered by a minimum of 50 feet. Development in areas adjacent to ESHA 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.
7. Policy: New public or private developments adjacent to creeks, oak woodlands and wetlands must respect the natural environment and incorporate the natural features as project amenities, provided doing so does not diminish natural values. Developments along creeks should include public access across the development site to the creek and along the creek, provided that wildlife habitat, public safety, and reasonable privacy and security of the development can be maintained.
8. Policy: The City shall encourage new development to preserve on-site natural elements that contribute to the community's native plant and wildlife species value and to its aesthetic character.
9. Policy: Prior to the approval of a project with the potential to adversely impact special status plant or animal species of their habitats, the City shall ensure compliance with the relevant provisions of state and federal law relating to the preservation of rare, threatened, or endangered species and their habitat. Such laws included, but are not limited to, the federal and state Endangered Species Acts, and federal Clean Water Act.
10. Policy: Where future development projects have the potential to impact natural plant communities or sensitive wildlife resources, the City shall require the project applicant to conduct appropriate surveys prepared by a qualified biologist in accordance with applicable regulatory guidelines. Such surveys shall identify and map any existing rare, threatened, or endangered, or endangered plant and animal species and recommend appropriate mitigation measures.
11. Policy: Monitoring of mitigation and restoration activities shall be consistent with requirements for each species or habitat as prescribed by the relevant regulatory jurisdictional agencies. For listed or candidate species, species of special concern, or sensitive habitats for which no mitigation or avoidance measures have been published, the City shall require evidence of coordination with the responsible agencies prior to acceptance of mitigation, avoidance measure, and/or monitoring requirements.
12. Policy: It is the general policy of the City to allow the State Coastal Conservancy to conduct restoration projects within the City subject to City approval and permit requirements.

213. Policy: Blown sand removed from Grand Avenue, Le Sage Drive, parking lots or other paved surfaces shall be disposed of either by spreading on the hard beach area of the intertidal zone or in the general area of the existing dirt vehicle ramp. In no instance shall blown sand be dumped or spread in the dunes area.

14. Action: The City will work with the County, conservation organizations, the San Luis Obispo Council of Governments, the California Department of Fish and Wildlife, and the U.S. Fish and Wildlife Service to identify strategies for the permanent protection of habitat for rare and endangered species.

15. Action: The City shall support, and participate in, local and regional efforts of local, state and federal resource agencies to protect, restore and maintain viable, contiguous areas of habitat for sensitive plant and animal species.

#### Water Quality

316. Policy: All new development shall protect the quality of water bodies and drainage systems through adaptive site design, stormwater management, and the implementation of include all applicable Best Management Practices (BMPs) for control of polluted runoff stormwater management, including, but not necessarily limited to, those identified in the California Storm Water Best Management Practice Handbooks (March 1993), in order to prevent polluted runoff from reaching Meadow Creek and the ocean.

17. Action: The City shall adopt and implement an Urban Storm Water Quality and Discharge Control Ordinance.

18. Action: To ensure new development and the redevelopment of existing sites adequately protects water quality, the City shall consider, and implement where appropriate, low impact development options and revisions to the City's water quality management regulations consistent with the Storm Water Management Program adopted by the Regional Water Quality Control Board.

19. Action: The City shall ensure the new development will maintain historic off-site storm flows unless improvements are in place or made with the development that will maintain historic downstream and upstream flows.

20. Action: The City has adopted and shall periodically update a Storm Water Master Plan including shared detention facilities.

21. Action: The City shall comply with relevant provision of the National Pollution Discharge Elimination (NPDES) program as part of the development review process.

22. Action: The City will undertake long-term watershed planning and management activities in coordination with adjoining cities, San Luis Obispo County, and State Parks. The main objectives of these efforts are to ensure the protection of water quality, the beneficial uses of water, and the biological and physical integrity of watersheds and aquatic habitat. The City will consider amendments to the policies and programs of the Local Coastal Program as necessary to incorporate the findings and recommendations of these watershed planning efforts.

**Part 11. Section 2.2.2.I shall be amended as follows:**

**2.2.2 VISUAL RESOURCE AREAS**

**I. AREA 9**

**DESCRIPTION**

This small area ~~east of South Fourth Street and~~ south of Calvin Court is designated for single-family residential ~~and for residential-agricultural uses and includes the South 4<sup>th</sup> Street right-of-way.~~ Within the C-R-1 zone, the single-family dwellings are relatively new and attractive. ~~In the agricultural district some land lies fallow and the remaining is presently used primarily for truck farming and for agricultural buildings.~~ As in Area 8, most of this area is screened by a row of tall, closely growing eucalyptus trees along the western side of South Fourth Street.

**VISUAL QUALITY**

Visual quality in this area is fair. ~~A few deteriorated structures are present at the north end of the residential-agriculture district.~~ Views inland from South Fourth Street here are of productive agricultural lands outside of the Coastal Zone, which provide some open space relief.

**VISUAL CONFLICTS**

There are ~~no significant visual conflicts in this area at present~~ several agricultural buildings, used for storage or greenhouses, that are in character with surrounding agricultural activity. There is potential for some visual conflict in the C-R-A designation of the agricultural area if future developments obstruct inland views or do not retain the rural character of adjacent lands.

**Part 12. Section 2.2.3.I.1 shall be amended as follows:**

**I. AREA 9**

1. ~~There are no significant visual conflicts in this area at present~~ The present designation ~~permitting residential-agricultural use in the southern third of this area may create conflicts with the intensive agricultural use of adjacent lands beyond Coastal Zone boundaries. Strictly residential development is often incompatible with agricultural activity.~~

**Part 13. Section 2.2.4.E.2. shall be amended as follows:**

**E. AREA 5**

2. Policy: The existing slot view on Grand Avenue toward the dunes and shoreline shall be protected and enhanced where feasible. ~~A minimum setback of 10 feet on Grand Avenue shall be required in this area, thus a 120-foot wide view corridor will be maintained.~~

**Part 14. Section 2.2.4.I.1. shall be amended as follows:**

**I. AREA 9**

1. Policy: Future developments in this area shall be ~~agriculture-related~~ residential uses which are visually ~~and economically~~ compatible with adjacent ~~agricultural land~~ residential uses.

**Part 15. Section 2.2.4.K. shall be amended to add #3 as follows:**

K. GENERAL

3. Policy Hillside development shall:

- a. Keep a low profile and conform to the natural slopes;
- b. Avoid large, continuous walls or roof surfaces, or prominent foundation walls, poles, or columns;
- c. Minimize grading of roads;
- d. Minimize grading on individual lots;
- e. Locate houses close to the street; minimize the grading of visible driveways;
- f. Include planting which is compatible with native hillside vegetation and which provides a visual transition from developed to open areas;
- g. Use materials, colors, and textures which blend with the natural landscape and avoid high contrasts; and
- h. Minimize exterior lighting.

**Part 16. Section 4.3 shall be amended to add #3 as follows:**

4.3 RECOMMENDATIONS

3. The City shall promote the expansion of employment opportunities in Grover Beach to reduce the volume and distance of home-to-work commute trips by motor vehicle.

**Part 17. Section 5.7.A.1. shall be amended to add “d” as follows:**

5.7 RECOMMENDATIONS

A. MAXIMUM ACCESS

- d. The City should work with property owners, resource conservation agencies, the State of California, the adjoining cities, and the County to establish an interconnected system of trails connecting open space resources with surrounding neighborhoods.

**Part 18. Section 5.7.A.2. shall be amended to add “f” as follows:**

- f. The City should prepare and adopt a Trail Plan to achieve the intent of Policy 5.7.A.1.d. Trail connections to be considered include a trail along Meadow Creek to Pismo Marsh, and a trail along the railroad right-of-way to the City of Pismo Beach with appropriate links to the regional DeAnza Trail.

**Part 19. Section 5.7.F.1. shall be amended to add “f” as follows:**

- f. The transition of the Le Sage Mobile Home Park to accommodate additional visitor serving commercial or retail businesses shall be encouraged.

**Part 20. Section 5.7.F.2.c. shall be amended as follows:**

- c. The City should designate the following areas for Coastal Visitor Serving coastal commercial uses:

- (1) The land which lies between the west side of Highway 1 and the Meadow Creek drainage channel, and between Grand Avenue and Le Sage Drive.
- (2) The strip of land south of Grand Avenue between the railroad easement and Highway 1.
- (3) That land presently occupied by the Le Sage Riviera Mobile Home and Recreational Vehicle Park.
- (4) That land west of Highway 1 and north of Grand Avenue.

**Part 21. Section 5.7.H. shall be amended as follows:**

**H. PROMOTION OF VISITOR SERVING FACILITIES**

Create an identity for the City that will enhance its image as a tourist destination.

**Policies:**

- a. The City will promote the City's tourist amenities including the Oceano Dunes State Vehicular Recreational Area, Pismo State Beach, monarch butterfly preserve, and Amtrak train service.
- b. The City will establish entry monuments at major City entrances to identify Grover Beach, and provide signage directing visitors to coastal access locations, key amenities such as the train station and dune access.

**II. GENERAL**

1. Policy: All proposed land use plans or proposals and any subsequent development within the Coastal Zone of Grover Beach must receive approval by the City prior to the implementation. Said land use plans or proposals and any subsequent development shall be consistent with Grover Beach's Local Coastal Program.
2. Action: All projects shall be consistent with the uses and viewshed setback in the area west of Highway 1 as shown in Figure 3. The City shall adopt the specific plan (Figure 3) provided herein for the area designated as Coastal Planned Commercial.

**Part 22. Section 6.7.1. is hereby amended to add #7, #8, and #9 as follows:**

**6.7.1 WATER SUPPLY**

7. Policy: To minimize the need for the development of new water sources and facilities and sewer treatment needs, the City shall promote water conservation both in City operations and in private development.

8. Action: Continue to promote the use of drought tolerant landscaping.

9. Action: Support storm drainage systems that would keep runoff on-site through Low Impact Design (LID) and hydromodification approaches and percolate into the groundwater.

**Part 23. Chapter 7 is hereby deleted in its entirety and replaced as follows:**

**7.0 DESCRIPTION OF LAND USE DESIGNATIONS AND ZONES**  
**of the LOCAL COASTAL PROGRAM**

## 7.1 LAND USE DESIGNATIONS

The City's General Plan Land Use Element contains the following land uses designations for the area within the Coastal Zone with the boundaries as shown on Map 5

Low Density Residential: This designation allows for single-family detached and attached homes, secondary residential units, public and quasi-public uses, and similar and compatible uses. Residential densities shall be in the range of 2 to 5 units per gross acre.

Medium Density Residential: This designation allows for small lot single-family attached or detached homes, duplexes, multi-family residential units, public and quasi-public uses and similar and compatible uses. Residential densities shall be in the range of 6 to 9 units per gross acre.

High Density Residential: This designation provides for single-family attached homes, multi-family residential, mobile home parks, public and quasi-public uses and similar and compatible uses. Residential densities shall be in the range of 10 to 20 units per gross acre.

Visitor Serving – Mixed Use: This designation accommodates a complementary range of hotels and motels, bed and breakfast accommodations, convention facilities, restaurants, recreational uses and retail sales primarily for the convenience of visitors. This category is intended to foster the establishment of a pedestrian-oriented area near the beachfront, the train station, and the entrance to the Oceano Dunes State Vehicular Recreation Area, and Pismo State Beach that provides convenience goods and services for visitors to Grover Beach and the surrounding neighborhood areas. Opportunities to provide family oriented businesses within this area should be explored. The Visitor Serving- Mixed Use category allows for both vertical (different uses stacked above one another) and horizontal (different ground level uses on a single parcel) mixed use opportunities.

In general, ground floor development within the Visitor Serving – Mixed-Use designation should be reserved for retail shops, eating and drinking establishments, and visitor accommodations, with the upper floors reserved for additional visitor accommodations, offices and dwellings. To assure adequate space for visitor-serving uses, properties within this designation should not include general retail stores unless oriented to visitors, auto repair, or business services. Although mixed-use development is encouraged, it is not required.

The ratio of building floor area to site area shall not exceed 3.0. The Zoning Regulations will establish maximum building height and lot coverage, and minimum setbacks from streets and other property lines, as well as procedures for exceptions to such standards in special circumstances. However, the maximum building height for structures in this designation shall be 40 feet or 3 stories, whichever is greater. A higher building height may be established for specific areas by the Development Code.

When dwellings are provided in the Visitor Serving –Mixed Use zone, they shall not exceed 20 units per acre. So long as the floor area ratio is not exceeded, the maximum residential density may be developed in addition to nonresidential development on a site.

Industrial: The Industrial designation allows for planned industrial parks, warehouses, retail uses when accessory to a warehouse or industrial use, light manufacturing and assembly, and similar and compatible uses. In addition, the Industrial designation accommodates smaller service businesses such as contractor's yards and car storage. This designation also allows for



automobile service and repair shops, wholesalers and commercial uses related to building and mechanical material sales and supply.

The ratio of floor area to site area shall not exceed 0.50. The Zoning Regulations will establish maximum building height and lot coverage, and minimum setbacks from streets and other property lines, as well as procedures for exceptions to such standards in special circumstances. Development review will determine a project's realized building intensity, to reflect existing or desired architectural character in a neighborhood.

Dwellings may be provided as part of a specially approved mixed-use development which may include live-work settings, caretaker's residences, or other similar and compatible living arrangements. The appropriate residential density would be set considering the maximum residential density allowed in any neighboring residential area.

Open Space/Resource Conservation: This designation is applied to areas intended for active and passive recreation (including the Pismo Beach State Park and golf course), to preserve sensitive habitat for special status plant or animal species, in areas subject to flood hazard, in areas for watershed protection, and on land subject to steep slopes.

In general, structures are not allowed within this designation; however, structures necessary to support recreation activities at the State Park may be considered. The commercial extraction of natural resources is prohibited under this designation.

## 7.2. ZONES

The City's Development Code contains the following zones for the area within the Coastal Zone with the boundaries as shown on Map 6.

Coastal Planned Low Density Residential Zone (CPR1): This Zone is intended primarily as an area for detached and attached single-family dwellings. All development shall be developed in a manner which will maximize protection of environmental, visual and archaeological resources within and adjacent to the boundaries of the Zone by minimizing removal or disturbance of native vegetation, controlling grading, erosion, and run-off and sensitively siting and designing structures to avoid impacting archaeological deposits and reducing the visual impact on surrounding and adjacent areas.

Coastal Low Density Residential Zone (CR1): This Zone is intended primarily for detached and attached single-family dwellings. Public and quasi-public uses, and similar or compatible uses may also be appropriate.

Coastal Medium Density Residential Zone (CR2): This Zone is intended primarily as an area for small lot detached and attached single-family dwellings and multi-family residential dwellings. Public and quasi-public uses, and similar or compatible uses may also be appropriate.

Coastal High Density Residential Zone (CR3): This Zone is intended primarily as an area for small lot detached and attached single-family dwellings and multi-family residential dwellings. Public and quasi-public uses, and similar or compatible uses may also be appropriate.

Coastal Visitor Serving Zone (CVS): This Zone applies to areas of the City appropriate for pedestrian oriented commercial development. The CVS Zone encompasses a unique location near the beachfront, and is a transitional area to the West Grand Avenue downtown area to the

east. The provisions of this Zone encourage an attractive area that provides convenience goods and services that support visitor needs related to beach activities and surrounding neighborhood areas. The provisions of this Zone do not allow residential uses west of the Union Pacific Railroad tracks.

Coastal Commercial Zone (CC): This Zone applies to a unique area of the City generally located between Front and Beckett Streets, south of Atlantic City Avenue, which contains a mixture of industrial, commercial and residential uses. Appropriate new uses for the area include visitor serving uses, commercial services, personal services, office, live/work, mixed use, and adaptive reuse. In addition, artisan manufacturing is encouraged where items such as pottery, jewelry, crafts, food and winemaking are sold on-site.

Coastal Industrial Zone (CI) Zone: This Zone applies to areas of the City appropriate for light manufacturing and assembly, industrial parks, warehouses, and similar and compatible uses. The area is also appropriate for smaller service businesses such as contractor's yards, vehicle repair and storage, and material sales and supplies. Live-work may be appropriate when compatible with surrounding uses.

Coastal Industrial Commercial Zone (CIC): This Zone applies to the area adjacent to the Coastal Commercial Zone. The area is appropriate for technology businesses, custom and light manufacturing and assembly, and similar and compatible uses where all operations are conducted within the building. The area is also appropriate for office uses, live-work, recreational uses and similar and compatible uses.

Coastal Open Space Zone (COS): This Zone is designed to protect and preserve sensitive natural areas including but not limited to those containing significant habitat areas, rare or endangered plant and animal species, and erosion-prone lands. Opportunities for educational and scientific study of undisturbed natural environments are encouraged.

Coastal Golf Course Zone (CGC): This Zone applies to the Pismo State Beach public golf course facility within the coastal zone.

Coastal Pedestrian Beach Zone (CPB): This Zone applies to the area adjacent to the beach, generally north of the West Grand Avenue terminus. The purpose is to provide a public beach area in which non-vehicular beach activities can be pursued free from conflict with vehicular beach users.

Coastal Vehicular Beach Zone (CVB): This Zone applies to the area adjacent to the beach, generally south of the West Grand Avenue terminus. The purpose is to provide an area in which vehicular beach activities are allowed which will not significantly disrupt native vegetation or sensitive habitat areas.

**Part 24. All references to "Coastal Planned Commercial (CPC)" and "Coastal Highway Commercial (CHC)" on pages 26, 29, 40, 56, 63, 65, 68, 70, and 74 shall be deleted and replaced with "Coastal Visitor Serving (CVS)" to be consistent with the Development Code.**

**Part 25. The Table of Contents on pages i-iv shall be amended to be consistent with this Local Coastal Program Amendment.**

**Part 26. All references to the 1992 Land Use Element that are currently part of the certified LCP are hereby deleted in its entirety including the following sections:**

- **“Relationships of General Plan Elements” on page 1-1 of the Introduction;**
- **The Land Use Map,**
- **Chapter Four- Growth Management,**
- **Policies 6.4 – Commercial Environmental Policy and 6.5 – The Environment is Good Business Policy,**
- **Policy 7.3 - Industrial Areas Environmental Goals Policy,**
- **Chapter Eight – Resource Conservation and Development,**
- **Policies 9.1 – Neighborhood Services and Facilities Policy and 9.2 – City-Wide Services and Facilities Policy,**
- **The maps and text of the entire Neighborhood Plan, and the maps and text of the portions of the Grand Corridor Plan, the Northwest Grover Beach Neighborhood Plan, the Northern Hillside Neighborhood Plan, the West Grover Beach neighborhood Plan, and the South Grover Beach Neighborhood Plan, as they apply to the coastal zone.**

Part 27. Map 5 Land Use Designations is hereby deleted in its entirety and replaced with the following map:

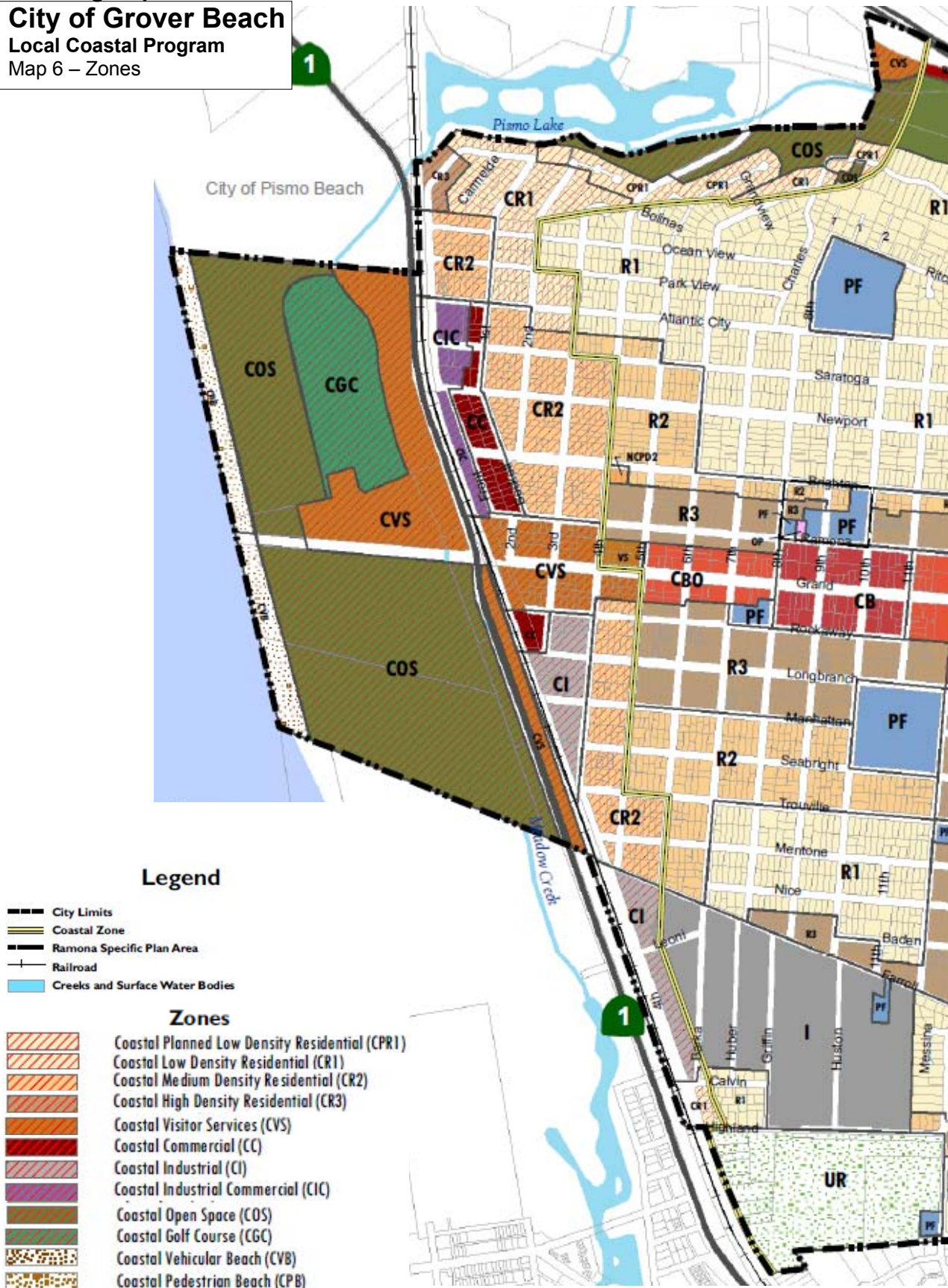
**City of Grover Beach**  
**Local Coastal Program**  
**Map 5 – Land Use Designations**





Part 28. Map 6 Zoning Districts is hereby deleted in its entirety and replaced with the following map:

**City of Grover Beach**  
**Local Coastal Program**  
Map 6 – Zones



**ORDINANCE NO. 12-06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH  
AMENDING GROVER BEACH MUNICIPAL CODE ARTICLE IX PLANNING  
AND ZONING REGULATIONS AND ARTICLE VII PUBLIC WORKS ASSOCIATED WITH  
DEVELOPMENT PERMIT APPLICATION NO. 11-12**

**WHEREAS**, in November 2009 the City updated the Housing Element of the General Plan, which included many new policies regarding housing; and

**WHEREAS**, in February 2010, the City Council adopted a comprehensive update to the Land Use Element of the General Plan, which included many new policies regarding future development of the City; and

**WHEREAS**, in January 2011 the City adopted the West Grand Avenue Master Plan, which included new guidelines for development along West Grand Avenue; and

**WHEREAS**, Section 65860 of the California Government Code directs that a city's zoning ordinance must be consistent with its General Plan; and

**WHEREAS**, it is necessary for the Zoning Code to be updated to bring it into conformance with the updated Land Use and Housing Elements; and

**WHEREAS**, Article IX Chapters 1 Zoning Regulations, Chapter 2 Subdivision Regulations, Chapter 4 Signs and Chapter 5 Tree Regulations are being reorganized and reformatted to create a new Article IX to be known as the "Development Code"; and

**WHEREAS**, Article IX Chapters 1 Zoning Regulations, Chapter 2 Subdivision Regulations, Chapter 4 Signs and Chapter 5 Tree Regulations shall serve as the "Interim Zoning Code" for the area of the City within the Coastal Zone until such time the new Article IX known as the "Development Code" is approved by the Coastal Commission; and

**WHEREAS**, Article IX Chapter 3 Underground Utility Districts is being deleted and added in its entirety to Article VII Public Works as Chapter 7; and

**WHEREAS**, Article VII Public Works, Chapter 3 Flood Damage Prevention Regulations is being deleted and replaced with new flood hazard regulations in Article IX Chapter 5 consistent with the new FEMA model ordinance; and

**WHEREAS**, public notice has been given in the time and manner required by State law and City code; and

**WHEREAS**, the Planning Commission of the City of Grover Beach has reviewed and considered the proposed Zoning Code Amendment associated with Development Permit Application No. 11-12 at Public Hearings on July 9 and July 24, 2012; and

**WHEREAS**, at its meeting of August 6, 2012, the City Council duly considered all evidence, including public testimony from interested parties, and the evaluation and recommendations by the Planning Commission, presented at said hearings and conducted a first reading, by title only, of Ordinance No. 12-05; and

**WHEREAS**, at its meeting of August 20, 2012, the City Council did not conduct a second reading of the Ordinance and directed staff to amend the legal non-conforming use section; and

**WHEREAS**, at its meeting of October 1, 2012, the City Council duly considered all evidence, including public testimony from interested parties, and the evaluation and recommendations by the Planning Commission, presented at said hearings and conducted a first reading, by title only, of Ordinance No. 12-06 which included a revision to the legal non-conforming use section for the Coastal Commercial zone; and

**WHEREAS**, at its meeting of October 15, 2012, the City Council conducted a second reading, by title only, of Ordinance No. 12-06; and

**WHEREAS**, the City Council makes the following findings:

1. Changes to the Development Code were made to maintain consistency with the General Plan Land Use and Housing Elements.
2. Changes to the Zoning Map were made to maintain consistency with the General Plan Land Use Element.
3. The City has prepared an Initial Study and Negative Declaration in compliance with California Environmental Quality Act and determined in its independent judgment that the Amendment would not have a significant impact on the environment.

**THE CITY COUNCIL OF THE CITY OF GROVER BEACH** does hereby ordain as follows:

**PART 1.** For the areas of the City that are not within the Coastal Zone, Article IX Planning and Zoning Regulations, Chapter 1, Chapter 2, Chapter 4 and Chapter 5 are hereby deleted in their entirety and replaced with Exhibit "A" referenced as the 2012 Grover Beach Development Code, except that all regulations effecting the CPR1, CR1, CR2, CR3, CVS, CC, CI, CIC, COS, CGC, CVB, and CPB zones shall not take effect until Part 4 becomes effective.

**PART 2.** Article IX Planning and Zoning Regulations, Chapter 3 Underground Utility Districts is hereby deleted in its entirety and added in its entirety to Article VII Public Works, Chapter 7 Utility Undergrounding Districts.

**PART 3.** Article VII Public Works Chapter 3 Flood Damage Prevention Regulations is hereby deleted in its entirety and replaced with new flood hazard regulations in Article IX Chapter 5.

**PART 4.** For the areas of the City that are within the Coastal Zone, Article IX Planning and Zoning Regulations, Chapter 1, Chapter 2, Chapter 4 and Chapter 5 are hereby deleted in their entirety and replaced with Exhibit "A" referenced as the 2012 Grover Beach Development Code. Until such time that Part 4 becomes effective, Article IX Planning and Zoning Regulations, Chapter 1, Chapter 2, Chapter 4 and Chapter 5 shall serve as the interim Planning and Zoning Regulations for the CPR1, CR1, CR2, CR3, CVS, CC, CI, CIC, COS, CGC, CVB, and CPB zones and shall be referenced as "Article IX-A Interim Planning and Zoning Regulations for the Coastal Zone".

**PART 5.** For the areas of the City that are within the Coastal Zone, the following Zoning Map amendments to Article IX Section 2.10.020.B Official Zoning Map are amended as follows:

General Location/Area	Current Zone	Proposed Zone
950 El Camino Real	CPC	CVS
Beckett Industrial area	CIC	CC
150 South Highway 1 (Train Station)	PF	CVS
202 South 3 <sup>rd</sup> St.	CI	CC
South side of Ramona Ave. between 2 <sup>nd</sup> & 4 <sup>th</sup> Streets	CR2	CVS

**PART 6.** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be in violation of the law, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared in violation of the law.

**PART 7.** Parts 1, 2, and 3 of this Ordinance shall become effective thirty (30) days after the date of its adoption, except that all regulations effecting the CPR1, CR1, CR2, CR3, CVS, CC, CI, CIC, COS, CGC, CVB, and CPB zones shall not take effect until Part 4 becomes effective. Within fifteen (15) days after its adoption by the City Council, it shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.

**PART 8.** Parts 4 and 5 of this Ordinance **shall not become effective until final certification by the California Coastal Commission.** However, within fifteen (15) days after adoption by the City Council, the Ordinance shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.

**INTRODUCED** at a regular meeting of the City Council held October 1, 2012, and **PASSED, APPROVED, and ADOPTED** by the City Council on October 15, 2012, on the following roll call vote, to wit:

AYES: Council Members Bright, Molnar, Peterson, Mayor Pro Tem Nicolls, and Mayor Shoals.  
NOES: Council Members – None.  
ABSENT: Council Members – None.  
ABSTAIN: Council Members – None.

Attest:

  
DONNA L. McMAHON, CITY CLERK

  
JOHN P. SHOALS, MAYOR

Approved as to Form:

  
MARTIN D. KOCZANOWICZ, CITY ATTORNEY



**ORDINANCE NO. 14-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH  
AMENDING GROVER BEACH MUNICIPAL CODE ARTICLE IX DEVELOPMENT CODE  
ASSOCIATED WITH DEVELOPMENT PERMIT 11-12**

**WHEREAS**, in February 2010, the City Council adopted a comprehensive update to the Land Use Element of the General Plan; and

**WHEREAS**, in August 2012, the City Council approved a Local Coastal Program (LCP) Amendment (Resolution No. 12-55) to bring it into conformance with the City's Land Use Element; and

**WHEREAS**, in October 2012, the City Council adopted the Development Code to replace the Zoning Code (Ordinance No. 12-06) to bring it into conformance with the City's Land Use Element; and

**WHEREAS**, approval by the California Coastal Commission is required for the Amendment to take effect for the revisions to the Local Coastal Program and the adoption of the Development Code, which is the implementation plan for the City's Local Coastal Program; and

**WHEREAS**, a LCP Amendment was submitted to the California Coastal Commission for their review and consideration; and

**WHEREAS**, Coastal Commission staff has provided the City with several suggested modifications to the LCP Amendment and City staff has decided that the suggested modifications should be reviewed by the City Council prior to the Coastal Commission consideration of the LCP Amendment; and

**WHEREAS**, public notice has been given in the time and manner required by State law and City code; and

**WHEREAS**, the Planning Commission of the City of Grover Beach reviewed and considered the proposed Local Coastal Program Amendment associated with Development Permit 11-12 at Public Hearings on June 9 and June 24, 2014; and

**WHEREAS**, on June 24, 2014, the Planning Commission of the City of Grover Beach recommended the City Council adopt the proposed Local Coastal Program Amendment associated with Development Permit 11-12 and rescind City Council Resolution No. 12-55; and

**WHEREAS**, at its meeting of July 7, 2014, the City Council conducted a public hearing and duly considered all evidence, including public testimony from interested parties, and the recommendations by the Planning Commission for the proposed Local Coastal Program Amendment associated with Development Permit 11-12 and conducted a first reading, by title only, of Ordinance No. 14-04; and

**WHEREAS**, at its meeting of July 21, 2014, the City Council conducted a second reading, by title only, of Ordinance No. 14-04 and adopted it as presented; and

**WHEREAS**, the City Council makes the following findings:

1. The amendments to the Development Code are consistent with all other provisions of the General Plan and Local Coastal Program.
2. An addendum to the previous Initial Study and Negative Declaration has been prepared for Development Permit 11-12 in compliance with the California Environmental Quality Act and determined in their independent judgment that the Amendment would not increase the severity of the impacts previously identified; therefore, the Amendment would not have a significant impact on the environment.

**THE CITY COUNCIL OF THE CITY OF GROVER BEACH** does hereby ordain as follows:

**PART 1.** This Development Code Amendment is an amendment to the Local Coastal Program and the City Council directs staff to submit this Local Coastal Program Amendment to the California Coastal Commission for certification in conformance with California Code of Regulations, Title 14, Division 5.5.

**PART 2.** For the areas of the City that are not within the Coastal Zone, Article IX Development Code is hereby amended as referenced in Exhibit "A" and shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days after its adoption by the City Council, it shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.

**PART 3.** For the areas of the City that are within the Coastal Zone, Article IX Development Code is hereby amended as referenced in Exhibit "A" and shall take effect upon final certification by the California Coastal Commission if no amendments are made to the City approved Local Coastal Program Amendment, unless Coastal Commission certification occurs less than 30 days after City adoption in which case the Ordinance shall take effect 30 days after Council adoption. If the Coastal Commission makes revisions to the City approved Local Coastal Program Amendment, then the Amendment shall be approved by the City Council and take effect immediately upon final certification by the California Coastal Commission. However, within fifteen (15) days after adoption by the City Council, the Ordinance shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.

**PART 4.** This Local Coastal Program Amendment meets the requirements of and is in conformity with the policies of Chapter 3 of the Coastal Act.

**PART 5.** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be in violation of the law, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared in violation of the law.

**INTRODUCED** at a regular meeting of the City Council held July 7, 2014, and **PASSED, APPROVED, and ADOPTED** by the City Council on July 21, 2014 on the following roll call vote, to wit:

AYES:	Council Members Bright, Marshall, Nicolls, Mayor Pro Tem Lee, and Mayor Peterson.
NOES:	Council Members – None.
ABSENT:	Council Members – None.
ABSTAIN:	Council Members – None.

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DEBBIE PETERSON, MAYOR

Attest:

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DONNA L. McMAHON, CITY CLERK

Approved as to Form:

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MARTIN D. KOCZANOWICZ, CITY ATTORNEY

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# **City of Grover Beach**

## **Development Code**

### **Article IX of the Grover Beach Municipal Code**

Adopted October 15, 2012 (Ord. No. 12-55), Effective November 14, 2012 (excluding Coastal Zones)

Revised July 21, 2014 (Ord. No. 14-04), Certified by California Coastal Commission August 13, 2014,  
Effective August 20, 2014 (City-wide)

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**CITY OF GROVER BEACH MUNICIPAL CODE**

**ARTICLE IX, DEVELOPMENT CODE**

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**Appendix A – Planned Development Overlay Zones**

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# CHAPTER 1. PURPOSE AND APPLICABILITY

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## 1.10 Title

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### Sections:

- 1.10.010 - Title
- 1.10.020 - Zoning Map

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### 1.10.010 Title

- A. Article IX of the City of Grover Beach Municipal Code shall be known and may be cited as "The City of Grover Beach Development Code" or "the Development Code". Within this Title, it may also be known as "this Development Code" or "these regulations."
- B. The Zoning Map that is a part of this Development Code shall be known as the "Zoning Map of the City of Grover Beach" (hereafter "Zoning Map") (See Section 1.10.020 (Zoning Map)).
- C. Article IX and the Zoning Map shall be subject to change from time to time as may be determined by the City Council.

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### 1.10.020 Zoning Map

- A. **Adoption.** The City of Grover Beach (City) is hereby divided into zones, as shown on the Zoning Map of the City of Grover Beach which, together with all explanatory notes provided on the Zoning Map, is adopted by reference and declared to be a part of this Development Code. The Zoning Map shall be kept on file in the office of the Community Development Director (Director).
- B. **Determination of Zone Boundaries.** If the exact boundaries of a Zone cannot be readily or exactly ascertained by reference to the Zoning Map, the boundary shall be deemed to be along the nearest street or lot line. If a Zone boundary line divides or splits a lot, the lot shall be deemed to be included within the Zone that is more restrictive. The provisions of the Section shall not apply to acreage as determined by the Director.
- C. **Zone Boundary or Classification Changes**
  - 1. Changes in the boundaries of Zones shall be made by ordinance in the manner provided in Section 7.30 (Amendments). Zone changes shall be identified by either Assessor's Parcel Number (APN), diagram, lot and block number, or by metes and bounds.
  - 2. If, in compliance with the provisions of the Development Code, changes are made in zone boundaries, zone classifications, or other matters set forth on the Zoning

Map, such changes shall be entered on the Zoning Map within 30 days following the effective date of the ordinance adopting the change.

- D. **Maintenance of Zoning Map.** The Zoning Map shall be maintained in electronic format by the Community Development Department (Department), as authorized by the Director.
- E. **Copies of the Zoning Map.** Paper copies of the Zoning Map shall be certified as true and correct by the Director. Electronic copies of the Zoning Map shall not be certified as true and correct.

## 1.20 Purpose and Applicability

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### Sections:

- 1.20.010 - Purpose of the Development Code
- 1.20.020 - Authority for the Development Code
- 1.20.030 - Responsibility for Administration
- 1.20.040 - Applicability of Development Code
- 1.20.050 - Rules of Interpretation
- 1.20.060 - Relationship to General Plan and Local Coastal Program

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### 1.20.010 Purpose of the Development Code

- A. The City of Grover Beach Development Code carries out the policies of the City of Grover Beach General Plan by classifying and regulating the uses of land and structures within the City, consistent with the General Plan. This Development Code is adopted to protect and promote the public health, safety, and general welfare of residents and businesses in the City. More specifically, the purposes of the Development Code are to:
1. Provide standards and guidelines for the continuing orderly growth and development of the City that will assist in improving the character and community identity of Grover Beach;
  2. Ensure development is of human scale, pedestrian-oriented and compact where appropriate, and designed to create attractive streetscapes and pedestrian spaces;
  3. Provide for a mixture of land uses, pedestrian-oriented development, safe and effective traffic circulation, and adequate on- and off-street parking facilities;
  4. Provide neighborhoods with a variety of housing types to serve the needs of a diverse population; and
  5. Ensure compatibility between different types of development and land uses.

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### 1.20.020 Authority for the Development Code

This Development Code is enacted based on the authority vested in the City of Grover Beach by the State of California, including but not limited to: the California Constitution; the Planning and Zoning Law (Government Code Sections 65000 et seq.); and the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.).

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### 1.20.030 Responsibility for Administration

- A. **Responsible Bodies and Individuals.** This Development Code shall be administered by the Grover Beach City Council (Council), the Grover Beach Planning

Commission (Commission), the Community Development Director (Director), and the Public Works Director/City Engineer.

- B. **Exercise of Discretion.** In the event that a provision of this Development Code allows for the exercise of discretion in the application of a specific standard or requirement, but does not identify specific criteria for a decision, the following criteria shall be used in exercising discretion:
1. The decision is consistent with the General Plan.
  2. The proposed development complies with all applicable provisions of this Development Code and all other applicable City standards; and
  3. The exercise of discretion will act to ensure the compatibility of the proposed development with its site, surrounding properties, and the community.

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### 1.20.040 Applicability of Development Code

In addition to all applicable federal, State, and local laws and regulations governing land use and development, this Development Code applies to all land within the City, as follows:

- A. **New Land Uses or Structures, Changes to Land Uses or Structures.** No building, structure, or land shall be used or occupied, and no building, structure, or land shall be constructed, replaced, occupied, enlarged, or altered, nor shall any applicable permit be issued unless in conformity with all the provisions of this Development Code for the zone in which it is located and other applicable regulations except as provided in Section 7.40 (Nonconforming Uses, Structures, and Lots).
- B. **Subdivisions.** Any subdivision of land proposed within the City after the effective date of this Development Code shall be consistent with the minimum lot size requirements of Chapter 2 (Zones and Allowable Land Uses), Chapter 3 (Standards for All Development and Land Uses), and all applicable requirements of this Development Code.
- C. **Minimum Requirements.** The provisions of this Development Code shall be the minimum requirements for the promotion of the public health, safety, and general welfare. When this Development Code provides for discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Development Code, as may be determined by the Review Authority to be necessary to promote appropriate land use and development, environmental resource protection, and other purposes of this Development Code.
- D. **Property Owned by Federal or State Agencies.** The provisions of this Development Code shall not apply to property owned by the United States of America or any of its agencies, nor to the State of California or to any local agency not required to comply with this Development Code by State law when the proposed use or structure is for a governmental purpose. All exempt agencies are encouraged to design any new developments in compliance with the standards set forth in this

Development Code and to cooperate in meeting the goals and objectives of this Development Code and the General Plan.

**E. Conflicting Requirements:**

1. Development Code requirements. If different requirements within this Development Code conflict, the provisions of Chapter 2 (Zones and Allowable Land Uses) control over Chapter 3 (Standards for All Development and Land Uses), and the provisions of Chapter 4 (Standards for Specific Development and Land Uses) control over Chapters 2 and 3. Projects within the Coastal Zone shall comply with all standards in the Local Coastal Program. (Am. Ord. 14-04)
2. Development Code and Municipal Code provisions. If a conflict occurs between requirements of this Development Code and requirements of the City of Grover Beach Municipal Code, or other regulations of the City, the most restrictive shall apply.
3. Development agreements or specific plans. If a conflict occurs between the requirements of this Development Code and standards adopted as part of any development agreement or applicable specific plan, the requirements of the development agreement or specific plan shall apply.
4. Private agreements. This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development, land use, or land than a private agreement or restriction (for example, "Covenants, Conditions and Restrictions" (CC&Rs).

**F. Effect of Development Code changes on projects in progress.**

1. A development permit application that has been accepted by the Department as complete in compliance with Subsection 6.10.040 (Application Review) before the effective date of this Development Code shall be processed in compliance with the standards in effect when the application is accepted as complete.
2. A project that has been approved by the City but is not yet under construction on the effective date of this Development Code or any amendment need not be changed to satisfy any new or different requirements of this Development Code, provided that the approved use of the site shall be established, including the completion of all structures and other features of the project as shown on the approved permit, before the expiration of the permit, or applicable time extension.
3. A project that is under construction on the effective date of this Development Code or any amendment need not be changed to satisfy any new or different requirements of this Development Code, provided that the approved use of the site shall be established, including the completion of all structures and other features of the project as shown on the approved permit, before the expiration of the permit, or applicable time extension.

- G. Other requirements may apply.** Nothing in this Development Code eliminates the need for obtaining any other permits required by the City, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulations of any State or Federal agency.

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**1.20.050 Rules of Interpretation**

- A. **Authority.** The Director has the authority to interpret any provision of this Development Code. Whenever the Director determines that the meaning or applicability of any Development Code requirement is subject to interpretation, the Director may issue an official interpretation. The Director may also refer any issue of interpretation to the Commission or Council for their determination.
- B. **Language.** In addition to the general provisions of this Development Code, the following rules of construction shall apply:
1. The particular controls the general.
  2. The words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory.
  3. “Should” is not mandatory but is strongly recommended; and “may” is permissive.
  4. The words “includes” and “including” shall mean “including but not limited to . . .”.
  5. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
    - a. “And” indicates that all connected words or provisions shall apply.
    - b. “Or” indicates that the connected words or provisions may apply singly or in any combination.
    - c. “Either . . . or” indicates that the connected words or provisions shall apply singly but not in combination.
  6. References to departments, divisions, sections, commissions, boards, or other offices are to those of the City unless otherwise indicated.
  7. References to a public official in the City are to that person who performs the function referred to and includes a designee of such official.
  8. All references to measurements are in feet unless otherwise indicated.
- C. **Time limits.** Whenever a number of days is specified in this Development Code, or in any permit, condition of approval, or notice provided in compliance with this Development Code, the number of days shall be construed as consecutive calendar days. A time limit shall extend to 5 p.m. on the following working day where the last of the specified number of days falls on a day City Hall is closed.
- D. **Calculations of fractions.** Any fraction greater than or equal to 0.50 shall be rounded up to the nearest whole number unless otherwise indicated in this Development Code. Any fractional unit less than 0.50 shall be rounded down to nearest whole number unless otherwise indicated in this Development Code.
- E. **Zoning Map boundaries.** See Section 1.10.020 (Zoning Map).
- F. **Allowable uses of land.** See Chapter 2 (Zones and Allowable Land Uses).
- G. **State law requirements.** Where this Development Code references applicable provisions of State Law (for example, the California Government Code, Subdivision

Map Act, or Public Resources Code), the reference shall be construed to be the applicable State law provisions as they may be amended from time to time.

- H. **Conflicting requirements.** See Subsection 1.20.040.E (Conflicting Requirements).

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## 1.20.060 Relationship to General Plan and Local Coastal Program

- A. **Consistency with General Plan and Local Coastal Program (LCP).** This Development Code is a primary tool used by the City to carry out the goals, objectives, and policies of the Grover Beach General Plan, and Local Coastal Program (LCP). The Grover Beach City Council intends that all provisions of this Development Code be consistent with the General Plan and Local Coastal Program. Any land use, subdivision, or development approved in compliance with these regulations shall also be consistent with the General Plan and Local Coastal Program. (Am. Ord. 14-04)
- B. **LCP provisions.** The following provisions of this Development Code constitute the City's ordinances for the implementation of the Grover Beach LCP, in compliance with the California Coastal Act:
1. Chapter 1 - Purpose and Applicability. All Sections.
  2. Chapter 2 - Zone and Allowable Land Uses. Section 2.10 that affects the CPR1, CR1, CR2, CR3, CVS, CC, CI, CIC, CGC, COS, CPB and CVB zones; Section 2.20 that affects the CPR1, CR1, CR2 and CR3 zones; Section 2.30 that affects the CVS and CC zones; Section 2.40 that affects the CI and CIC zones; Section 2.70 that affects the CGC, COS, CPB, and CVB zones; and Section 2.90 Overlay Zones.
  3. Chapter 3 - Standards for All Development and Land Uses. All Sections.
  4. Chapter 4 - Standards for Specific Development and Land Uses. All Sections.
  5. Chapter 5 - Site Development Regulations. All Sections.
  6. Chapter 6 - Procedures. Sections 6.10, 6.20.040, 6.20.050, 6.20.100, and 6.30.
  7. Chapter 7 - Administration. All Sections.
  8. Chapter 8 - Subdivision Regulations. All Sections.
  9. Chapter 9 - Definitions. All Sections.

# CHAPTER 2. ZONES AND ALLOWABLE LAND USES

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## 2.10 Establishment and Designation of Zones

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### Sections:

- 2.10.010 - Purpose
- 2.10.020 - Official Zoning Map and Zones
- 2.10.030 - General Requirements for Development and New Land Uses
- 2.10.040 - Allowable Land Uses and Development Permit Requirements

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### 2.10.010 Purpose

This Chapter establishes the Zones applied to property within the City and establishes the types of land uses permitted and provides development standards.

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### 2.10.020 Official Zoning Map and Zones

- A. **Zones established.** The City shall be divided into zones that implement the Grover Beach General Plan. The zones shown in Table 2.1 are hereby established and shall be shown on the City of Grover Beach Zoning Map (Zoning Map).
- B. **Official Zoning Map.** The Zoning Map has been adopted by the Council in compliance with Government Code Sections 65800 et seq. and is hereby incorporated into this Development Code by reference.

Table 2.1. Zones		
Zone Symbol	Name of Zone	General Plan Designations Implemented by Zone
<b>Residential Zones</b>		
R1	Low Density Residential Zone	Low Density Residential
CR1	Coastal Low Density Residential Zone	Low Density Residential
CPR1	Coastal Planned Low Density Residential Zone	Low Density Residential
R2	Medium Density Residential Zone	Medium Density Residential
CR2	Coastal Medium Density Residential Zone	Medium Density Residential
R3	High Density Residential Zone	High Density Residential
CR3	Coastal High Density Residential Zone	High Density Residential
<b>Commercial Zones</b>		
CB	Central Business Zone	Central Business District - Mixed-Use
CBO	Central Business Open Zone	Central Business District - Mixed-Use
NC	Neighborhood Commercial Zone	Neighborhood Serving - Mixed-Use
OP	Office Professional Zone	Central Business District - Mixed-Use
RC	Retail Commercial Zone	Retail and Commercial Services
VS	Visitor Serving Zone	Visitor Serving - Mixed-Use
CVS	Coastal Visitor Serving Zone	Visitor Serving - Mixed-Use
CC	Coastal Commercial Zone	Visitor Serving - Mixed-Use
<b>Industrial Zones</b>		
CI	Coastal Industrial Zone	Industrial
CIC	Coastal Industrial Commercial	Industrial
I	Industrial Zone	Industrial
<b>Parks and Recreation Zone</b>		
PR	Parks and Recreation Zone	Public/Quasi Public Parks and Recreation
<b>Public Facilities Zone</b>		
PF	Public Facilities Zone	Public/Quasi Public Parks and Recreation
<b>Open Space and Recreation Zones</b>		
CGC	Coastal Golf Course Zone	Open Space/Resource Conservation
COS	Coastal Open Space Zone	Open Space/Resource Conservation
CPB	Coastal Pedestrian Beach Zone	Open Space/Resource Conservation
CVB	Coastal Vehicular Beach Zone	Open Space/Resource Conservation
OS	Open Space Zone	Open Space/Resource Conservation
<b>Urban Reserve Zone</b>		
UR	Urban Reserve Zone	Urban Reserve
<b>Planned Development Overlay Zones</b>		
PD	Various	Various

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**2.10.030 General Requirements for Development and New Land Uses**

All development and land use shall comply with the following requirements.

- A. **Allowable use.** The land use shall be allowable by this Development Code in the zone applied to the site. The basis for determining whether a use is allowable is described in Section 2.10.040 (Allowable Land Uses and Development Permit Requirements).
- B. **Permit and approval requirements.**
  - 1. Development permit. Any development permit or other approval required by Section 2.10.040 (Allowable Land Uses and Development Permit Requirements) and any required Coastal Development Permit shall be obtained before the issuance of any required grading, building, or other construction permit, and before the proposed use is constructed, otherwise established or put into operation.
  - 2. Coastal Development Permit. When required, a Coastal Development Permit may be processed concurrently with any other required development permit.
- C. **Development standards, conditions of approval.** Each land use and structure shall comply with the development standards of this Chapter, applicable standards and requirements in Chapter 3 (Standards for All Development and Land Uses), Chapter 4 (Standards for Specific Development and Land Uses), Chapter 5 (Site Development Standards), and any applicable conditions imposed by a previously approved development permit.

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**2.10.040 Allowable Land Uses and Development Permit Requirements**

- A. **Allowable land uses.** The uses of land allowed by this Development Code in each zone are listed in Tables 2.2, 2.4, 2.6, 2.8, 2.9, and 2.10 of this Chapter; together with the type of development permit required for each use. Each land use listed in the tables is defined in Chapter 9 (Definitions). In addition to the required development permit listed in Tables 2.2, 2.4, 2.6, and 2.10 of this Chapter, a Coastal Development Permit may also be required for any change in the density or intensity of use or other development of land.
  - 1. Establishment of an allowable use. Any one or more land uses identified by Tables 2.2, 2.4, 2.6, 2.8, 2.9, and 2.10 as being allowable within a specific zone may be established on any lot within that zone, subject to the development permit requirements of Subsection B, and compliance with all applicable requirements of the Local Coastal Program and this Development Code.
  - 2. Use not listed. A land use that is not listed in Tables 2.2, 2.4, 2.6, 2.8, 2.9, and 2.10, and is determined by the Director to not be included in Chapter 9 (Definitions) under the definition of a listed land use, is not allowed within the City, except as otherwise provided in Section 6.20.080 (Temporary Use Permit).

B. **Permit requirements.** Tables 2.2, 2.4, 2.6, 2.8, 2.9, and 2.10 in this Chapter provide for land uses that are:

1. Permitted subject to compliance with all applicable provisions of this Development Code. These are shown as "P" uses in the tables;
2. Allowed subject to the approval of a Administrative Use Permit (Section 6.20.030), and shown as "AUP" uses in the tables;
3. Allowed subject to the approval of a Use Permit (Section 6.20.090), and shown as "UP" uses in the tables;
4. Allowed subject to the type of City approval required by a specific provision of Chapter 4 (Standards for Specific Development and Land Uses), and referenced in the tables; and
5. Not allowed in a particular zone, and shown as "--" in the tables.

**Note:** A land use authorized through the approval of any type of development permit may also require a Coastal Development Permit (Section 6.20.040), a Building Permit, and/or other permit required by the Municipal Code.

## 2.20 Residential Zones

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### Sections:

- 2.20.010 - Purpose
- 2.20.020 - Purposes of the Residential Zones
- 2.20.030 - Residential Zones Allowable Land Uses and Permit Requirements
- 2.20.040 - Residential Zones Development Standards
- 2.20.050 - Miscellaneous Requirements
- 2.20.060 - Second-Story Roof Decks

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### 2.20.010 Purpose

This Chapter lists the residential zones as established by Section 2.10.020 (Official Zoning Map and Zones), and establishes the types of land uses permitted and development standards in each residential zone.

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### 2.20.020 Purposes of the Residential Zones

- A. **Low Density Residential Zone (R1).** The Low Density Residential Zone is intended primarily as an area for detached and attached single-family dwellings. Public and quasi-public uses, and similar or compatible uses may also be appropriate.
- B. **Coastal Planned Low Density Residential Zone (CPR1).** The Coastal Planned Low Density Residential Zone is intended primarily as an area for detached and attached single-family dwellings. All development shall be consistent with the City's Local Coastal Plan and developed in a manner which will maximize protection of environmental, visual and archaeological resources within and adjacent to the boundaries of the Zone by minimizing removal or disturbance of native vegetation, controlling grading, erosion, and run-off and sensitively siting and designing structures to avoid impacting archaeological deposits and reducing the visual impact on surrounding and adjacent areas.
- C. **Coastal Low Density Residential Zone (CR1).** The Coastal Low Density Residential Zone is intended primarily for detached and attached single-family dwellings. Public and quasi-public uses, and similar or compatible uses may also be appropriate. All development shall be consistent with the City's Local Coastal Program.
- D. **Medium Density Residential Zone (R2).** The Medium Density Residential Zone is intended primarily as an area for small lot detached and attached single-family dwellings and multi-family residential dwellings. Public and quasi-public uses, and similar or compatible uses may also be appropriate.
- E. **Coastal Medium Density Residential Zone (CR2).** The Coastal Medium Density Residential Zone is intended primarily as an area for small lot detached and attached single-family dwellings and multi-family residential dwellings. Public and quasi-public

uses, and similar or compatible uses may also be appropriate. All development shall be consistent with the City's Local Coastal Program.

- F. **High Density Residential Zone (R3).** The High Density Residential Zone is intended primarily as an area for small lot detached and attached single-family dwellings and multi-family residential dwellings. Public and quasi-public uses, and similar or compatible uses may also be appropriate.
- G. **Coastal High Density Residential Zone (CR3).** The Coastal High Density Residential Zone is intended primarily as an area for small lot detached and attached single-family dwellings and multi-family residential dwellings. Public and quasi-public uses, and similar or compatible uses may also be appropriate. All development shall be consistent with the City's Local Coastal Program.

## 2.20.030 Residential Zones Allowable Land Uses and Permit Requirements

Table 2.2. Residential Zones Allowable Land Uses and Permit Requirements							
Land Use	R1	CPR1 <sup>1</sup> / CR1 <sup>1</sup>	R2	CR2 <sup>1</sup>	R3	CR3 <sup>1</sup>	Specific Use Regulations
<b>Residential</b>							
Accessory Structure	P	P	P	P	P	P	Section 4.10.030
Bed and Breakfast Inn	UP	UP	UP	UP	UP	UP	Section 4.10.040
Boarding House	--	--	--	--	UP	UP	
Day Care - Large Family Home	AUP	AUP	AUP	AUP	AUP	AUP	Section 4.10.070
Day Care - Small Family Home	P	P	P	P	P	P	
High Occupancy Residential Use	--	--	--	--	UP	UP	Section 4.10.060
Home Occupation	P	P	P	P	P	P	Section 6.20.070
Multi-family Dwelling	--	--	P	P	P	P	Section 4.10.120
Residential Care 1-6 clients	P	P	P	P	P	P	
Residential Care – 7 or more clients	--	--	--	--	UP	UP	
Residential Common Area Developments (PUDs)	--	--	P	P	P	P	Section 4.30
Second Residential Dwelling	P	P	P	P	P	P	Section 4.10.170
Single Family Dwelling	P <sup>2</sup>	P <sup>2</sup>	P	P	P	P	Section 2.20.050
Single Room Occupancy Facility	--	--	UP	UP	UP	UP	Section 4.10.200
Senior Housing	--	--	UP	UP	UP	UP	Section 4.10.180
Transitional & Supportive Housing	P	P	P	P	P	P	
<b>Recreational, Education &amp; Public Assembly</b>							
Community Gardens	P	P	P	P	P	P	
Meeting Facility, public or private	UP	UP	UP	UP	UP	UP	
Park, Playground (public)	UP	UP	UP	UP	UP	UP	
Public or Quasi-public Facility	UP	UP	UP	UP	UP	UP	
<b>Transportation &amp; Infrastructure</b>							
Parking Facility	--	--	UP	--	UP	--	
Telecommunication Facility	UP	UP	UP	UP	UP	UP	Section 4.40
<b>End Note</b>							
1. Projects located in the Coastal Zone may require a Coastal Development Permit (See Section 6.20.040). 2. New construction or additions to single family dwellings north of West Grand Avenue that exceed 15 feet in height as measured in Section 3.10.030.C. require approval of a Development Permit (See Chapter 6 Procedures).							
<b>Legend</b>							
P Permitted Use UP Use Permit Required -- Use Not Allowed							



## 2.20.040 Residential Zones Development Standards

Table 2.3. Residential Zones Development Standards							
	R1	CPR1/ CR1	R2	CR2	R3	CR3	Specific Regulations
Building Placement Requirements							
Setbacks (minimum)							
Front	20' <sup>1</sup>	20' <sup>1</sup>	15' <sup>1</sup>	15' <sup>1</sup>	15'	15'	
Side	5'	5'	5'	5'	5'	5'	
Street Side	10'	10'	10'	10'	10'	10'	
Street Side (garage door facing the street)	20'	20'	20'	20'	20'	20'	
Rear	10'	10'	10'	10'	10'	10'	
Second floor roof decks (from floor below)	3'	3'	--	--	--	--	Section 2.20.060
Building Form Requirements							
Building Height (maximum)							Section 3.10.030
North of Grand Ave	15'/25' <sup>2</sup>	15'/25' <sup>2</sup>	25'	25'	32'	32'	
South of Grand Ave	25'	25'	25'	25'	32'	32'	
Accessory Structure (detached)	14'	14'	14'	14'	14'	14'	
Lot Coverage (maximum)	45%	45%	50%	50%	60%	60%	
Density Requirements							
Density (units/acre) <sup>3</sup>	5	5	9	9	20	20	
Lot Requirements							
Lot Size (minimum square feet)							
Residential	6,000	6,000	6,000	6,000	6,000	6,000	
Non-Residential Uses	20,000	20,000	20,000	20,000	20,000	20,000	
Lot Width (Minimum)							
Residential	60'	60'	60'	60'	60'	60'	
Non-Residential Uses	100'	100'	100'	100'	60'	60'	
Lot Depth (minimum)	90'	90'	90'	90'	100'	100'	
Other Requirements							
Landscaping	40%	40%	35%	35%	20%	20%	Section 3.30
Fences, Walls & Screening	See Section 3.10.020						
Parking	See Section 3.50						
End Note							
1. The Review Authority may approve a reduction to front setbacks of 3 feet (5 feet on cul-de-sacs) to create a variation in setbacks in an existing neighborhood or proposed development, except for garages, which shall have a minimum 20 foot setback.							
2. New construction or additions to single family dwellings north of West Grand Avenue that exceed 15 feet in height as measured in Section 3.10.030.C. require approval of a Development Permit (See Chapter 6 Procedures).							
3. "Gross Acreage" shall be defined as the entire area of a lot measured to the center line of the street and including all rights of way or easements granted to the City or other public agencies; and							
(a) All density calculations which result in a remainder number which is 0.9 or larger shall be rounded up							

to the next whole number and where two or more lots are combined, the unit increase shall be rounded up based upon lot calculation of one lot (for example, when two lots have a calculation of 1.9 and 1.9, the total number of units shall be rounded up to 4 units); and

(b) all calculations which result in a number higher than 0.4 and lower than 0.9 may be rounded up to the next whole number as a development incentive or density bonus when the project includes an affordable housing component for moderate income rental or for sale units; and

(c) all density calculations which result in a remainder which is 0.5 or larger shall be rounded up to the next larger number of units when the neighborhood is more than 50% developed with multi-family residential and the neighborhood is zoned R-2; and

(d) In no case shall the rounding calculations exceed the maximum for the applicable zone.

4. All Development Standards are maximums/minimums and may be reduced/increased depending on the individual project specifications in order to comply with adopted policies in the General Plan, Local Coastal Program and all other City Council adopted policies. (Am. Ord. 14-04)

## 2.20.050 Miscellaneous Requirements

- A. **Single Family Dwelling Design Standards.** Single family dwellings, including mobile/manufactured homes permitted in compliance with Government Code Section 65852.3, in all residential zones shall comply with the following design standards.

1. Exterior materials. Vertical aluminum exterior siding is prohibited. All other customarily used exterior siding shall extend to the ground, except when a solid concrete or masonry perimeter foundation is used, then the exterior covering material need not extend below the top of the foundation.
2. Roof design and materials. All sloped roof shall have an eave overhang of a minimum of one foot. Flat roofs shall have a minimum one foot high parapet.
3. Foundations. Single family dwelling shall be placed on a permanent foundation in compliance with the City's Building Code.
4. Minimum size. All new single family dwellings shall have a minimum area of 1,000 square feet.

- B. **Residential Infill Development.** Consistent with Land Use Policies LU-3.1 and LU 20.9, housing built within an existing neighborhood should be compatible in scale and in character with that neighborhood. Where neighborhoods are primarily single story, two-story housing may be permitted but should be designed to respect the privacy of surrounding residences. All multifamily development and large group-living facilities should be compatible with nearby, lower density development. Accordingly, residential in-fill projects should be designed to incorporate the following design standards:

1. Architectural Character. New buildings should respect existing buildings where they contribute to neighborhood architectural character, in terms of size, spacing, and variety.
2. Privacy and Solar Access. New buildings should be designed to respect the privacy and solar access of neighboring buildings and outdoor areas, particularly where multi-story buildings or additions may overlook backyards of adjacent dwellings.

3. **Compatible Color and Materials.** New buildings should employ a palette of building materials and colors that complements existing development where they contribute to neighborhood architectural character.
  4. **Building Height.** The height of residential infill projects should be consistent with that of surrounding residential structures, and incorporate features to protect existing views and privacy where reasonable. Where greater height is desired, an infill structure should set back the upper floors from the edge of the first story to reduce impacts on adjacent properties.
- C. **Qualities desired in residential development.** Consistent with Land Use Policy LU-20.8, residential projects should provide the following design standards:
1. Privacy, for occupants and neighbors of the project;
  2. Adequate usable outdoor area, sheltered from noise and prevailing winds, and oriented to receive light and sunshine;
  3. Use of natural ventilation, sunlight, and shade to make indoor and outdoor spaces comfortable with minimum mechanical support;
  4. Pleasant views from and toward the project;
  5. Security and safety;
  6. Separate paths for vehicles and for people, and bike paths along collector streets;
  7. Adequate parking and storage space;
  8. Noise and visual separation from adjacent roads and commercial uses; and
  9. Design elements that facilitate neighborhood interaction, such as front porches, front yards along streets, entryways facing public walkways, and building design and orientation to minimize the prominence of the garage door.
- D. **Hillside Development Standards.** Hillside development shall comply with the following standards:
1. Keep a low-profile and conform to the natural slopes.
  2. Avoid large, continuous walls or roof surfaces, or prominent foundation walls, poles, or columns.
  3. Minimize grading of roads.
  4. Minimize grading on individual lots.
  5. Locate dwellings close to the street; minimize the grading of visible driveways.
  6. Include planting which is compatible with native hillside vegetation and provides a visual transition from developed to open areas.
  7. Use materials, colors, and textures which blend with the natural landscape and avoid high contrasts.
  8. Minimize exterior lighting.

- E. **CPR1 Development Standards.** The following standards shall apply to all development in the CPR1 zone:
1. Lots with a slope of 25% or greater shall not be developed. Lots with a slope between 10% and 25% may be developed if the development incorporates specific measures to minimize grading and drainage systems which limit the rate of runoff, including siltation and erosion, to that which occurs naturally on the undeveloped site.
  2. Prior to the approval of a Coastal Development Permit, the applicant shall submit a runoff control plan designed by a licensed engineer qualified in hydrology and hydraulics, which would assure no increase in peak runoff rate from developed site over the greatest discharge expected from the existing undeveloped site as a result of a 100 year frequency storm. Runoff control shall be accomplished by such means as on-site detention/desiltation basins or other devices. Energy dissipating measures at the terminus of outflow drains shall be constructed. The runoff control plan including supporting calculations shall be in accordance with the latest adopted City Standards and approved by the Public Works Director.
  3. All permanent erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities and shall be permanently maintained. Periodic monitoring of said devices shall be carried out by the City.
  4. All grading activities for roads, future building pads, utilities and installation of erosion and sedimentation devices shall be prohibited during September 30 through May 1. Prior to commencement of any grading activity, the applicant shall submit a grading schedule which indicates that grading will be completed within the permitted time frame designated in this condition and that any variation from the schedule shall be promptly reported to the Community Development Department.
  5. All areas disturbed by grading shall be planted prior to October 15th with temporary or permanent (as in the case of finished slopes) erosion control vegetation. Vegetative cover must be established by November 1 of each year. Said planting shall be accomplished under the supervision of a licensed landscape architect or landscape contractor and shall consist of seeding, mulching, fertilization and irrigation adequate to provide 90% coverage within 90 days. Planting shall be repeated if the required level of coverage is not established. This requirement shall apply to all disturbed soils including stockpiles, and to all building pads.
  6. Prior to approval of a Coastal Development Permit, a landscape plan shall be submitted in compliance with Section 3.30 (Landscaping Standards).
  7. Moderate Soil Limitations: Cut and fill slopes on areas under 20% slope shall not be over 4:1 slope and four feet high, compacted (if fill), with straw mulch broadcast and rolled at 3,000 pounds per acre, and seeded with a grass and native shrub seed mixture generally having the following basic ratio of components:

Native woody shrubs--6 lbs/acre

Native herbaceous annuals and perennials--15 lbs/acre

Native grasses--60 lbs/acre

Wood fiber mulch with soil binder--1,500 lbs/acre

Fertilizer--150 lbs/acre

Low Soil Limitations: Cut and fill slopes on areas under 10% slope shall not exceed 3:1 slope and four feet in height. Disturbed soil shall be hydroseeded (no straw mulch needed) with the seed mixture as recommended above, except additional wood fiber shall be incorporated at a minimum of 2,000 lbs/acre.

8. Temporary dust controls shall be employed during construction. Watering down methods used to control dust shall not erode the soil. Downhill cut or fill areas shall be lined with straw bales to control erosion from runoff. Where exposed soil conditions exist within the landscaped and irrigated portions of the sites near dwellings, slopes shall be planted with ground cover netting to retain soil. Plant materials shall be selected, sized and spaced to achieve total soil surface coverage in one year with irrigation provided. Trees and shrubs having fibrous root systems shall be used. Any of the mulch and seed mitigation measures described in Subsection 7 may be used instead of erosion control netting.
9. Multi-level construction designs should be used to reduce required grading.
10. A combination of slopes and low retaining walls should be used to reduce grading.
11. Pier or post and beam type construction should be used for sites in excess of 15 percent cross slope. Under structure areas shall be screened as required by the Review Authority.
12. Areas of significant natural vegetation should be protected and enhanced where feasible.
13. Native plant material shall be the major theme in all landscape designs.
14. Roads, driveways, and structures shall be sited and designed to prevent impacts which would significantly degrade the adjacent environmentally sensitive area.
15. Reasonable mitigation to protect Archaeological or Paleontological resources shall be required.

F. **Demolition of Residential Structures.** Housing that provides living accommodations for low- and moderate-income households shall not be demolished, consistent with Housing Element Program 5.2.1, unless any of the following criteria apply:

1. It is necessary to demolish the structure for health and safety reasons, as evidenced by the determination of the Building Official that it is substandard (in accordance with the criteria set forth in Chapter 10 of the Uniform Housing Code

as amended from time to time) and the cost of remediating the code violations would:

- a. Result in housing that is not affordable to low- and moderate-income households; or
  - b. Exceed 50 percent of the assessed value of the structure in its present condition.
2. It is necessary to carry out a public project that would improve coastal access.
  3. The dwelling to be demolished is owner occupied.
  4. The dwelling to be demolished is a non-conforming use.
  5. The unit to be demolished shall be replaced with a rental unit available to low- or moderate-income households.

## 2.20.060 Second-Story Roof Decks

- A. **Purpose.** This Section provides development and design standards for new construction, additions, or remodels with second-story roof decks in the R1, CPR1 and CR1 zones.
- B. **Permit requirements.** A Development Permit shall be approved by the Commission to ensure compliance with this Section.
- C. **Development Standards.**
  1. **Side Yard Setback.** The second-story roof deck shall be set back a minimum of three feet from the floor located directly below as shown in Figure 2.1. An exception to this standard may be approved by the Commission if the applicant provides a cross section of the site demonstrating that view corridors are eliminated into single story windows of the adjoining property. The cross section shall include the adjoining residence, property line fencing, and assume a five foot setback from the property line.

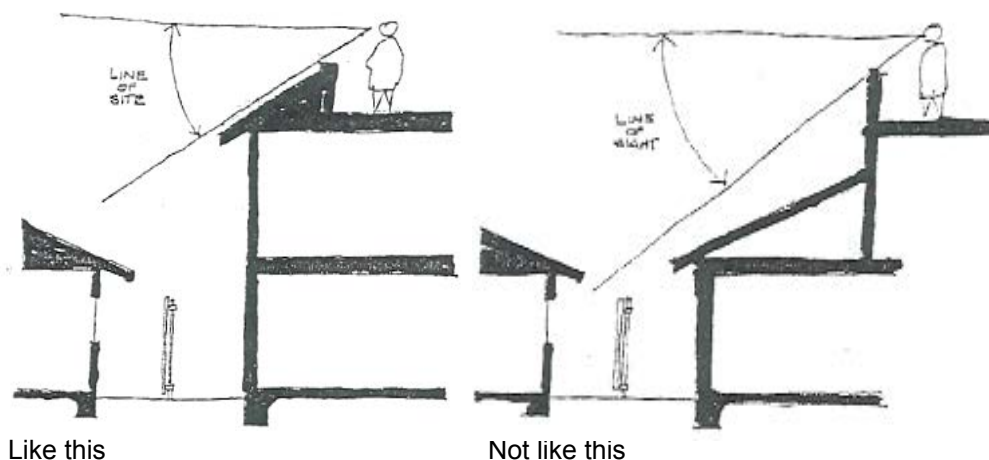
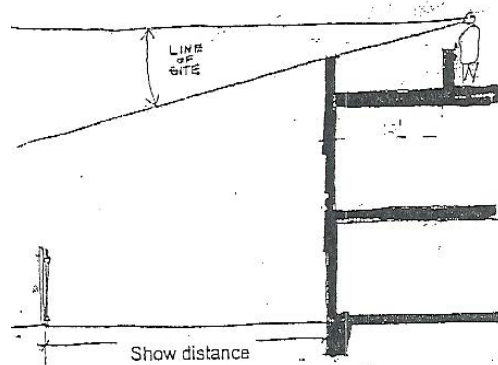
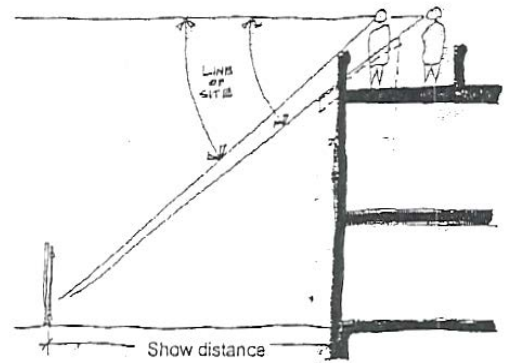


Figure 2.1

2. **Rear Yard Setback.** The second-story roof deck shall be set back a minimum of three feet from the floor located directly below as shown in Figure 2.2. An exception to this standard may be approved by the Commission if the applicant provides a cross section of the site demonstrating that view corridors are eliminated into adjoining rear yards. The cross section shall include the adjoining rear yard and property line fencing.



Like this



Not like this

Figure 2.2

- D. **Design Criteria for Second-Story Roof Deck Access.** The access to and stairway design shall be an integral component of the structure and shall not be a dominant feature.
- E. **Utilization and Furnishing of Second-Story Roof Deck.** The intent of this Section is to limit the height of furnishings and utilization of the second-story roof deck. It is also the intent of this Section to limit the possible obstruction of views from adjacent properties. Therefore, furnishings shall not exceed the maximum height allowed in the zone.
- F. **Lighting:** Lighting for the second-story roof deck and its access shall be designed to prevent excess lighting from flooding onto adjoining properties. Prior to building permit issuance, the applicant shall provide a lighting plan to demonstrate compliance with the requirement.
- G. **Required findings.** The approval of the Development Permit for a second-story roof deck shall require the Review Authority make the following finding, in addition to those required for the Development Permit approval (Section 6.20.060)
  1. The project design will maintain privacy into the single story windows located in the adjoining side yard.
  2. The project design will maintain privacy into the adjoining rear yards.

## 2.30 Commercial Zones

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### Sections:

- 2.30.010 - Purpose
- 2.30.020 - Purpose of the Commercial Zones
- 2.30.030 - Commercial Zones Allowable Land Uses and Permit Requirements
- 2.30.040 - Commercial Zones Development Standards
- 2.30.050 - Commercial Zones Design Standards

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### 2.30.010 Purpose

This Chapter lists the commercial zones as established by Section 2.10.020 (Official Zoning Map and Zones) and establishes the types of land uses permitted and development standards in each commercial zone.

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### 2.30.020 Purpose of the Commercial Zones

- A. **Central Business Zone (CB).** The Central Business (CB) Zone applies to the downtown core of the City and encourages higher-intensity, pedestrian-oriented development. The provisions of this Zone allow for a mix of retail, commercial services, restaurants, entertainment, civic, office, and residential uses. The CB Zone encourages active evening uses and street life.
- B. **Central Business-Open Zone (CBO).** The Central Business-Open (CB-O) Zone applies to transition areas between the higher intensity commercial nodes along West Grand Avenue. The provisions of this Zone allows for a mixture of commercial, office and residential uses, while also allowing for the integration of first floor residential and development that is all residential.
- C. **Neighborhood Commercial Zone (NC).** The Neighborhood Commercial (NC) Zone applies to areas of the City appropriate for neighborhood-serving uses adjacent to residential neighborhoods. The provisions of this Zone are intended to ensure that development is smaller scale and compatible with adjacent residential areas. Appropriate uses include retail, commercial services, personal services, and offices.
- D. **Office Professional Zone (OP).** The Office Professional (OP) Zone applies to areas of the City appropriate for professional and general offices that serve as a transition to surrounding residential areas. The provisions of this Zone are intended to ensure that development is compatible with adjacent residential areas.
- E. **Retail Commercial Zone (RC).** The Retail Commercial Zone (RC) applies to areas of the City appropriate for auto-centric services and amenities serving the community and area residents. The provisions of this Zone allow for larger-scale retail that may be inappropriate or infeasible in other areas of the City. The area located near Highway 101 is intended to accommodate highway-oriented visitor serving uses such as hotels, motels, restaurants and service stations. In some instances, residential



uses ranging from six to nine dwelling units per acre may be appropriate to provide a transition area to surrounding residential areas.

- F. **Visitor Serving Zone (VS).** The Visitor Serving (VS) Zone applies to areas of the City appropriate for pedestrian oriented commercial development near the beachfront and encourages active evening uses and street life. Appropriate uses include lodging, restaurants, recreational uses, and retail and commercial services primarily for the convenience of visitors.
- G. **Coastal Visitor Serving Zone (CVS).** The Coastal Visitor Serving (CVS) Zone applies to areas of the City appropriate for pedestrian oriented commercial development near the beachfront and encourages active evening uses and street life. Appropriate uses include lodging, restaurants, recreational uses, and retail and commercial services primarily for the convenience of visitors. The provisions of this Zone do not allow residential uses west of the Union Pacific Railroad tracks. All development shall be consistent with the City's Local Coastal Program.
- H. **Coastal Commercial Zone (CC).** The Coastal Commercial Zone (CC) applies to a unique area of the City generally located between Front and Beckett Streets, south of Atlantic City Avenue, which contains a mixture of industrial, commercial and residential uses. Appropriate new uses for the area include visitor serving uses, commercial services, personal services, office, live/work, mixed use, and adaptive reuse. In addition, artisan manufacturing is encouraged where items such as pottery, jewelry, crafts, food and winemaking are sold on-site. All development shall be consistent with the City's Local Coastal Program.

## 2.30.030 Commercial Zones Allowable Land Uses and Permit Requirements

Table 2.4. Commercial Zones Allowable Land Uses and Permit Requirements								
Land Use	CB	CB-O	NC	OP	RC	VS/ CVS <sup>1</sup>	CC <sup>1</sup>	Specific Use Regulations
<b>Manufacturing Uses</b>								
High Technology Uses	P <sup>4</sup>	P <sup>4</sup>	--	--	--	P <sup>4</sup>	P	
Manufacturing - Artisan	--	--	--	--	--	--	UP	Section 3.10.020
<b>Recreation, Education &amp; Public Assembly</b>								
Commercial Recreation Facility - Indoor								
≤ 3,000 sf	UP	UP	UP	--	UP	UP	UP	
> 3,000 sf	UP	UP	--	--	UP	UP	UP	
Commercial Recreation Facility – Outdoor	--	--	--	--	--	UP	UP	
Health/Fitness Facility	AUP <sup>4</sup>	AUP	AUP	--	AUP	AUP <sup>4</sup>	AUP	
Meeting Facility, Public or Private								
≤ 3,000 sf	--	AUP	AUP	AUP	AUP	AUP	AUP	
> 3,000 sf	--	UP	UP	UP	UP	UP	UP	
Park, Playground (Public)	P	P	P	P	P	P	P	
Public or Quasi-Public Facility	UP	UP	UP	UP	UP	UP	UP	
Recreational Vehicle Park	--	--	--	--	--	UP	--	
Specialized Education/Training	--	UP	--	--	UP	--	UP	
Studio – Art, Dance, Martial Arts	AUP <sup>4</sup>	AUP	AUP	--	AUP	AUP <sup>4</sup>	AUP	
<b>Residential</b>								
Home Occupation	P	P	P	P	P	P	P	Section 6.20.070
Live/Work Unit	--	UP	UP	UP	--	--	UP	Section 4.10.090
Mixed-Use Project	UP	UP	UP	UP	UP	UP <sup>2</sup>	UP	Section 4.10.110
Multi-Family Dwelling	--	UP	--	--	--	--	--	Section 2.30.040
Residential Care Facility for the Elderly	UP <sup>4</sup>	UP	--	--	--	--	--	
Senior Housing	UP <sup>4</sup>	UP	--	--	--	--	--	Section 4.10.180
Single Room Occupancy Facility	--	UP	--	--	--	--	--	Section 4.10.200
<b>Retail</b>								
Adult Business	--	--	--	--	UP	--	--	Section 4.20
Automobile Service Station	--	--	--	--	UP	--	--	
Bar/Tavern/Night Club	UP	UP	--	--	UP	UP	--	
Building/Landscape Materials, Indoor	P	P	--	--	P	--	--	
Building/Landscape Materials, Outdoor	--	UP	--	--	UP	--	--	
General Retail, except the following:	P	P	P	AUP	P	P	P	
Alcoholic Beverage Sales	UP	UP	UP	--	UP	UP	--	
Drive-thru	--	--	--	--	UP	--	--	

Land Use	CB	CB-O	NC	OP	RC	VS/ CVS <sup>1</sup>	CC <sup>1</sup>	Specific Use Regulations
Floor area (single tenant over 5,000 square feet)	P	P	--	--	P	P	P	
Operating between 10:00 p.m. and 7:00 a.m.	AUP	AUP	--	--	AUP	AUP	UP	
Resale Stores	P	P	P	AUP	P	P	P	Section 4.10.160
Thrift Store	AUP	AUP	AUP	-	AUP	--	--	Section 4.10.210
Plant Nursery	AUP	AUP	--	--	AUP	AUP	AUP	
Restaurant	P	P	P	AUP	P	P	AUP	
Drive-thru	--	--	--	--	UP	--	--	
Live Entertainment	P	P	P	P	P	P	AUP	Section 4.10.080
Sidewalk Seating	P	P	--	--	--	P	--	Section 4.10.190
Vehicle Sales	--	--	--	--	UP	--	--	
Wine Tasting	P	P	--	--	--	P	P	
<b>Services</b>								
Animal Care Facility	--	AUP	AUP	--	AUP	--	AUP	
Automated Teller Machine (ATM)	P	P	AUP	AUP	P	P	P	
Business Support Services	P	P	P	P	P	--	P	
Child Day Care - Day Care Center	--	UP	UP	UP	UP	--	UP	
Equipment Rental	--	--	--	--	UP	--	--	
Financial Institutions	P	P	--	--	P	--	--	
Lodging	UP	UP	--	--	UP <sup>3</sup>	UP	UP	
Massage Establishments	P <sup>4</sup>	P	P	P	P	--	P	Section 4.10.100
Medical Services - Clinic /Urgent Care	--	UP	--	UP	UP	--	--	
Medical Services - Doctor Office	P	P	P	P	P	--	AUP	
Medical Services - Extended Care	--	UP <sup>4</sup>	--	UP	UP	--	--	
Office – Business/Service	P	P	P	P	P	P <sup>4</sup>	P	
Office - Professional	P	P	P	P	P	P <sup>4</sup>	P	
Personal Services	P	P	P	P	P	P	AUP	
Personal Services -Restricted	--	--	--	--	UP	--	--	
Repair Services – Small Equipment	--	P	P	--	P	--	--	
Recycling – Reverse Vending Machines	--	P	--	--	P	--	--	Section 4.10.150
Recycling – Small Collection Facility	--	P	--	--	P	--	--	Section 4.10.150
Vehicle Rental	--	AUP	--	--	AUP	AUP <sup>5</sup>	AUP <sup>5</sup>	Section 2.30.050
Vehicle Repair & Services	--	--	--	--	UP	--	--	
<b>Transportation &amp; Infrastructure</b>								
Parking Facility	UP	UP	UP	UP	UP	UP	UP	
Telecommunication Facility	UP	UP	UP	UP	UP	UP <sup>6</sup>	UP	Section 4.40

Table 2.4. Commercial Zones Allowable Land Uses and Permit Requirements								
Land Use	CB	CB-O	NC	OP	RC	VS/ CVS <sup>1</sup>	CC <sup>1</sup>	Specific Use Regulations
<b>End Note</b> 1. Projects located in the Coastal Zone may require a Coastal Development Permit (See Section 6.20.040). 2. Use not allowed west of the Union Pacific Railroad tracks or on APN 060-011-036. 3. Use not allowed on West Grand Avenue. 4. Permitted above or behind ground floor commercial uses on West Grand Avenue. 5. Permitted if visitor-serving (e.g., automobiles or beach related vehicles). No moving trucks. 6. Telecommunication facilities are prohibited west of Highway 1, unless they are not visible from public viewing areas, meet the standards of Section 4.40.030.A.1, or such a prohibition would result in a conflict with Federal Law. (Am. Ord 14-4)								
<b>Legend</b> P Permitted Use AUP Administrative Use Permit Required UP Use Permit Required -- Use Not Allowed								

## 2.30.040 Commercial Zones Development Standards

Table 2.5. Commercial Zones Development Standards							
	CB/ CB-O	NC	OP	RC	VS/ CVS	CC	Specific Regulations
<b>Building Placement Requirements</b>							
<b>Setbacks</b>							
Front Adjacent to Residential Zone	0' 10'	20' 20'	0' 10'	0' 10'	0' 10'	10' 15'	
Side Adjacent to Residential Zone	0' 10'	0' 10'	0' 10'	0' 10'	0' 10'	0' 10'	
Rear Adjacent to Residential Zone	0' 10'	0' 10'	0' 10'	0' 10'	0' 10'	0' 10'	
<b>Building Form Requirements</b>							
Building Height (max.)	40' <sup>1</sup>	30'	40'	40'	40' <sup>1</sup>	25'	
Coverage (max.)	100%	75%	75%	50%	100%	75%	
<b>Density Requirements</b>							
Residential Density (units/acre)	20	9	20	9	20	9	
FAR (max.)	3.0	0.75	1.0	0.5	3.0	1.5	
<b>Lot Requirements</b>							
Lot size (minimum square feet)	5,000	5,000	5,000	10,000	10,000	10,000	
Lot Width (min.)	50' <sup>2</sup>	50'	50'	60'	60'	50'	
<b>Other Requirements</b>							
Landscaping	5%	10%	10%	10%	10%	10%	Section 3.30
Fences and Screening	See Section 3.10.020						
Parking	See Section 3.50						
Signs	See Section 3.60						

### End Note

1. Maximum building height is 50 feet for properties at the corner of West Grand Avenue and 4<sup>th</sup> Street, and on West Grand Avenue in the Central Business zone.
2. Seventy-five feet minimum lot width and 100 feet minimum lot depth for ground floor residential uses facing West Grand Avenue in the CBO.
3. All Development Standards are maximums/minimums and may be reduced/increased depending on the individual project specifications in order to comply with adopted policies in the General Plan, Local Coastal Program and all other City Council adopted policies. (Am. Ord. 14-04)

## 2.30.050 Commercial Zones Design Standards

- A. **West Grand Avenue Master Plan.** The City has adopted the West Grand Avenue Master Plan to serve as guidelines for site planning and architectural design. Applicants are highly encouraged to review the Master Plan and understand the City's vision for the West Grand Avenue corridor. **Development should be consistent with the Master Plan guidelines, as long as they are consistent with the provisions of the Local Coastal Program. (Am. Ord. 14-04)**

- B. **Building Placement.** In the CVS, VS, CBO and CB zones, buildings facing the street, especially on West Grand Avenue, should be placed at the back of sidewalk with adequate space between the curb and the building to accommodate pedestrian walkways, street furniture (e.g., seating, lighting, landscaping, public art), and for outdoor dining and gathering.
- C. **Design Standards for all commercial zones.** Projects within commercial zones shall comply with the following design standards:
1. **Storage and Service Areas.** All service areas (e.g., vehicle rental uses), outdoor storage areas, outdoor work areas and loading areas shall be located at the sides and rear of buildings and screened from public view in compliance with Section 3.10.020 (Fences, Walls, and Screening).
  2. **Equipment.** All ground mounted and roof mounted equipment, except for solar collection systems, shall be screen in compliance with Section 3.10.020 (Fences, Walls, and Screening).
  3. **Trash Enclosures.** All trash and recycling storage areas shall be enclosed by a decorative masonry wall or other solid materials that is architecturally compatible with the building architecture. Gates shall be durable and solid and continuously maintained in working order.
- D. **Design standards for natural resources as amenities.** New public or private developments adjacent to creeks, oak woodlands and wetlands must respect the natural environment and incorporate the natural features as project amenities, provided doing so does not diminish natural values. Developments along creeks should include public access across the development site to the creek and along the creek, provided that wildlife habitat, public safety, and reasonable privacy and security of the development can be maintained. Within the Coastal Zone, Environmentally Sensitive Habitat Areas (ESHA) shall be protected against any significant destruction of habitat values and only uses dependent on those resources shall be allowed within those areas. ESHA shall be buffered by a minimum 50 foot setback. **(Am. Ord. 14-04)**
- E. **Design standards for the area west of Highway 1.**
1. All development in this area shall be sited and designed to protect existing view slots or corridors from Highway 1 and upland areas to the dunes and shoreline.
  2. All development in this area shall be sited and designed to enhance or create new view slots from Highway 1 to the dunes and shoreline.
  3. All development be sited and designed to protect and enhance the filtration capabilities of Meadow Creek where feasible.
  4. Reasonable mitigation measures shall be required to protect archaeological or paleontological resources.
  5. Native plant material shall be the major theme in all landscape designs.

6. All roads, parking lots, and structures shall be sited and designed to prevent impacts which would significantly degrade the adjacent environmentally sensitive area.
7. The architectural theme of development in this area shall generally follow the criteria set forth in any adopted Architectural Design Guidelines and additionally said architectural theme shall be compatible and complimentary to the existing natural vegetation and land forms. The architecture and site design shall include the following characteristics, in order to reduce massing and reduce the sense of verticalness of structures:
  - a. Use of structural, architectural design elements (i.e., corridors, heavy beams, posts, arches, columns, colonnades, canopies, cornices, etc.).
  - b. Strong textured look, using woods, tiles, pavers, stuccos, stones, blocks and bricks, colors, plant material, recesses, etc.
  - c. Strong feeling or overhead treatment such as roof overhangs, balconies, or dark facias.
  - d. Earthen colors. Colors with warm, natural tones. Colors range from whites, yellows, browns, clays, slates, etc.
  - e. Wall relief (graphic, three dimensional design, landscaping, heavy textured stucco, wood tiles, etc.).
  - f. Strong window statement (treatment of frame, mullions, border, etc.).
  - g. The minimum distance separating buildings shall be equal to the sum of the height of any two adjacent buildings divided by two, but in no case less than 10 feet between buildings.
  - h. Drainage systems shall be designed to ensure that all silts and oils are removed prior to the water entering a natural drainage channel.
  - i. Areas of significant natural vegetation shall be protected and enhanced where feasible.
  - j. The existing habitat value of Meadow Creek shall be protected and enhanced by the use of buffer zones, additional native landscaping, sediment/oil control devices and controlled and limited pedestrian access to buffer zone areas. The minimum buffer zone shall be 50 feet from Meadow Creek.
  - k. The maximum allowable coverage for any project shall be 60 percent. The remaining 40 percent shall be landscaped and/or natural open areas.
  - l. Hotel/motel/lodge type developments shall have a maximum density of 20 rooms/acre south of Le Sage Drive and a maximum density of 10 rooms/acre north of Le Sage Drive.
  - m. All development in this area shall be required to maintain or enhance public access to and along the shoreline based on the development's impact on public access.

## 2.40 Industrial Zones

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### Sections:

- 2.40.010 - Purpose
- 2.40.020 - Purpose of the Industrial Zones
- 2.40.030 - Industrial Zones Allowable Land Uses and Permit Requirements
- 2.40.040 - Industrial Zones Development Standards
- 2.40.050 - Industrial Zones Miscellaneous Requirements

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### 2.40.010 Purpose

This Chapter lists the industrial zones as established by Section 2.10.020 (Official Zoning Map and Zones), and establishes the types of land uses permitted and development standards in each industrial zone.

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### 2.40.020 Purpose of the Industrial Zones

- A. **Industrial Zone (I).** The Industrial Zone applies to areas of the City appropriate for light, medium and heavy manufacturing and assembly, industrial parks, warehouses, and similar and compatible uses. The area is also appropriate for smaller service businesses such as contractor's yards, vehicle repair and storage, and material sales and supplies. Live-work may be appropriate when compatible with surrounding uses.
- B. **Coastal Industrial Zone (CI).** The Coastal Industrial Zone applies to areas of the City appropriate for light and medium manufacturing and assembly, industrial parks, warehouses, and similar and compatible uses. The area is also appropriate for smaller service businesses such as contractor's yards, vehicle repair and storage, and material sales and supplies. Live-work may be appropriate when compatible with surrounding uses. All development shall be consistent with the City's Local Coastal Program.
- C. **Coastal Industrial Commercial Zone (CIC).** The Coastal Industrial Commercial Zone applies to the area adjacent to the Coastal Commercial Zone. The area is appropriate for technology businesses, custom and light manufacturing and assembly, and similar and compatible uses where all operations are conducted within the building. The area is also appropriate for office uses, live-work, recreational uses and similar and compatible uses. All development shall be consistent with the City's Local Coastal Program.



## 2.40.030 Industrial Zones Allowable Land Uses and Permit Requirements

Table 2.6. Industrial Zones Allowable Land Uses and Permit Requirements				
Land Use	CI <sup>1</sup>	CIC <sup>1</sup>	I	Specific Use Regulations
<b>Industry, Manufacturing &amp; Processing</b>				
High Technology Uses	P	P	P	
Manufacturing, Artisan	P	P	P	Section 4.10.130
Manufacturing/Processing, Heavy	--	--	UP	Section 4.10.130
Manufacturing/Processing, Light	P	P	P	Section 4.10.130
Manufacturing/Processing, Medium	UP	--	UP	Section 4.10.130
Media Production	P	P	P	
Printing and Publishing	P	P	P	
Recycling – Processing Facilities	--	--	UP	Section 4.10.150
Storage – Warehouse	P	P	P	
Storage – Outdoor	UP	--	UP	Section 4.10.130
Storage – Personal Storage Facility	P	--	P	Section 4.10.140
Storage - Vehicles	UP	--	UP	Section 4.10.130
Wholesaling & Distribution	P	P	P	
<b>Recreation, Education &amp; Public Assembly</b>				
Commercial Recreation Facility - Outdoor	UP	UP	UP	
Health/Fitness Facility	AUP	AUP	AUP	
Meeting Facility, public or private				
≤ 3,000 sf	AUP	AUP	AUP	
> 3,000 sf	UP	UP	UP	
Studio – Art, Dance, Martial Arts	AUP	AUP	AUP	
Public or Quasi-Public Facility	UP	UP	UP	
Specialized Education/Training	UP	UP	UP	
<b>Residential</b>				
Caretaker's Residence	AUP	AUP	AUP	Section 4.10.050
Home Occupation	P	--	P	Section 6.20.070
Live/work Unit	UP	UP	UP	Section 4.10.090
<b>Retail</b>				
Accessory Retail/Service Use	P	P	P	Section 4.10.020
Adult Business	UP	--	--	Section 4.20
Automobile Service Station	UP	--	UP	
Building/Landscape Materials, Indoor	P	--	P	
Building/Landscape Materials, Outdoor	UP	--	UP	Section 4.10.130
Fuel Dealer	UP	--	UP	
General Retail	P	P	P	
Plant Nursery	P	--	P	
Restaurant	UP	UP	UP	
Vehicle Sales	P	--	P	

Table 2.6. Industrial Zones Allowable Land Uses and Permit Requirements				
Land Use	CI <sup>1</sup>	CIC <sup>1</sup>	I	Specific Use Regulations
<b>Services</b>				
ATM	P	P	P	
Animal Boarding	AUP	--	AUP	
Animal Care Facilities	P	--	P	
Business Support Services	P	P	P	
Catering Service	P	P	P	
Equipment Rental	P	--	P	Section 4.10.130
Maintenance Service – Client Site Services	P	P	P	Section 4.10.130
Medical services – Clinic/Urgent Care	P	--	P	
Mortuary/Funeral Home	UP	--	UP	
Office – Business/Service	P	P	P	
Office – Processing	P	P	P	
Office – Professional	P	P	P	
Recycling – Large Collection Facilities	AUP	AUP	AUP	Section 4.10.150
Recycling – Reverse Vending Machine	P	P	P	Section 4.10.150
Recycling – Small Collection Facilities	P	P	P	Section 4.10.150
Repair Services – Large Equipment	P	--	P	Section 3.10.020
Repair Services – Small Equipment	P	P	P	
Vehicle Rental	P	--	P	
Vehicle Repair & Services	AUP	--	P	Section 4.10.130
<b>Transportation &amp; Infrastructure</b>				
Freight Terminal	--	--	UP	
Parking Facility	UP	UP	UP	
Telecommunication Facility	UP	UP	UP	Section 4.40
<b>End Note</b>				
1. Projects located in the Coastal Zone may require a Coastal Development Permit (See Section 6.20.040).				
<b>Legend</b>				
P Permitted Use				
AUP Administrative Use Permit Required				
UP Use Permit Required				
-- Use Not Allowed				

## 2.40.040 Industrial Zones Development Standards

Table 2.7. Industrial Zones Development Standards			
	CI	CIC	I
Building Placement Requirements			
Setbacks			
Front	10'	10'	15'
Adjacent to Residential Zone	15'	NA	15'
Side	0'	0'	0'
Adjacent to Residential Zone	10'	NA	10'
Rear	0'	0'	0'
Adjacent to Residential Zone	10'	NA	10'
Building Form Requirements			
Building Height (max.)	35' <sup>1</sup>	25'	40' <sup>1</sup>
Coverage (max.)	50% <sup>2</sup>	50%	50% <sup>2</sup>
Density Requirements			
FAR (max.)	0.5 <sup>2</sup>	0.50	0.5 <sup>2</sup>
Lot Requirements			
Lot size (min.)	10,000 sf	10,000 sf	20,000 sf
Lot Width (min.)	60'	60'	100'
Lot Depth (min.)	100'	100'	100'
Other Requirements			
Landscaping (min.)	10%	10%	10%
Fences, Walls and Screening	See Section 3.10.020		
Parking	See Section 3.50		
Signs	See Section 3.60		
<b>End Note</b>			
1. Structures that exceed 18 feet in height and are located within 100 feet of a residential zone require a Use Permit.			
2. The Review Authority may increase the lot coverage to 100% and/or the FAR to 1.5 if a finding is made that the project will provide a substantial economic benefit to the City and coastal resources are protected consistent with the Local Coastal Program. <b>(Am. Ord. 14-04)</b>			
3. All Development Standards are maximums/minimums and may be reduced/increased depending on the individual project specifications in order to comply with adopted policies in the General Plan, Local Coastal Program and all other City Council adopted policies. <b>(Am. Ord. 14-04)</b>			

## 2.40.050 Industrial Zones Miscellaneous Standards

**Design Standards.** All industrial development shall comply with the following standards:

- A. **Building Design.** Buildings visible from a street shall convey an image of high quality through the use of appropriate durable materials and quality landscaping with an emphasis on the building entry. Building elevations visible from a street shall

incorporate architectural treatments and/or variations in building setbacks to avoid large unarticulated/monotonous building and roof planes. The placement of buildings to provide plazas and courtyards is encouraged.

- B. **Access and Parking.** Site access shall be convenient and easily identifiable. Parking areas should generally be located at the sides and rear of buildings.
- C. **Storage and Service Areas.** All service areas, outdoor storage areas, outdoor work areas and loading areas shall be located at the sides and rear of buildings and screened from public view in compliance with Section 3.10.020 (Fences, Walls, and Screening).
- D. **Equipment.** All ground mounted and roof mounted equipment, except for solar collection systems, shall be screen in compliance with Section 3.10.020 (Fences, Walls, and Screening).
- E. **Trash Enclosures.** All trash and recycling storage areas shall be enclosed by a decorative masonry wall or other solid materials that is architecturally compatible with the building architecture. Gates shall be durable and solid and continuously maintained in working order.

## 2.50 Public Facilities Zone

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### Sections:

2.50.010 - Purpose

2.50.020 - Public Facilities Zone Allowable Land Uses and Permit Requirements

2.50.030 - Public Facilities Zone Development Standards

---

### 2.50.010 Purpose

The Public Facilities Zone as established by Section 2.10.020 (Official Zoning Map and Zones), applies to areas of the City appropriate for government owned facilities, schools and quasi-public uses. This Section establishes the types of land uses permitted and development standards in the zone.

---

### 2.50.020 Public Facilities Zone Allowable Land Uses and Permit Requirements

Table 2.8. Public Facilities Zone Allowable Land Uses and Permit Requirements		
Land Use	PF	Specific Use Regulations
<b>Recreation, Education &amp; Public Assembly</b>		
Community Gardens	P	
Park, Playground (Public)	P	
Public or Quasi-Public Facility	UP	
<b>Residential</b>		
Single Family Dwelling <sup>1</sup>	UP	
<b>Transportation &amp; Infrastructure</b>		
Parking Facility	P	
Telecommunication Facility	UP	Section 4.40

#### End Note

1. Maximum of one dwelling per lot.

---

#### Legend

P Permitted Use  
UP Use Permit Required

---

### 2.50.030 Public Facilities Development Standards

Development standards in the Public Facilities Zone shall be determined by the Review Authority as part of the development review process.

## 2.60 Parks & Recreation Zone

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### Sections:

2.60.010 Purpose

2.60.020 Parks & Recreation Zone Allowable Land Uses and Permit Requirements

2.60.030 Parks & Recreation Zone Development Standards

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### 2.60.010 Purpose

The Parks & Recreation Zone as established by Section 2.10.020 (Official Zoning Map and Zones) applies to areas of the City appropriate for public parks and recreational uses such as active playing fields, parks and recreational facilities, bicycle and walking trails, and detention facilities that can be used as public parks where appropriate.

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### 2.60.020 Parks & Recreation Zone Allowable Land Uses and Permit Requirements

Table 2.9. Parks & Recreation Zone Allowable Land Uses and Permit Requirements		
Land Use	PR	Specific Use Regulations
<b>Recreation, Education &amp; Public Assembly</b>		
Community Gardens	P	
Park, playground (public)	P	
Public or quasi-public facility	P	
<b>Transportation &amp; Infrastructure</b>		
Parking facility	P	
Telecommunication facility	UP	Section 4.40

#### Legend

P Permitted Use

UP Use Permit Required

---

### 2.60.030 Parks & Recreation Zone Development Standards

Development standards in the Parks and Recreation Zone shall be determined by the Review Authority as part of the development review process.

## 2.70 Open Space Zones

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### Sections:

- 2.70.010 - Purpose
- 2.70.020 - Purpose of the Open Space
- 2.70.030 - Open Space Zones Allowable Land Uses and Permit Requirements
- 2.70.040 - Open Space Zones Development Standards

---

### 2.70.010 Purpose

This Chapter lists the open space zones as established by Section 2.10.020 (Official Zoning Map and Zones), and establishes the types of land uses permitted and development standards in each open space zone.

---

### 2.70.020 Purpose of the Open Space Zones

- A. **Open Space Zone (OS).** The Open Space Zone applies to areas of the City appropriate for active and passive recreational uses, preservation of sensitive habitats, flood hazard areas, steep slopes and watershed protection.
- B. **Coastal Open Space Zone (COS).** The Coastal Open Space Zone is designed to protect and preserve sensitive natural areas including but not limited to those containing significant habitat areas, rare or endangered plant and animal species, and erosion-prone lands. Opportunities for educational and scientific study of undisturbed natural environments are encouraged. All development shall be consistent with the City's Local Coastal Program.
- C. **Coastal Golf Course Zone (CGC).** The Coastal Golf Course Zone applies to the Pismo State Beach public golf course facility within the coastal zone. All development shall be consistent with the City's Local Coastal Program.
- D. **Coastal Pedestrian Beach Zone (CPB).** The Coastal Pedestrian Beach Zone applies to the area adjacent to the beach, generally north of the West Grand Avenue terminus. The purpose is to provide a public beach area in which non-vehicular beach activities can be pursued free from conflict with vehicular beach users. All development shall be consistent with the City's Local Coastal Program.
- E. **Coastal Vehicular Beach Zone (CVB).** The Coastal Vehicular Beach Zone applies to the area adjacent to the beach, generally south of the West Grand Avenue terminus. The purpose is to provide an area in which vehicular beach activities are allowed which will not significantly disrupt native vegetation or sensitive habitat areas. All development shall be consistent with the City's Local Coastal Program.

## 2.70.030 Open Space Zones Allowable Land Uses and Permit Requirements

Table 2.10. Open Space Zones Allowable Land Uses and Permit Requirements						
Land Use	OS	COS <sup>1</sup>	CGC <sup>1</sup>	CPB <sup>1</sup>	CVB <sup>1</sup>	Specific Use Regulations
<b>Recreation, Education &amp; Public Assembly</b>						
Park, Playground (Public)	P	--	--	--	--	
Public or Quasi-Public Facility	UP	--	--	--	--	
Beach Use – Pedestrian Only	--	--	--	P	--	
Beach Use – Vehicles Allowed	--	--	--	--	P	
Community Gardens	P	--	--	--	--	
Golf Course (Public)	--	--	P	--	--	
Scientific/Educational Wildlife Preserves	--	P	--	--	--	
Undisturbed Open Space Uses	P	P <sup>2</sup>	--	--	--	
Passive Use Facilities	P	P <sup>3</sup>	--	--	--	
All Open Space, Recreational, Scientific & Educational Uses	--	--	--	P <sup>4</sup>	P <sup>5</sup>	
<b>Transportation &amp; Infrastructure</b>						
Parking Facility	UP	UP	--	--	--	
Telecommunication Facility	UP	UP <sup>6</sup>	UP <sup>6</sup>	--	--	Section 4.40

### End Note

1. Projects located in the Coastal Zone may require a Coastal Development Permit (See Section 6.20.040).
2. Use shall not significantly disturb native vegetation and habitat.
3. Use shall be associated with scientific/educational wildlife preserves or undisturbed open space uses and include bird-watching blinds, minimal nature paths, and other similar uses which are consistent with this Zone.
4. Uses shall be compatible with visitor enjoyment of the beach and ocean, which do not require the use of any type of motor vehicle.
5. Uses shall be compatible with visitor enjoyment of the beach and ocean, including but not limited to the use of motor vehicles.
6. Telecommunication facilities are prohibited west of Highway 1, unless they are not visible from public viewing areas, meet the standards of Section 4.40.030.A.1., or such a prohibition would result in a conflict with Federal Law. (Am. Ord. 14-04)

### Legend

- P Permitted Use  
 UP Use Permit Required  
 -- Use Not Allowed

## 2.70.040 Open Space Zone Development Standards

- A. Development standards in the Open Space Zone shall be determined by the Review Authority as part of the development review process.
- B. Development standards in the Coastal Open Space Zone shall meet the following minimum development standards:



1. Pathways shall be limited to a maximum width of four feet and shall follow existing paths and trails whenever possible. Pathways shall not be paved or covered wholly or partly with any material other than a wood boardwalk where necessary. When pedestrian boardwalks are constructed to go over the dunes to the pedestrian beach, said boardwalks shall be a raised wood deck suspended from pilings. There shall be sufficient room under the boardwalk to allow the natural movement of sand. The boardwalk shall be placed out of the vegetated dune areas.
2. Permitted passive use facilities shall be of a height, bulk, and design visually and ecologically compatible with sensitive natural resources of the area and consistent with preservation of a rural and natural atmosphere.
3. Passive use facilities listed in End Note 3 shall not be permitted within wetland areas and shall be sited and designed in peripheral areas in such a manner as to be compatible, complimentary, and subordinate to the natural vegetation and land forms.

## 2.80 Urban Reserve Zone

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### Sections:

2.80.010 - Purpose

2.80.020 - Urban Reserve Zone Allowable Land Uses and Permit Requirements

2.80.030 - Urban Reserve Zone Development Standards

---

### **2.80.010 Purpose**

The Urban Reserve Zone as established by Section 2.10.020 (Official Zoning Map and Zones) applies to the area generally south of Highland Way, east of South 13<sup>th</sup> Street, west of South 4<sup>th</sup> Street and the southern City boundary. The purpose of the Zone is to allow for the continuation of agricultural and agricultural related uses until such time urban development is approved. Development of the site shall be preceded by adoption of a Specific Plan as prescribed in Government Code Section 65451. The Specific Plan shall be consistent with Land Use Element Policy LU-15.1-15.3.

---

### **2.80.020 Urban Reserve Zone Allowable Land Uses and Permit Requirements**

All uses shall be determined as part of the Specific Plan. Prior to adoption of the Specific Plan, the Review Authority may approve development projects that are related to agricultural uses, farmworker housing in compliance with Health and Safety Code Sections 17021.5 and 17021.6, public or quasi-public facilities, and telecommunication facilities subject to approval of a Use Permit.

---

### **2.80.030 Urban Reserve Zone Development Standards**

Development standards shall be determined by the Review Authority as part of the development review process.

## 2.90 Overlay Zones

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### Sections:

- 2.90.010 Purpose
- 2.90.020 Planned Development Overlay Zone
- 2.90.030 Emergency Shelter Overlay Zone

---

### 2.90.010 Purpose

This Section establishes the standards for overlay zones which apply to specific areas of the City or specific lots as approved by the Council. All overlay zones shall be established by Section 2.10.020 (Official Zoning Map and Zones) or as shown in this Section.

---

### 2.90.020 Planned Development Overlay Zone

- A. **Purpose.** The Planned Development (PD) Overlay zone may be applied to any area of the City for the purpose of facilitating better designed projects (e.g., innovative site planning, superior architectural design) by allowing flexible and relaxed development standards. The proposed development shall demonstrate that the development is of significantly higher quality than would be achieved through the application of the City's standard development standards.
- B. **Applicability.** The PD rezoning shall occur concurrently with the approval of a specific project. All Planned Development Overlay zones adopted by the Council shall be shown on the Official Zoning Map and the site specific development standards listed in Appendix A of this Development Code. Any amendments shall be processed in accordance with Chapter 7 (Administration).
- C. **Review Authority.** The Council is authorized to approve Planned Development Overlays to ensure compliance with this Section.
- D. **Relationship of PD overlay to applicable zone.**
  - 1. Allowable land uses. Any use or combination of uses allowed by Chapter 2 (Zones and Allowable Land Uses) within the applicable zone may be established within the PD Overlay zone, subject to any additional limitations on specific land uses provided by the PD Overlay as adopted. No PD Overlay shall allow a land use that is not allowed in the applicable zone.
  - 2. Development permit requirements. Development and new uses within the PD Overlay zone shall obtain the development permits required by Chapter 2 (Zones and Allowable Land Uses) for the applicable zone.
  - 3. Site planning and project development standards. Development and new land uses within the PD Overlay shall comply with all applicable development

standards of the zone, except as specifically modified, waived, or augmented by the PD Overlay.

- E. **Scope of approval.** The application of the PD Overlay zone to property may include the adjustment or modification, where necessary and justifiable, of any applicable development standard of this Development Code (e.g., building height, floor area ratio, lot size, parking, setbacks, etc.),
- F. **Mandatory project features.** The Council may approve a rezoning to apply the PD Overlay for a project that incorporates at least one of the following features. If a project is proposed to be constructed in phases, the Council shall determine when the project feature is completed.
  - 1. A minimum of 25 percent of the residential units within the project are affordable to households of very low, low or moderate incomes (See Section 3.20 Affordable Housing Density Bonuses).
  - 2. The project will provide a substantial public amenity, for example, a public plaza, a public park, or a similar improved open space feature, including provisions for guaranteed long-term maintenance not at the expense of the City.
  - 3. The project will achieve at least a silver rating on the LEED or other equivalent rating system.
  - 4. The project will preserve, enhance, and/or create a significant natural feature.
- G. **Required findings.** The Council may approve a rezoning to apply the Planned Development Overlay after making the following findings:
  - 1. The project is consistent with the General Plan, Local Coastal Program (if applicable), and any applicable specific plan and the proposed land use is allowed within the applicable zone. (Am. Ord. 14-04)
  - 2. The project complies with all applicable provisions of this Development Code other than those modified by the PD rezoning;
  - 3. The approved modifications to the development standards of this Development Code are necessary and appropriate to accommodate the superior design of the proposed project, its compatibility with adjacent land uses, and its successful mitigation of environmental impacts;
  - 4. The project complies with all applicable City design guidelines;
  - 5. All affected public facilities, services, and utilities are adequate to serve the proposed project;
  - 6. The location, size, site planning, building design features, and operating characteristics of the project are highly suited to the characteristics of the site and surrounding neighborhood, and will be compatible with the character of the site, and the land uses and development intended for the surrounding neighborhood by the General Plan;
  - 7. The site is adequate for the project in terms of size, configuration, topography and other applicable features, and has appropriate access to public streets with

adequate capacity to accommodate the quantity and type of traffic expected to be generated by the use; and

8. The establishment, maintenance, or operation of the proposed project will not, in the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity of the proposed use or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

## 2.90.030 Emergency Shelter Overlay Zone

- A. **Purpose.** This Section provides standards for emergency shelters within the Emergency Shelter Overlay Zone as shown in Figure 2.3.

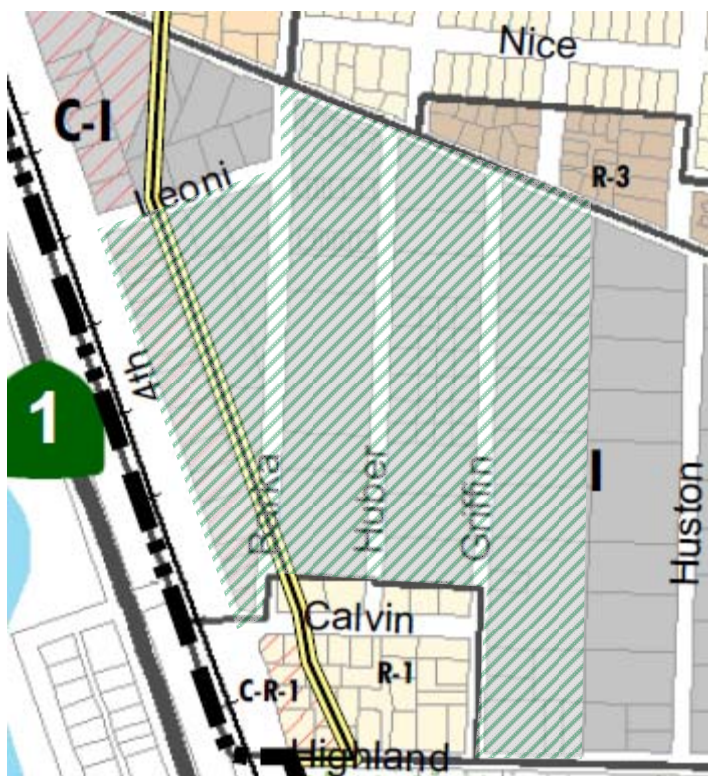


Figure 2.3

- B. **Permit requirements.** Emergency shelters are permitted by right subject to the standards in this Section. In order to ensure compliance with the standards, an Administrative Development Permit shall be approved by the Director, and a Coastal Development Permit shall be required when located in the Coastal Zone. (Am. Ord. 14-04)
- C. **Development standards.** An emergency shelter shall comply with the following standards:

1. The shelter shall be operated by a responsible agency or organization, with experience in managing or providing social services.
2. The shelter shall provide at least one qualified on-site supervisor at all times, plus one attendant for each fifty occupants.
3. A shelter shall not be approved when another homeless shelter exists within 1,000 feet of the proposed site.
4. Nearby residential neighborhoods shall be adequately buffered from potential impacts of the proposed shelter.
5. Parking shall be supplied at a ratio of one vehicle space per ten beds, and one secured bicycle parking area designed to accommodate up to one bicycle per ten beds.
6. Each shelter shall be limited to a maximum occupancy of 50 persons, including warming shelters and daytime facilities.
7. A management plan shall be required to address how the immediate sheltering needs of individuals who may be turned away from the shelter will be handled. The management plan shall establish a maximum length of time for which clients may be accommodated.

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# CHAPTER 3. STANDARDS FOR ALL DEVELOPMENT AND LAND USES

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## 3.10 Standards for All Development and Land Uses

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### Sections:

- 3.10.010 - Purpose & Applicability
- 3.10.020 - Fences, Walls, and Screening
- 3.10.030 - Height Limitations and Exceptions
- 3.10.040 - Outdoor Lighting
- 3.10.050 - Performance Standards
- 3.10.060 - Reasonable Accommodations
- 3.10.070 - Setback Requirements and Exceptions

---

### 3.10.010 Purpose & Applicability

- A. **Purpose.** This Chapter expands upon the zoning standards of Chapter 2 (Zones and Allowable Land Uses) by addressing additional details of site planning, project design, and the operation of land uses. The intent of these standards is to ensure that proposed development is compatible with existing and future development on neighboring properties, and produces an environment of desirable character, consistent with the General Plan.
- B. **Applicability.** The requirements of this Chapter shall apply to all proposed development and new land uses, except as specified in Section 7.40 (Nonconforming Uses, Structures, and Lots), and shall be considered in combination with the standards for the applicable zone in Chapter 2 (Zones & Allowable Land Uses) and those in Chapter 4 (Standards for Specific Development and Land Uses). If there is a conflict between any standards, the provisions of Chapter 3 control over Chapter 2, and the provisions of Chapter 4 control over Chapters 2 and 3. **Projects within the Coastal Zone shall comply with all standards in the Local Coastal Program. (Am. Ord. 14-04)**

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### 3.10.020 Fences, Walls, and Screening

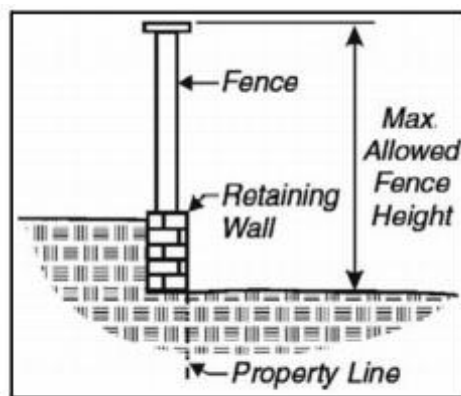
- A. **Applicability.** The requirements of this Section apply to all fences and walls unless otherwise stated.
- B. **Height limits.** Each fence or wall shall comply with the height limits shown in Table 3-1.

Table 3.1. Maximum Height of Fences or Walls	
Location of Fence or Wall	Maximum Height
Within a front setback	3 feet <sup>1, 3</sup>
Within a street side setback	6 feet <sup>3</sup>
Within an interior side or rear setback	6 feet <sup>2</sup>
Notes:	
1. A fence or wall up to six feet in height is allowed when the portion above three	

- feet is 90% open and light emitting (e.g., wrought iron).
2. In non-residential zones, a solid fence or wall up to eight feet in height may be allowed for screening or security purposes subject to approval of an Administrative Development Permit.
  3. All fences and walls shall comply with Section 3.10.030.E. (Restrictions to height limits at street corners)

**C. Measurement of fence and wall height.**

1. Fence and/or wall height shall be measured as the vertical distance between the finished grade at the base of the fence and the top edge of the fence material.
2. In cases where elevation of the finished grade of the fence and/or wall differs from one side to the other (as when a fence is placed on top of a retaining wall), the height shall be measured from the side with the lowest natural grade; except that a safety fence with a maximum height of five feet shall be allowed in all cases.



**Figure 3-1 Fence Height Measurement**

**D. Specific fence and wall requirements.**

1. Fencing between different land uses. Fencing between different land uses shall be provided in compliance with Subsection F. (Screening).
2. Outdoor equipment, storage, and work areas. Non-residential outdoor equipment, storage and uses adjacent to a residential zone shall be fenced and/or screened in compliance with Subsection F. (Screening).
3. Swimming pools, spas, and similar features. Swimming pools/spas and other similar water features shall be fenced in compliance with the City's Building Code requirements, regardless of the other requirements of this Section.

**E. Prohibited materials.** The following fencing materials are prohibited in all zones except as follows.

1. Razor or concertina wire unless approved by a Use Permit.
2. Chain link fencing within a front or street side setback.

**F. Screening.** This Subsection establishes standards for the screening of non-residential uses when adjacent to residential zones at the lot boundary as follows:

1. The screen shall consist of a solid, decorative wall of masonry or similar durable material, six feet in height. The Review Authority may require a wall up to eight feet in height if necessary to screen the use from the residential use.
2. The decorative wall shall be architecturally treated on both sides, subject to the approval of the Review Authority.
3. In industrial zones, a minimum of 10 feet of dense landscaping shall be planted adjacent to residential zones.
4. In commercial zones, a minimum of five feet of dense landscaping shall be planted adjacent to residential zones.
5. The Review Authority may waive or approve a substitute for the requirements of this Subsection if the Review Authority determines that:
  - a. The relationship of the proposed uses make the required screening unnecessary;
  - b. The intent of this Subsection can be successfully met by means of alternative screening methods;
  - c. Physical constraints on the site make the required screening infeasible; or
  - d. The physical characteristics of the site or adjoining lots make the required screening unnecessary.

**G. Mechanical equipment, loading docks, and refuse areas.**

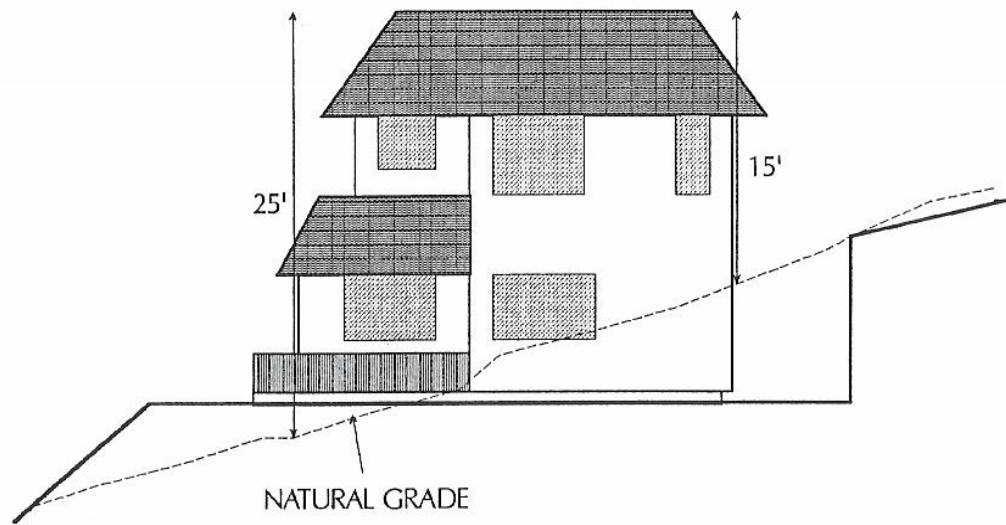
1. Roof or ground mounted mechanical equipment shall be screened from public view from adjoining public streets and adjoining areas zoned for residential uses. This equipment includes air conditioning, heating, ventilation ducts, and exhaust vents, loading docks, refuse storage areas, and utility services, electrical transformers, gas meters, etc.
2. The colors, materials, and architectural style of screening shall be architecturally compatible with other on-site development.

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### 3.10.030 Height Limits and Exceptions

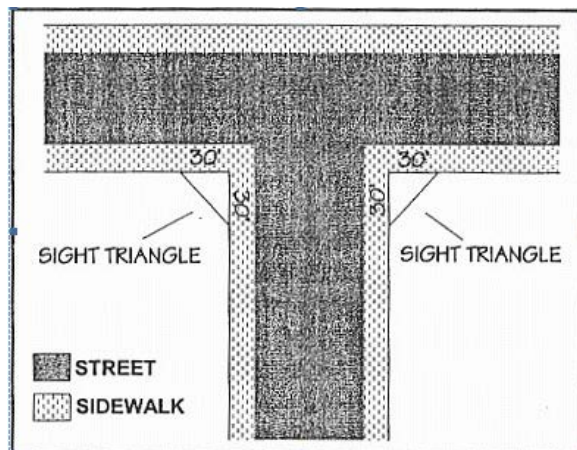
- A. **Purpose.** This Section describes the required methods for measuring the height of structures in compliance with the height limits established by this Development Code, and exceptions and restrictions to those height limits.
- B. **Maximum height of structures.** The height of each structure shall not exceed the height limit established for the applicable zone by Article 2 (Zones and Allowable Land Uses), except as otherwise provided by this Section.
- C. **Height measurement.** The maximum allowable height shall be measured as the vertical distance from the average level of the highest and lowest point, measured from natural grade, of that portion of the lot covered by the building to the topmost

point of the roof as shown in Figure 3-2. Natural grade shall be determined by the Director using the best available information.



**Figure 3.2 Height Measurement**

- D. **Exceptions to height limits.** The following structures and structural features may exceed the height limits of this Development Code as noted:
1. Architectural features. A chimney, cupola, monument, mechanical equipment, vent, or similar structure may exceed the height limit subject to approval of a Use Permit by the Review Authority; except a chimney or vent may exceed the maximum height of the applicable zone if required to meet Building Code requirements.
  2. Telecommunications facilities. The height of telecommunications facilities, including antennas, poles, towers, and necessary mechanical appurtenances shall comply with Section 4.40 (Telecommunications Facilities).
- E. **Restrictions to height limits at street corners.** Development adjacent to any public or private street shall be designed to provide a traffic safety visibility area or "sight triangle" for pedestrian and traffic safety. The restrictions to height limits are as follows:
1. Uncontrolled intersections: At uncontrolled street intersections, a sight triangle shall be required in order to maintain visibility. Such area shall consist of a triangular area with dimensions of 30 feet along the streets, measured at back of sidewalk as shown in Figure 3.3. Any solid wall, fence, building, or landscaping within this triangle may not exceed three feet in height.

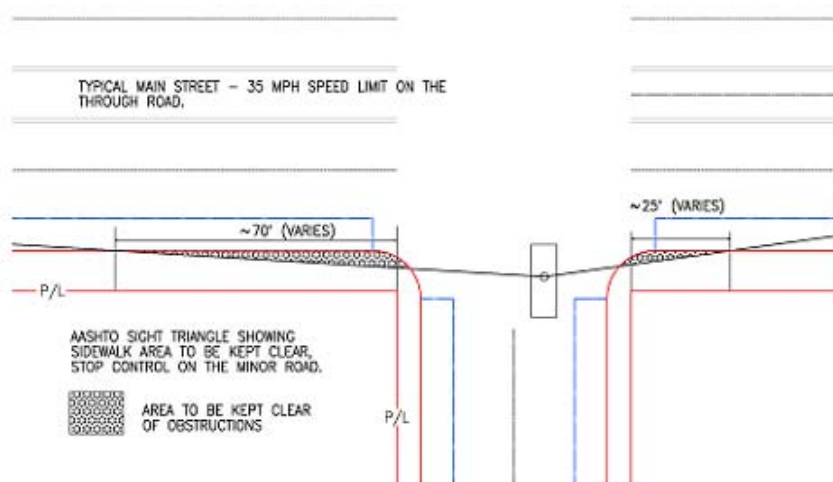


**Figure 3.3 Sight Triangle**

2. Intersections with One or More Traffic Controls.

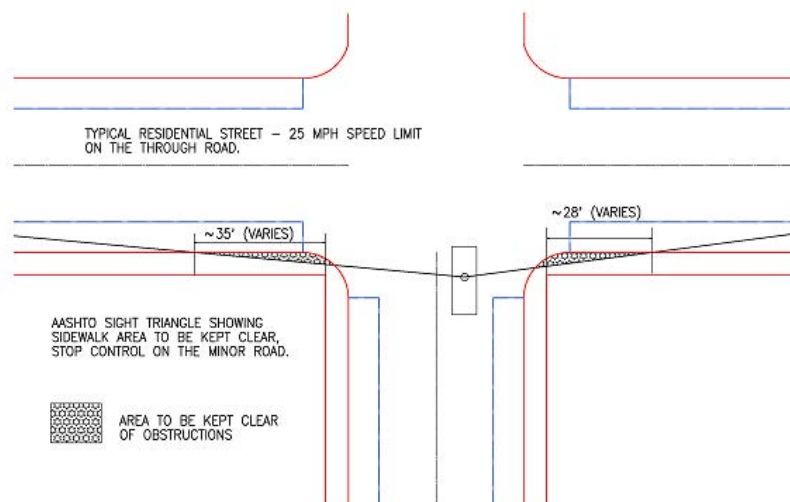
- a. **Applicability:** The Sight Distance Triangle requirements are applicable to every intersection of two or more public streets within the City, where at least one of the directions of travel on any of those streets is not controlled by a stop sign or a traffic signal.
- b. **Standards and Guidelines:** At street intersections, a sight triangle shall be required in order to maintain visibility. The dimensions required depend on several factors. The speed of the vehicles on the major road and the location of the vehicle attempting to enter the intersection from the minor road are the two main factors. Other factors include, but are not limited to, the grade of the roadways, the angles of view, height of the driver's eye, and whether or not curbside parking is allowed. The American Association of State Highway and Transportation Officials (AASHTO) has provided procedures and guidelines for resolving these issues in their publication, A Policy on Geometric Design of Highway and Streets – Latest Edition. Intersections within the City shall comply with AASHTO recommendations insofar as the affected intersection areas shall be kept clear of all obstructions. All AASHTO guidelines shall be followed when feasible as determined by the City Engineer.
- c. **Approval Procedures:** To ensure visibility, red curbing may be used to establish no parking zones related to the AASHTO guidelines. No parking shall be allowed along any red curbed frontage. Red curbing is also used to prohibit stopping at the curb for other purposes. Sight triangle examples are indicated in Figures 3.4 and 3.5. No visual obstructions shall be permitted within the required sight triangle. Each intersection is different and exact requirements shall be established by the City Engineer.
- d. **Sight Triangle Examples:** Generally, only two of the intersection types identified by AASHTO exist in the City. Both are Type "B", with stop control installed on the minor road. The first type is a stop controlled intersection where the major road is multi-lane. The second type is a stop controlled

intersection where both roads are single-lane, such as a typical residential intersection. All other intersections within the City are 4-way stop controlled or signalized.



**Figure 3.4 Sight Triangle Example**

- e. This simplified example illustrates compliance with AASHTO recommendations. The required sight triangle would consist of 70 feet to the left and 25 feet to the right. Each intersection is different and exact requirements shall be established by the City Engineer.



**Figure 3.5 Sight Triangle Example**

- f. This simplified example illustrates compliance with AASHTO recommendations. The required sight triangle would consist of 35 feet to the left and 28 feet to the right. Each intersection is different and exact requirements shall be established by the City Engineer.



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### 3.10.040 Outdoor Lighting

- A. **Purpose.** The Section provides standards for outdoor lighting of non-residential uses to minimize light and glare on adjacent properties. The intent of these standards is that outdoor lighting be limited to the minimum necessary for safety and security.
- B. **Development standards.** New outdoor lighting on non-residential projects shall comply with the following requirements:
1. An outdoor light fixture shall be limited to a maximum height of 20 feet or the height of the nearest building, whichever is less. The Review Authority may approve a fixture in excess of 20 feet if it determines that the additional height will provide lighting that still complies with all other requirements of this Section.
  2. Outdoor lighting shall utilize energy-efficient (high pressure sodium, low pressure sodium, hard-wired compact florescent, or other lighting technology that is of equal or greater energy efficiency) fixtures/lamps.
  3. Lighting fixtures shall be shielded or recessed to minimize light bleed to adjoining properties, by ensuring that the light source (e.g., bulb, etc.) is not visible from off the site and confining glare and reflections within the boundaries of the site to the maximum extent feasible.
  4. Each light fixture shall be directed downward and away from adjoining properties and public rights of-way, so that no on-site light fixture directly illuminates an area off the site.
  5. In the Coastal Zone, all lighting shall be designed to protect against impacts to coastal resources, including biological and visual resources, as required by the Local Coastal Program. (Am. Ord. 14-04)

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### 3.10.050 Performance Standards

- A. **Purpose.** This Section provides performance standards that are intended to minimize various potential operational impacts of land uses and development within the City, and promote compatibility with adjoining areas and land uses.
- B. **Applicability.** The provisions of this Section apply to all new and existing land uses, including permanent and temporary uses in all zones, unless an exemption is specifically provided. Uses existing on the effective date of this Section shall not be altered or modified thereafter to conflict with these standards.
- C. **Air emissions.** No visible dust, gasses, or smoke shall be emitted, except as permitted by the San Luis Obispo Air Pollution Control District or as necessary for the heating or cooling of structures, and the operation of motor vehicles on the site.
- D. **Combustibles and Explosives.** The use, handling, storage and transportation of combustibles and explosive materials shall comply with the City's Building and Fire codes, and all other applicable State and local regulations.

- E. **Dust.** Activities that may generate dust emissions (e.g., construction, grading, commercial gardening, and similar operations) shall be conducted to limit the emissions beyond the site boundary to the maximum extent feasible. Appropriate methods of dust management shall include the following, subject to approval by the Public Works Director.
- F. **Ground vibration.** No ground vibration shall be generated that is perceptible without instruments by a reasonable person at the property lines of the site, except for vibrations from temporary construction or demolition activities, and motor vehicle operations.
- G. **Liquid waste.** No liquid shall be discharged into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the Regional Water Quality Control Board.
- H. **Noise.** All uses shall comply with the City's noise standards in Municipal Code Article III.
- I. **Odors.** No obnoxious odor or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site.
- J. **Radioactivity, electrical disturbance or electromagnetic interference.** None of the following shall be emitted:
  - 1. Radioactivity, in a manner that does not comply with all applicable State and Federal regulations; or
  - 2. Electrical disturbance or electromagnetic interference that interferes with normal radio or television reception or with the function of other electronic equipment beyond the property line of the site; or that does not comply with all applicable Federal Communications Commission (FCC) and other applicable State and Federal regulations.

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### 3.10.060 Reasonable Accommodation

#### A. Purpose

- 1. The Acts. This Section provides a procedure to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA) (also known as the Acts) in the application of zoning laws and other land use regulations, policies, and procedures.
- 2. Adjustment to physical design standards. A Reasonable Accommodation is typically an adjustment to physical design standards (e.g., setbacks) to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident.

**B. Applicability**

1. Eligible applicants.
  - a. A request for Reasonable Accommodation may be made by any person with a Disability when the application of a development standard or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities.
  - b. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.
  - c. This Section is intended to apply to those persons who are defined as disabled under the Acts.
2. Eligible request.
  - a. A request for Reasonable Accommodation may include a modification or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. In addition, the applicant may request a reduction to the required parking standards based on a reduced need for parking.
  - b. The application shall include the information and materials specified in the Department handout for Reasonable Accommodation applications, together with the required fee in compliance with the Master Fee Schedule.
  - c. It is the responsibility of the applicant to provide evidence in support of the findings required in Subsection D.

C. **Permit Requirements.** An Administrative Development Permit shall be approved by the Director.

D. **Required findings.** The approval of an Administrative Development Permit shall require that the Director make the following findings:

1. Whether the housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;
2. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
3. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City;
4. Whether the requested Reasonable Accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning;
5. Whether there are alternatives to the requested waiver or exception that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants or to the general public;

6. Physical attributes of the property and structures; and
  7. Alternate Reasonable Accommodations that may provide an equivalent level of benefit.
- E. **Conditions of approval.** In approving a request for Reasonable Accommodation, the Director may impose conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation will comply with the findings required by Subsection D.
- F. **Rescission of Approval of Reasonable Accommodation**
1. An approval or conditional approval of an application made in compliance with this Section may be conditioned to provide for its rescission or automatic expiration under appropriate circumstances (e.g., the individual defined as disabled under the Acts vacates the subject site, etc.), unless allowed to remain in compliance with Subsection G (Discontinuance).
  2. If rescinded or is subject to automatic expiration, the improvement made in compliance with the originally approved Reasonable Accommodation shall be removed from the subject property in compliance with Section.
- G. **Discontinuance.**
1. A Reasonable Accommodation shall lapse if the exercise of rights granted by it is discontinued for at least 180 consecutive days.
  2. If the person(s) initially occupying a residence vacates, the Reasonable Accommodation shall remain in effect only if the Director first determines that:
    - a. The modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with this Development Code; or
    - b. The accommodation is to be used by another qualifying individual with a disability.
  3. The Director may request the applicant or the successor(s)-in-interest to the property to provide documentation that subsequent occupants are qualifying persons with disabilities.
  4. Failure to provide the documentation within 30 days of the date of a request by the Director shall constitute grounds for discontinuance by the City of a previously approved Reasonable Accommodation.
  5. Discontinuance shall require that the improvement made in compliance with the originally approved Reasonable Accommodation shall be removed from the subject property.

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### 3.10.070 Setback Requirements and Exceptions

- A. **Purpose.** This Section provides standards for setbacks requirements and exceptions to the requirements. Setback standards provide open areas around structures for:

visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation between potentially conflicting activities; and space for privacy, landscaping and recreation.

**B. Setback requirements.**

1. Minimum setbacks for all structures. Each structure shall comply with the front, interior side, street side, and rear setback requirements of the applicable zone as established in Chapter 2 (Zones and Allowable Land Uses), except:
  - a. Where a different setback requirement is established for a specific land use by Chapter 4 (Standards for Specific Development and Land Uses);
  - b. As otherwise provided by this Section.
2. Exemptions from setback requirements. The minimum setback requirements of this Development Code do not apply to the following:
  - a. A projection into a required setback allowed by Subsection C.
  - b. Fences and walls as specified in Section 3.10.020.
  - c. Buildings or structures less than 120 square feet that do not require a building permit when located within an interior side or rear setback.
  - d. Small ornamental structures such as an arbor or trellis (e.g., a gateway) eight feet or less in height located within a front setback.
  - e. An architectural feature such as an awning, eave or balcony may encroach into the public right of way a maximum of 36 inches with a minimum clearance of eight feet. The Review Authority may approve a greater encroachment if a finding is made that the architectural feature will enhance the building design.
  - f. A sign in compliance with Section 3.60 (Signs).

- C. Allowed projections into setbacks.** An architectural feature attached to a primary structure may extend beyond the wall of the structure and into a required front, side, or rear setback in compliance with Table 3-2.

Table 3.2. Allowed Projection into Setbacks		
	Allowed Projection into Specified Setback	
Projecting Feature	Front & Rear Setback	Side Setback
Bay window, or similar projecting feature	36 inches	24 inches <sup>1</sup>
Chimney/fireplace, 6 ft. or less in breadth	36 inches	24 inches <sup>1</sup>
Cornice, eave, awning, roof overhang, or similar feature	36 inches	24 inches <sup>1</sup>

Notes: 1. Feature may project no closer than 36 inches to any side property line.

- D. Setback requirements for swimming pool, hot tub, etc.** A swimming pool, hot tub, or spa and any related mechanical equipment shall be set back a minimum of five feet from side and rear property lines, and shall not be located within a front setback.

- E. **Setback requirements for Meadow Creek.** All structures adjacent to Meadow Creek shall have a minimum 50 foot setback.
- F. **Setback requirements for ESHA.** All structures adjacent to Environmentally Sensitive Habitat Areas (ESHA) shall have a minimum 50 foot setback. **(Am. Ord. 14-04)**

## 3.20 Affordable Housing Density Bonuses and Concessions/Incentives

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### Sections:

3.20.010 - Purpose

3.20.020 - General Affordable Housing Provisions

3.20.030 - Applicability: Affordable Housing Density Bonuses and Concessions/Incentives

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### 3.20.010 Purpose

- A. Implement the policies of the Housing Element for developing affordable housing for households with very low, low and moderate incomes.
- B. Encourage affordable housing units to be provided throughout the community and designed to be consistent with the surrounding neighborhood.
- C. Implement the provisions of State Government Code Section 65915.
- D. Increase affordable housing opportunities by offering incentives for smaller proposed housing projects that are less than the State's threshold of five residential units as set forth in State Government Code Section 65915.

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### 3.20.020 General Affordable Housing Provisions

- A. **Availability.** All designated affordable housing units shall be made available to qualified occupants at the same time as the market-rate housing units are made available within the same project.
- B. **Median Income Levels.** For the purpose of determining the income levels for Households under this Section, the City shall use the San Luis Obispo County income limits found in Title 25, Section 6932 of the California Code of Regulations, and regularly updated and published by the State Department of Housing and Community Development, or other income limits adopted by the City Council.
- C. **Density Bonus.** The granting of a density bonus shall not, in and of itself, be interpreted to require an Amendment to the General Plan, Local Coastal Program or Development Code, or other discretionary approval.
- D. **Affordable Housing Agreement.** The owner of the affordable unit shall sign an Affordable Housing Agreement with the City, agreeing to the term, affordability, resale and any other topic deemed appropriate by the City.
- E. **Applicability.** This ordinance is applicable to mixed use development projects that include a housing component. The concessions/incentives available herein apply to the entire project and are not limited to the residential component.

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**3.20.030 Applicability: Affordable Housing Density Bonuses and Concessions/Incentives**

- A. In application for projects meeting the State minimum threshold of five units or more, the provisions dealing with State Government Code Section 65915, as amended from time to time, shall apply, pursuant to State Government Code Section 65915.
- B. In application for projects not meeting the State minimum threshold of five units, the applicant may request specific incentives and/or concessions that would contribute significantly to the economic feasibility of providing affordable units as set forth below:
  - 1. One or more units for Moderate Income. One incentive may be requested from the following:
    - a. Reduce minimum outdoor and/or private usable open space requirements in total square feet. (Up to 20 percent reduction).
    - b. Reduced minimum outdoor and/or private usable open space requirements in dimension. (Up to 20 percent reduction).
  - 2. One or more units for Low Income. Two incentives may be requested from the following:
    - a. Any incentive listed under "Moderate Income" Subsection B1.
    - b. Increased maximum lot coverage. (Up to percentage permitted in the applicable zone).
    - c. Increased in the allowable first to second floor square footage ratio from 80 to 100 percent.
    - d. Allowance for required guest parking requirement to be located in tandem to the garage or in a required setback.
  - 3. One or more units for Very Low Income. Three incentives may be requested from the following:
    - a. Any incentive listed under "moderate income" and "low income" Subsections B.1 and B.2.
    - b. Reduce minimum building setbacks from property lines and building separation requirements that exceed minimum building code and fire code standards.
    - c. Reduce minimum lot sizes and/or dimensions.
- C. Parking may be reduced by the City's Air Quality Provisions from the City-required parking standards on a case-by-case basis and shall not be considered as a development incentive. Granting of such reductions shall be by the Review Authority. A parking/traffic study may be required to ensure the parking reduction will not be detrimental to the surrounding area.



- D. It is the intent of this Section to insure that all projects applying for the concessions and incentives of this Section provide for affordable housing units that are comparable in size, design and quality to the market units in the same project. The Director shall have the discretion and authority to enforce this provision during the application process.
- E. Within the Coastal Zone, the Review Authority may approve a density bonus only after making all of the following findings:
  - a. The proposed increased density is consistent with Coastal Act Section 30604(f); and
  - b. The project is found to be in conformity with the Local Coastal Program (including but not limited to sensitive habitat, public viewshed, public services, public recreational access and open space protections), with the exception of the density standards. (Am. Ord. 14-04)

## 3.30 Landscaping Standards

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### Sections:

- 3.30.010 - Purpose
- 3.30.020 - Applicability
- 3.30.020 - Landscape and Irrigation Plans
- 3.30.030 - Landscape Standards
- 3.30.040 - Landscape Location Requirements
- 3.30.050 - Landscape Requirements
- 3.30.060 - Maintenance of Landscaped Areas

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### 3.30.010 Purpose

This Section establishes requirements for landscaping to enhance the appearance of public street frontages and development projects, conserve water, control soil erosion and provide screening where necessary. California natives, drought tolerant, and low water usage plants are strongly encouraged to reduce water usage.

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### 3.30.020 Applicability

The provisions of this Section shall apply to all land uses as follows:

- A. **New Projects.** All new development projects shall provide landscaping in compliance with this Section.
- B. **Existing development.** The approval of a development application for minor additions (e.g., 25 percent or less of the existing floor area) and/or a change in use within an existing development may include conditions of approval requiring compliance with specific requirements of this Section.
- C. **Timing of Installation.** Required landscape and irrigation improvements shall be installed prior to the final building inspection.
- D. **Alternatives to requirements.** The Review Authority may modify the standards of this Section to accommodate alternatives to required landscape materials or methods, where the Review Authority determines that the proposed alternative will be equally or more effective in achieving the purposes of this Section.

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### 3.30.030 Landscape and Irrigation Plans

- A. **Conceptual Landscape Plan.** A conceptual landscape plan shall be submitted as part of the development application for all new development, additions or redevelopment of an existing use, as determined by the Director, except for a single family dwelling on an existing lot.

- B. **Final Landscape Plan.** A final landscape and irrigation plan shall be submitted as part of the building permit application. The Director shall approve the final landscape plan if it is in substantial compliance with the approved conceptual landscape plan. All irrigation systems shall be designed to maximize water conservation.
- C. **Compliance with State Model Water Efficient Landscape Ordinance.** All projects with greater than 2,500 square feet of landscaping shall comply with Government Code Section 65591 et seq. to provide water conservation.

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### 3.30.040 Landscape Standards

- A. **Purpose.** All projects shall meet the minimum landscape coverage for lot area as established in Chapter 2 (Zones and Allowable Land Uses).
- B. **Exceptions:** The minimum landscape coverage requirements may be reduced by the Review Authority as follows:
  - 1. In commercial and industrial zones if a finding is made that it is impractical or infeasible to meet the minimum standards and the proposed landscaping is in compliance with the purpose of this Section.
  - 2. In residential zones for non-residential uses (e.g., churches) if a finding is made that the proposed landscaping is in compliance with the purpose of this Section.
- C. **Determination of Landscape Coverage Areas.** Landscape coverage area shall include all areas not covered by structures, driveways, parking lots and hardscape materials. Landscape areas may include setback areas, drainage basins, and natural areas. In residential zones, patios, decks, walkways, and other hardscape materials may be included as landscape area if incorporated into the site landscaping as determined by the Review Authority.
- D. **Maximum amount of paving allowed in front and street side setback areas in residential zones.** Paving shall be limited to a maximum of 50 percent of the front or street side setback areas in order to limit the amount of hardscape paving in these areas; except that the Review Authority may allow an increase for irregularly shaped or small lot that lacks sufficient area for adequate driveway and pedestrian access.

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### 3.30.050 Landscape Requirements

- A. **Purpose.** Parking areas for all non-residential uses shall be landscaped in compliance with this Section.
- B. **Adjacent to streets.**
  - 1. Parking areas adjacent to a public street shall have a minimum landscaped area of 10 feet.
  - 2. Landscaping shall be designed and maintained to screen parking areas from public streets. Screening materials may include a combination of plant materials,

earth berms, fences/walls, raised planters, or other screening devices that are determined by the Review Authority to meet the intent of this requirement.

3. Plant materials, signs, or structures within a traffic safety visibility area of a driveway shall comply with Section 3.10.030 (Restrictions to height limits at street corners).

**C. Interior parking lot landscaping.**

1. Amount of landscaping. The minimum landscape area within a parking area shall be 10 percent of the gross parking lot area. The Review Authority may approve a reduction for small in-fill parking lots where compliance with this standard is not feasible without significantly reducing the number of parking spaces. Trees shall be planted within the parking lot at a minimum ratio of one tree for each six parking spaces.
2. Location of landscaping. Landscaping shall be dispersed throughout the parking area and include interior landscape planters with trees and perimeter landscaping. The Review Authority may approve a reduction for small in-fill parking lots where compliance with this standard is not feasible without significantly reducing the number of parking spaces,
3. Tree height. Trees within the parking lot interior shall reach a mature height of at least 20 feet.

- D. Groundwater recharge.** The design of parking lot landscape areas shall consider and may be required to include provisions for the on-site detention of stormwater runoff, pollutant cleansing, and groundwater recharge.

**E. Plant material.** Required landscape shall include trees, shrubs, and ground covers.

1. Size at time of planting. Plant materials shall be sized and spaced to achieve immediate effect and shall not be less than a 15-gallon container for trees, and one-gallon container for shrubs, perennials, vines, and mass planting, unless otherwise approved by the Review Authority on the basis that the alternate size will achieve the desired immediate and/or long-term effect equally well.
2. Trees. Tree planting shall comply with the following standards.
  - a. Trees in landscape planters less than 10 feet in width or located closer than five feet from a permanent structure shall be planted with root barriers or root barrier panels to prevent damage to adjacent structures or pavement.
  - b. Street trees in non-residential zones shall be a minimum of 24-inch box size and provided along all public frontages as specified in Section 5.30 and the City Standards and Specifications.
  - c. Street trees in residential zones shall be a minimum of 15 gallon size and provided along all public and private street frontages as specified in Section 5.30 and the City Standards and Specifications.

3. Groundcover and shrubs. The majority of areas required to be landscaped shall be covered with groundcover, shrubs, turf, or other types of plants.
  - a. Groundcover shall be provided throughout the landscaped area and shall be spaced to achieve full coverage within one year, except where the Review Authority approves an alternative such as crushed rock, stones, pebbles, or similar materials.
  - b. Excessive use of turf is discouraged.
  - c. Landscaped areas shall be top dressed with a bark chip mulch or approved alternative to avoid exposed bare soil.

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### **3.30.060 Maintenance of Landscaped Areas**

#### **A. Maintenance required.**

1. All landscaping (e.g., ground cover, hedges, lawns, shrubs, and trees) shall be maintained in a healthful and thriving condition at all times.
2. Irrigation systems and their components shall be maintained in a fully functional manner.
3. The landscaping shall regularly be kept clean and free of debris, litter, and weeds.
4. All dead or decaying material shall be replaced with new material within 30 days upon notice of the Department.
5. All fences and walls which have been incorporated into an approved landscaping plan shall regularly be maintained in an attractive and safe manner.

## 3.40 Mobile Home Park Conversion Process

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### Sections:

- 3.40.010 - Authority and Short Title
- 3.40.020 - Definitions
- 3.40.030 - Conversion Impact Report Requirement
- 3.40.040 - Pre-Conversion Questionnaire
- 3.40.050 - Relocation Specialist
- 3.40.060 - Conversion Impact Report Content
- 3.40.070 - Public Hearing Regarding Conversion Impact Report
- 3.40.080 - Decision Regarding Conversion Impact Report
- 3.40.090 - Application for Exemption from Relocation Assistance Obligations
- 3.40.100 - Certificate of Acceptance
- 3.40.110 - Performance of Mitigation Measures
- 3.40.120 - Modification of Conversion Impact Report
- 3.40.130 - Expiration of Conversion Impact Report
- 3.40.140 - Nullification of Impact Report
- 3.40.150 - Right of First Refusal
- 3.40.160 - Appeal
- 3.40.170 - Processing Fees
- 3.40.180 - Building Permits
- 3.40.190 - Exemption

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### 3.40.010 Authority and Short Title

This Section is enacted pursuant to the City's police power and authority of California Government Code Section 65863.7, 65863.8 and 66427.4; and pursuant to the City's adopted General Plan. Housing Element Policy 5.2.1 discourages the removal of affordable housing unless it achieves General Plan objectives and provides for replacement housing that is affordable or corrects unsafe or blighted conditions. In addition, Housing Element Policy 5.3.1 indicates the City will require a developer to assist displaced residents to find affordable housing when affordable housing is removed. This Section, which shall be known and may be cited as the "Grover Beach Mobile Home Park Conversion Ordinance," implements General Plan policies related to affordable housing and mobile home parks specifically.

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### 3.40.020 Definitions

**Absentee Owner** means a person who owns a mobile home is a mobile home park and does not reside at such mobile home.

**Affected Mobile Home Owners and Residents** means absentee owners, resident owner and resident tenants whose mobile home will be displaced by the conversion of a mobile home park.

**Applicant** means a mobile home park owner who proposes to perform a mobile home park conversion.

**Certificate of Acceptance** means a written declaration expressing an Applicant's acceptance of the conditions imposed by the City in connection with approval of a conversion impact report.

**Comparable Housing** means housing within a 25 mile radius of the park to be converted that is equivalent (or better) in terms of amenities, condition, location, price and size (floor area and number of bedrooms) to the mobile home to which comparison is being made.

**Comparable Mobile Home Park** means a mobile home park within a 25 mile radius of the park to be converted that is equivalent (or better) in terms of amenities, condition, location and rental price to the mobile home park to which comparison is being made.

**Conversion Impact Report** means a report, meeting the requirements of this Section, describing (i) the impacts of a mobile home park conversion on affected mobile home owners and residents; and (ii) the measures that will be taken to mitigate adverse impacts of such conversion on affected mobile home owners and residents.

**Immediate Family Member** means the spouse, registered domestic partner, parents, grandparents, children, or siblings, by blood, marriage, domestic partnership or adoption, of a mobile home owner, or any other person claimed and allowed as a dependent of the mobile home owner for the purposes of federal income taxes.

**Mobile Home** means a "Mobile Home" as such term is defined in the Mobile Home Residency Law. "Mobile Home" also means camping trailers, motor homes, slide-in campers, park model recreational vehicles and travel trailers when used as the occupant's primary place of residence as established by nine months continuous residency.

**Mobile Home Improvements** means carports, earthquake bracing, landscaping, new roofs, patios, porches and similar amenities and major repairs.

**Mobile Home Park** means a "Mobile Home Park" as such term is defined in the Mobile Home Residency Law.

**Mobile Home Park Conversion** means (i) the conversion of a mobile home park or any part thereof to another use; (ii) the closure of a mobile home park or any part thereof; and (iii) the cessation of use of land as a mobile home park.

**Mobile Home Residency Law** means California Civil Code Section 798 et seq. as such statute exists at the time of enactment of this Section or is subsequently amended.

**Resident Owner** means a person who owns a mobile home in a mobile home park and resides at such mobile home as the person's primary residence or maintains such mobile home as a primary residence for an immediate family member, who occupied the mobile home as a primary residence prior to receiving any notification of the filing of a development applicant or a request for approval for closure or conversion. This definition also shall include persons subletting their mobile homes pursuant to California Civil Code Section 798.23.5.

**Resident Tenant** means a person who rents or leases a mobile home in a mobile home park and resides at such mobile home as the person's primary residence.

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**3.40.030 Conversion Impact Report Requirements**

- A. Each conversion impact report submitted for City approval shall contain the following:
1. Legal description of the mobile home park.
  2. The purchase price paid by the Applicant to acquire the mobile home park.
  3. Current sale value of the mobile home park property as a mobile home park and as all other uses permitted by the zoning designation of the property, as demonstrated by a professional appraisal completed within the six months preceding the application.
  4. Description of any use proposed to replace the mobile home park.
  5. Any offers to sell or purchase the mobile home park, including offer dates.
  6. Timetable for the proposed mobile home park conversion.
  7. Number of spaces in the mobile home park and the current rental rate for each space (in the event of units owned by the mobile home park owner, the combined rental rate for space and unit shall be provided).
  8. Name, mailing address, age and disability status of each affected mobile home owner and resident having a mobile home in the mobile home park and whether the mobile home constitutes such person's primary place of residence.
  9. Name and mailing address of each absentee owner having a mobile home in the mobile home park.
  10. Name and mailing address of each lender having an interest in a mobile home in the mobile home park.
  11. Manufacture date, size, length of occupancy and the appraised on-site fair market value of each mobile home in the mobile home park. "Fair market value" shall be determined assuming the continuation of the mobile home park in a safe, sanitary and well-maintained condition. The appraisal shall be performed by an appraiser selected by the Director. The Applicant shall pay all costs and expenses associated with the appraisal, including any appraisal fees.
  12. Estimated from two moving companies, chosen by the Applicant with the Director's approval, as to the cost of moving mobile homes, relocatable mobile home improvements, and personal property. The estimates shall include tear-down and set-up costs to establish the mobile home in the new location in substantially the same condition as prior to relocation. "Set-up costs" include the cost of connecting utilities at the new location and the cost of any upgrades required to comply with applicable laws. No estimate of mobile home relocation and associated set-up and tear-down costs shall be required for any park-owned units.
  13. Estimates from two temporary lodging facilities, chosen by the Applicant with the Director's approval, as to the cost of providing temporary lodging for resident



owners and resident tenants who are unable to complete relocation within one day.

14. Itemization of available mobile home spaces within comparable mobile home parks within a fifty mile radius within the County or, if no such spaces are available, itemization of spaces available within a 50 mile radius, but outside the County. Such itemization shall indicate the rental rate for each space and whether the owner of that mobile home park has agreed in writing to accept affected mobile home owners and residents that are displaced by the mobile home park conversion.
  15. Itemization of available comparable housing within a 25 mile radius within the County, if no such spaces are available, itemization of spaces available within a 50 mile radius, but outside the County. Such itemization shall indicate the purchase price for each equivalent (or better) mobile home or condominium, as well as the rental rate for each equivalent (or better) mobile home, condominium or apartment.
  16. Completed pre-conversion questionnaires.
  17. Proposed measures to mitigate the adverse impacts of the mobile home park conversion on affected mobile home owners and residents.
  18. A copy of any agreement reached with any resident or owner relating to the purchase or relocation or a resident/owner or provision of other relocation assistance. This requirement may be waived by the Director at Director's discretion.
- B. The Director may require an Applicant to include information in the conversion impact report in addition to that specified in Subsection A above.

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### **3.40.040 Pre-Conversion Questionnaire**

- A. Prior to filing a conversion impact report for City approval, an Applicant shall distribute a pre-conversion questionnaire to affected mobile home owners and residents. The affected mobile home owners and residents shall have no less than 30 days from the date of certified mailing to complete the pre-conversion questionnaire.
- B. The Director shall provide a standard pre-conversion questionnaire for use by Applicants. At a minimum, the pre-conversion questionnaire shall include questions requesting the affected mobile home owners and residents to provide the following information:
  1. The purchase date and purchase price for the mobile home.
  2. The amount and terms of any outstanding mortgage obligation for the mobile home.
  3. Any mobile home improvements that have been paid for by the affected mobile home owner or tenant and the costs of such improvements.

4. Any circumstances, including but not limited to job location, disability status if any, medical circumstances or other relevant information, which restrict potential relocation areas.
  5. Manufacturing date, purchase date and size of the mobile home.
  6. Any available housing opportunities known to the affected mobile home owners and /or residents that would be acceptable as a relocation option.
  7. Any other information that the Director may deem necessary to facilitate the Planning Commission's consideration of appropriate conditions to mitigate the adverse impacts of proposed conversion on affected mobile home owners and residents.
- C. Neither the completed pre-conversion questionnaire form nor any personal information provided in response thereto shall be considered public information and the City shall not publicly disclose any such information, except as necessary to facilitate the evaluation of the adequacy of the report herein or as may be required by law.

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### **3.40.050 Relocation Specialist**

The Director shall require an Applicant to hire a relocation specialist to assist in: providing notification to mobile home owners and residents regarding any application under this Chapter; developing conversion impact report, including relocation proposals for affected mobile home owners and residents; assisting in finding alternate housing for affected mobile home owners and residents and any other function necessary to assist those affected by the process as determined by the Director. The Applicant shall choose the relocation specialist with the Director's approval. The Applicant shall pay all costs and expenses incurred by the relocation specialist.

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### **3.40.060 Conversion Impact Report Content**

- A. Each conversion impact report submitted for City approval shall contain the following:
1. Legal description of the mobile home park.
  2. The purchase price paid by the Applicant to acquire the mobile home park.
  3. Current sale value of the mobile home park property as a mobile home park and as all other uses permitted by the zoning designation of the property, as demonstrated by a professional appraisal completed within the six months preceding the application.
  4. Description of any use proposed to replace the mobile home park.
  5. Any offers to sell or purchase the mobile home park, including offer dates.
  6. Timetable for the proposed mobile home park conversion.

7. Number of spaces in the mobile home park and the current rental rate for each space (in the event of units owned by the mobile home park owner, the combined rental rate for space and unit shall be provided).
8. Name, mailing address, age and disability status of each affected mobile home owner and resident having a mobile home in the mobile home park and whether the mobile home constitutes such person's primary place of residence.
9. Name and mailing address of each absentee owner having a mobile home in the mobile home park.
10. Name and mailing address of each lender having an interest in a mobile home in the mobile home park.
11. Manufacture date, size, length of occupancy and the appraised on-site fair market value of each mobile home in the mobile home park. "Fair market value" shall be determined assuming the continuation of the mobile home park in a safe, sanitary and well-maintained condition. The appraisal shall be performed by an appraiser selected by the Director. The Applicant shall pay all costs and expenses associated with the appraisal, including any appraisal fees.
12. Estimate from two moving companies, chosen by the Applicant with the Director's approval, as to the cost of moving mobile homes, relocatable mobile home improvements, and personal property. The estimates shall include tear-down and set-up costs to establish the mobile home in the new location in substantially the same condition as prior to relocation. "Set-up costs" include the cost of connecting utilities at the new location and the cost of any upgrades required to comply with applicable laws. No estimate of mobile home relocation and associated set-up and tear-down costs shall be required for any park-owned units.
13. Estimates from two temporary lodging facilities, chosen by the Applicant with the Director's approval, as to the cost of providing temporary lodging for resident owners and resident tenants who are unable to complete relocation within one day.
14. Itemization of available mobile home spaces within comparable mobile home parks within a fifty mile radius within the County or, if no such spaces are available, itemization of spaces available within a 50 mile radius, but outside the County. Such itemization shall indicate the rental rate for each space and whether the owner of that mobile home park has agreed in writing to accept affected mobile home owners and residents that are displaced by the mobile home park conversion.
15. Itemization of available comparable housing within a 25 mile radius within the County, if no such spaces are available, itemization of spaces available within a 50 mile radius, but outside the County. Such itemization shall indicate the purchase price for each equivalent (or better) mobile home or condominium, as well as the rental rate for each equivalent (or better) mobile home, condominium or apartment.

16. Completed pre-conversion questionnaires.
  17. Proposed measures to mitigate the adverse impacts of the mobile home park conversion on affected mobile home owners and residents.
  18. A copy of any agreement reached with any resident or owner relating to the purchase or relocation or a resident/owner or provision of other relocation assistance. This requirement may be waived by the Director at Director's discretion.
- B. The Director may require an Applicant to include information in the conversion impact report in addition to that specified in Subsection A.

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### **3.40.070 Public Hearing Regarding Conversion Impact Report**

- A. No less than 15 days prior to the first public hearing regarding the adequacy of the conversion impact report, the Applicant shall conduct an informational meeting for the residents of the mobile home park. The meeting shall be conducted on the premises of the park, or other noticed location approved by the Director. The relocation specialist and a representative from City staff shall be present at such meeting. A copy of a conversion impact report shall be provided to each resident and owner prior to the meeting. The meeting shall address the proposed conversion or closure, the content of the conversion report and approval process, the project application process, if a replacement project is proposed, and the proposed relocation assistance for displaced mobile home owners and residents. The Applicant shall make the relocation specialist available for individual meetings with residents and owners to discuss issues and needs unique to the individual resident or owner.
- B. Upon the filing of a complete conversion impact report for City review, the Director shall schedule a public hearing before the Planning Commission. Notice of the public hearing shall be provided in accordance with Subsection C.
- C. At least 30 days prior to the hearing date, the Director shall perform the following actions:
  1. Mail a notice of the public hearing and a copy of conversion impact report to affected mobile home owners and residents, to the owners of properties within a 300-foot radius of the Applicant's property, and to each lender having an interest in a mobile home in the mobile home park. The notice shall contain a general explanation of the matters to be considered by the Planning Commission. The copy of the conversion impact report shall not include the completed pre-conversion questionnaires, which will be considered private information of each responding individual and not subject to public disclosure, but shall include the appraisal of the mobile home owned or resided in by that particular notice recipient.
  2. Inform the Applicant in writing of the provisions of Civil Code Section 798.56 regarding the Applicant's duty to notify affected mobile home owners and residents of the proposed conversion. Such writing shall specify the manner in

which the Applicant shall verify that affected mobile home owners and residents have been notified of the proposed conversion. Notify the Applicant of the requirement for an informational meeting in accordance with Subsection A above.

- D. The Planning Commission shall conduct a public hearing on the conversion impact report at the time and place set forth in the hearing notice. Such hearing shall not be held before the Applicant has satisfactorily verified that affected mobile home owners and residents have been notified of the proposed conversion pursuant to Civil Code Section 798.56.
- E. The Applicant shall pay all costs associated with providing notice, including any publishing and postage expenses.

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### **3.40.080 Decision Regarding Conversion Impact Report**

- A. After the conclusion of the public hearing, the Planning Commission shall adopt a resolution approving or rejecting a proposed conversion impact report. The Planning Commission shall approve or conditionally approve a conversion impact report if it finds that the conversion impact report contains, or has been conditioned to contain, reasonable measures to mitigate the adverse impacts of the mobile home park conversion on affected mobile home owners and residents.
- B. Subject to Subsection C, the Planning Commission may impose conditions in connection with its approval of a conversion impact report. Such conditions may include, but are not limited to, lump sum payments to affected mobile home owners and residents to mitigate the following expenses as applicable to each particular absentee owner, resident owner and resident tenant having a mobile home in the mobile home park:
  - 1. The expense of relocating the mobile home to a comparable mobile home park. The amount of such payment shall be based upon consideration of moving, tear-down and set-up costs. "Moving costs" include the cost of moving the mobile home and the cost of moving associated relocatable mobile home improvements. "Set-up costs" include the cost of connecting utilities at the replacement mobile home park and the cost of any upgrades required to comply with applicable laws. Assistance with these expenses shall be payable only to a resident or absentee owner of a mobile home in the mobile home park.
  - 2. The expense of forfeiting the mobile home. The amount of such payment shall be based upon consideration of: (i) the on-site fair market value of the mobile home and associated mobile home improvements; and (ii) any outstanding mortgage obligation of the owner. "Fair market value" shall be determined assuming the continuation of the mobile home park in a safe, sanitary and well-maintained condition. Assistance with these expenses shall be payable only to a resident owner of a mobile home in the mobile home park.
  - 3. The expense of assuming tenancy in a comparable mobile home park. The amount of such payment shall be based upon consideration of: (i) moving costs;

- (ii) first month's rent, last month's rent and security deposit at the replacement mobile home park; (iii) differential between rental rates at the mobile home park being converted and the replacement mobile home park during the first year of relocation; and (iv) if necessary, the cost of purchasing an equivalent mobile home in the replacement mobile home park. Assistance with these expenses shall be payable only to a resident or absentee owner who are relocating their homes and resident tenants.
4. The expense of assuming tenancy in comparable housing. The amount of such payment shall be based upon consideration of: (i) moving costs; (ii) first month's rent, last month's rent, and security deposit at the replacement housing; and (iii) differential between the rental rate at the mobile home park being converted and the replacement housing during the first year of relocation. Assistance with these expenses shall be payable only to resident tenants.
  5. The expense of purchasing comparable housing. The amount of such payment shall be based upon consideration of: (i) moving costs; (ii) down payment for the replacement housing; and (iii) differential between the rental rate at the mobile home park being converted and the mortgage payment for the replacement housing during the first year of relocation. Assistance with these expenses shall be payable only to an affected resident owner of a mobile home in a mobile home park as an alternative to the assistance available pursuant to Subsection (B)(2).
- C. The conditions imposed in connection with approval of a conversion impact report shall not exceed the reasonable costs of relocation. Conditions shall only be imposed in order to ensure that the Applicant adequately mitigates adverse impacts of the mobile home park conversion on affected mobile home owners and residents. In imposing conditions, the City shall interpret and apply this Chapter in a manner consistent with all applicable laws and shall not require cumulative forms of relocation assistance from the above options that result in costs to the applicant in excess of the reasonable costs of relocation in light of the circumstances of each affected resident or owner.

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### **3.40.090 Application for Exemption from Relocation Assistance Obligations**

- A. Any Applicant for change of use of a mobile home park may, simultaneous with such application, file an application for total or partial exemption from the obligation to provide relocation assistance.
- B. If such application is filed, notice of such application, with the information contained therein, and distribution thereof to the owners and residents of the mobile home park shall be provided with the application for change of use.
- C. Any such application shall establish that it is made on either or both of the following bases:
  1. That provision for relocation assistance would eliminate substantially all reasonable use or economic value of the property. Such basis may only be

established if it is demonstrated that the imposition of such obligations would eliminate the reasonable use or economic value of the property for alternate uses, and that continued use of the property as a mobile home park would eliminate substantially all reasonable use or economic value of the property for reasons not caused or contributed by the park owner or Applicant.

2. That a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the closure or cessation of use of said property as a mobile home park is necessary, and that such court has taken further action which would prohibit or preclude payment of relocation assistance benefits, in whole or in part.
- D. Any such application made pursuant to Subsection (C)(1) shall contain, at a minimum, the following information:
1. Statements of profit and loss from the operations of the mobile home park for the most recent five-year period of the date of the application or request, certified by a certified public accountant. All such statements shall be maintained in confidence as permitted by the California Public Records Act.
  2. A statement to support the Applicant's assertion that continued use of the property as a mobile home park necessitates repairs or improvements or both, that are not the result of the park owner or Applicant's negligent failure to properly maintain the property, and that the costs thereof make continuation of the park economically infeasible. This statement must be made under penalty of perjury by a general contractor licensed as such pursuant to the laws of the State of California to certify that such contractor has thoroughly inspected the entire mobile home park; that such contractor has determined that certain repairs and improvements must be made to the park to maintain the park in decent, safe and sanitary condition, and that those certain repairs are not the result of the park owner or Applicant's negligent failure to properly maintain said property; the minimum period of time in which such improvements or repairs must be made; and itemized statement of such improvements and repairs; and the estimated cost thereof of repairs and improvements, if any, due to deferred maintenance separately identified. The Applicant shall also submit a statement verified by a certified public accountant as to the necessary increase in rental rates of mobile home spaces within the park within the next five years necessary to pay for such repairs or improvements that are not the result of the park owner or Applicant's negligent failure to properly maintain said property. If the Director requires an analysis of the information submitted by the general contractor, the Director may procure services of another such licensed general contractor to provide such written analysis, and the cost thereof shall be billed to and payment therefore shall be required from the Applicant.
  3. The estimated total cost of relocation assistance which would otherwise be required to be provided pursuant to this chapter, which shall be based upon documented surveys, included with the application, of the available mobile home spaces within 25 miles of the mobile home park, residents of the park who are

willing to relocate and those who would elect to sell their mobile homes, and the value of the mobile homes in the park.

4. An estimate of the value of the mobile home park by a qualified real estate appraiser if the park were permitted to be developed for the change of use proposed in the application for redevelopment of the park, and an estimate of the value of such park by such appraiser if use of the property as a mobile home park is continued.
  5. Such other information which the Applicant believes to be pertinent, or which may be required by the Director.
- E. Any such application filed pursuant to Subsection (C)(2) shall be accompanied by adequate documentation as to the title, case number, and court in which the bankruptcy proceeding was held, and copies of all pertinent judgments, orders, and decrees of such court.

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### **3.40.100 Certification of Acceptance**

Upon City approval of a conversion impact report, the Applicant shall record a certificate of acceptance on the title of the mobile home park property. City approval of a conversion impact report shall not be effective until proof of recordation of a certificate of acceptance has been delivered to the Director. The Director shall provide the certificate of acceptance form for use by Applicants.

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### **3.40.110 Performance of Mitigation Measures**

The Applicant shall fully perform the mitigation measures set forth in, and the conditions imposed in connection with, the approved conversion impact report and such performance shall also be a condition of approval of any concurrent or subsequent development application proposing an alternate or replacement use of the mobile home park property. No affected mobile home owner or resident shall be required to vacate a mobile home space unless the Applicant has performed all mitigation measures and conditions of approval applicable to such owner or resident.

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### **3.40.120 Modification of Conversion Impact Report**

- A. The Planning Commission may, upon request of Applicant and after holding a public hearing, modify the provisions of an approved conversion impact report. A modification may be approved where the Planning Commission finds that there has been a change in circumstances, or there is new information that could not have reasonably been known or considered at the time of the original hearing on approval of the conversion impact report.



- B. The Planning Commission may impose additional conditions as deemed necessary to mitigate any adverse impacts resulting from a modification of an approved conversion impact report.
- C. Upon City approval of modification of an approved conversion impact report with additional conditions, the Applicant shall record a certificate of acceptance on the title of the mobile home park property. City approval of modification of an approved conversion impact report shall not be effective until proof of recordation of a certificate of acceptance has been delivered to the Director.

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### **3.40.130 Expiration of Conversion Impact Report**

- A. An approved conversion impact report shall expire: (i) the 30th day after adoption of the resolution of approval, unless proof of recordation of a certificate of acceptance is delivered to the Director prior to such date; or (ii) one year after delivery to the Director of proof of recordation of a certification of acceptance, unless an extension is granted prior to such date pursuant to this Section.
- B. The Planning Commission may, upon request of the Applicant and after holding a public hearing, extend the term of an approved conversion impact report. An extension may be granted where the Planning Commission finds that expiration of the conversion impact report would constitute an undue economic hardship to the Applicant.
- C. The Planning Commission may impose additional conditions as deemed necessary to mitigate any adverse impacts resulting from an extension. The Planning Commission may grant multiple extensions of an approved conversion impact report but no single extension shall have a duration in excess of one year.
- D. Upon City approval of an extension of an approved conversion impact report with additional conditions, the Applicant shall record a certificate of acceptance on the title of the mobile home park property. City approval of an extension of an approved conversion impact report shall not be effective until proof of recordation of a certificate of acceptance has been delivered to the Director.

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### **3.40.140 Nullification of Impact Report**

- A. The Planning Commission may, upon request of the Director and after holding a public hearing, order an approved conversion impact report null and void. No nullification shall be ordered unless the Planning Commission makes either of the following findings:
  - 1. Approval of the conversion impact report was obtained fraudulently.
  - 2. The Applicant has failed to comply with the mitigation measures set forth in, or the conditions imposed in connection with, the approved conversion impact report.

- B. If a conversion impact report is nullified, then the Applicant shall not be entitled to perform the mobile home park conversion until a new conversion impact report is approved in accordance with this Section.

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### **3.40.150 Right of First Refusal**

An Applicant shall afford affected mobile home owners and residents a right of first refusal to purchase, lease or rent housing that is constructed for sale, lease or rental on the site of the mobile home park proposed to be converted.

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### **3.40.160 Appeal**

Any Planning Commission decision pursuant to this Section may be appealed to the City Council in accordance with Section 7.20 (Appeals).

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### **3.40.170 Processing Fees**

Each Applicant seeking City approval, modification or extension of a conversion impact report shall pay a nonrefundable application deposit in an amount established by City Council resolution. In addition, the Applicant shall reimburse the City for all costs, including staff time and attorney's fees, incurred in processing and reviewing the Applicant's conversion impact report.

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### **3.40.180 Building Permits**

No building permit shall be issued for conversion of a mobile home park property until the Applicant has filed with the Director a written statement confirming full performance of the mitigation measures set forth in, and the conditions imposed in connection with, the approved conversion impact report. Such statement shall specify in itemized form the name of each affected mobile home owner and resident and the date and type of relocation assistance provided to such person. The statement shall be executed under penalty of perjury.

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### **3.40.190 Exemption**

This Section shall not apply to any mobile home park conversion or closure resulting from an adjudication of bankruptcy.

## 3.50 Parking Regulations

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### Sections:

- 3.50.010 - Purpose
- 3.50.020 - Parking Requirements by Land Use
- 3.50.030 - Location of Parking
- 3.50.040 - Dimensions of Parking Spaces
- 3.50.050 - Maintenance of Off-Street Parking Facilities
- 3.50.060 - Parking Reduction
- 3.50.070 - Parking Districts

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### 3.50.010 Purpose

The requirements of this Section are intended to ensure that adequate off-street parking and loading facilities are provided for all uses and developments and that the facilities are properly designed, attractive, and located to be unobtrusive while meeting the needs of the specific use.

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### 3.50.020 Parking Requirements by Land Use

- A. Each land use shall provide the minimum number of off-street parking spaces required in Table 3.3. A land use not specifically listed in Table 3.3 shall provide parking as required by the Review Authority. The Review Authority shall use the requirements in Table 3.3 as a guide in determining the appropriate number of parking spaces required for the use (e.g., similar uses and/or, similar parking demands) or request a parking study be prepared.

Table 3.3 Parking Requirements by Land Use	
USES	PARKING REQUIREMENT
<b>Residential:</b>	
Single-family dwelling – 4 bedrooms or less	2 car garage per dwelling
Single-family dwelling – 5 bedrooms or more	3 car garage per dwelling
Planned Unit Developments	2 car garage per dwelling, plus 1 uncovered space per dwelling for guest parking
Multi-family dwellings (3 or less)	1 car garage and 1 uncovered space per dwelling, plus 1 uncovered space per 2 dwellings for guest parking
Multi-family dwellings (4 or more)	2 uncovered spaces per dwelling, plus 1 space per 2 dwellings for guest parking
Mobilehome parks	2 covered spaces per dwelling, plus 1 space per 4 dwellings for guest parking
Recreation vehicle parks	1 parking space per dwelling plus 1 additional space per 4 dwellings for guest parking
Boarding Houses	1 parking space per bed or guest
Second residential unit	1 uncovered space per bedroom, not to exceed 2 parking spaces.
Caretaker's Residence	2 parking spaces per bedroom
Residences within Mixed Use Projects	1.5 uncovered spaces per unit
Senior Housing	1 uncovered space per dwelling, plus 1 space per 2 dwellings for guest parking
Lodging	1 parking space per room, plus 2 spaces per Manager's unit, and 1 additional space for each 20 rooms
Live/Work Units	Each live/work unit shall provide parking based on the area of commercial or industrial use, or a minimum of two spaces, whichever is greater.
<b>Public/Semi-Public Uses:</b>	
Administrative Public Building	1 parking space per employee, plus 1 per 400 square feet of floor area
Public Safety Facilities	1 parking space per employee, plus 1 per 500 square feet of gross floor area
Auditoriums and Public Assembly Areas	1 parking space per 4 seats but not less than 1 per 30 square feet of the largest meeting hall
Churches, lodges, clubs, community centers, chapels	1 parking space per 4 seats or 1 per 30 square feet of gross floor area
Convalescent hospitals, residential or community care facilities of more than 6 persons	1 parking space per 3 beds, plus 1 space per employee
Schools, public, private or commercial	Nursery/Daycare: 1 parking space per 300 square feet of gross floor area Grade Schools: 1 parking space per classroom, plus 1 space per office High Schools: 1 parking space per classroom and 1 space per office for staff; and 5 spaces per classroom for students
Parks	1 parking space per 500 square feet of building floor area or group use area

Table 3.3 Parking Requirements by Land Use		
USES	PARKING REQUIREMENT	
Post Office	3 parking spaces per service window and 1 per 500 square feet of gross floor area other than customer area	
Commercial Uses:		
General Retail stores, services and offices in any zone	1 parking space per 250 square feet of gross leasable area; parking may be off-site within 300 feet when approved by the Commission	
Restaurants, bars, cocktail lounges	1 space per 3 seats but not less than 1 space per 200 feet of gross floor area	
Drive-thru restaurant	1 space for each car to be served, plus 1 space for each 3 seats	
Gasoline/Service stations	2 spaces for each working bay, plus 1 space per fuel pump, plus 1 space per employee	
Animal Care Facilities	1 parking space per 250 square feet of gross floor area	
Barber Shops and Beauty Salons	1 parking space per 200 square feet of gross floor area	
Recreational Facilities	Bowling Alley	6 parking spaces per lane, plus 1 space per 2 employees
	Pool Halls	2 parking spaces per table, plus 1 space per 2 employees
	Public Swimming Pools	1 parking space per 100 square feet of pool surface, plus 1 space per 300 square feet of deck area
	General	1 parking space per 250 square feet of gross floor area
Vehicle Sales	1 parking space per 300 square feet of indoor area, plus 2 spaces per service bay, plus 1 space per 2,000 square feet of outdoor sales area	
Carwash	Self-Service	2 parking spaces, plus 1 space per washing area
	Full-Service	2 parking spaces, plus sufficient waiting line, plus 1 space per each employee on the largest shift
Furniture and Large Appliance Sales	1 parking space per 500 square feet of gross floor area	
Laundromats and Dry Cleaners	Self-Service	1 parking space per 3 washers
	Dry Cleaners	1 parking space per 300 square feet of gross floor area
Nurseries, Hardware and Lumber Yards	1 parking space per 300 square feet of office and indoor sales area, plus 1 space per 1,500 square feet of outdoor sales area	
Medical and Dental Offices	1 parking space per 250 square feet of gross floor area	
Health & Fitness Facilities	1 parking space per 200 square feet of gross floor area, plus 1 space per employee	
Equipment Rental	1 parking space per 500 square feet of indoor floor area, plus 1 space per 2,000 square feet of outdoor use area	
Financial Institutions	4 parking spaces per teller window, plus 3 spaces per service desk, but not less than 1 space per 300 square feet of gross floor area	
Vehicle Repair and Related Services	1 parking space per 450 square feet of gross floor area	
Warehousing and Industrial Uses:		
Self-Service Storage Facilities	1 space for each 100 storage units; plus 2 spaces for caretaker's residence; plus 1 space for each 50 storage units when access to said storage units is limited to pedestrian traffic only	
Warehousing	1 parking space per 1,000 square feet of gross floor	

Table 3.3 Parking Requirements by Land Use	
USES	PARKING REQUIREMENT
Wholesale Stores	1 parking space per 1,000 square feet of indoor floor area, plus 1 space per 2,000 square feet of outdoor use area
Manufacturing, heavy industrial uses, heavy commercial uses	1 parking space per 500 square feet of use area within the building, plus 1 space per 1,000 square feet of indoor storage area, plus 1 space per 2,000 square feet of outdoor use area, plus 1 space per 5,000 square feet of outdoor storage area

- B. **Bicycle parking.** Bicycle parking shall be required for the uses as shown in Table 3.4. Major employers are encouraged to provide showers and changing facilities. Bicycle parking shall be located near the main entrance.

Table 3.4 Bicycle Parking Requirements by Land Use	
USES	BICYCLE PARKING REQUIREMENT
Commercial Uses	5% of vehicle requirement
Office Uses	7.5% of vehicle requirement
Industrial Uses	7.5% of vehicle requirement

- C. **Nonconforming Parking.** A use or structure with nonconforming off-street parking may be physically changed or undergo a change in use in compliance with the following provisions.

1. Residential uses.
  - a. Additions to existing residences which are less than 40 percent of the existing square footage, or 500 square feet, whichever is greater, shall be required to retain the number and type (covered or uncovered) of existing parking spaces, but are not required to meet the parking standards of this Section. The Review Authority may require additional uncovered off-street parking spaces, if feasible.
  - b. For additions of 40 percent or greater, the Review Authority may make minor exceptions for parking space dimensions if it can be demonstrated that it is unreasonable or impractical.
2. Non-residential uses.
  - a. When the floor area of an existing structure is increased, the number of parking spaces shall be increased by the difference between the requirements for the new size and the requirements for the previous size in compliance with this Section, even if the previous parking was nonconforming as to the number of off-street spaces provided before the increase.

3. Coastal Visitor Serving and Central Business zones. No additional off-street parking shall be required for a change in use of an existing structure in the Coastal Visitor Serving and Central Business zones, provided that for locations within the Coastal Zone, any adverse impacts to public access are appropriately mitigated. (Am. Ord. 14-04)
4. Coastal Commercial zone. In the Coastal Commercial zone, the Review Authority may reduce the parking requirements in this Section if a finding is made that the existing structure location and/or lot size render the requirement unreasonable or impractical (e.g., a portion of the building would need to be removed), and any adverse impacts to public access are mitigated. (Am. ORd. 14-04)

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### 3.50.030 Location of Parking

- A. All off-street parking spaces, whether in a garage or uncovered, shall be located as to be accessible and usable for the parking of motor vehicles.
- B. Parking lots with more than four spaces shall be designed so that vehicles will not back onto public streets.
- C. Parking spaces shall not be located within required setback areas except as otherwise noted in this Development Code. The Review Authority may also allow parking in side and rear setback areas in multi-family residential zones.
- D. Boats, recreational vehicles and trailers may be parked in residential zones in compliance with Municipal Code Article V.

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### 3.50.040 Dimensions of Parking Spaces

- A. **Covered parking.** Each parking space within a garage or carport shall have a minimum inside dimension of 10 feet in width and 20 feet in length.
- B. **Uncovered parking spaces.** The standard stall size is nine feet in width and 18 feet in length, exclusive of drives and aisles. Stalls shall be designed in accordance with the City's Standards and Specifications. Spaces adjacent to a building, wall, fence, or other obstruction shall have a minimum width of 10 feet. Up to 30 percent compact spaces may be allowed without Review Authority approval, with minimum dimensions of eight feet by 16 feet.
- C. **Handicapped parking.** The number and size of handicapped spaces shall be provided in accordance with state and federal standards.
- D. **Bumper guards.** Concrete bumper guards or wheel stops shall be provided where required by the Review Authority.

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### 3.50.050 Maintenance of Off-Street Parking Facilities

#### A. Additional Parking Requirements

1. Surface. All off-street parking shall be improved to the requirements of the City's Standards and Specifications or as otherwise approved by the Review Authority to the extent consistent with the Local Coastal Program. (Am. Ord. 14-04)
2. Driveways. All driveways shall meet the requirements of the City's Standards and Specifications or as determined by the City Engineer.
3. Drainage. Parking and circulation areas shall be provided with adequate drainage as approved by the City Engineer.
4. Maintenance. All parking areas shall be kept clean and free of dust, mud, or trash; pavement shall be maintained in a continuous state of good repair.
5. Lighting. See Section 3.10.040 (Outdoor Lighting).
6. Miscellaneous. Additional requirements and guidelines for parking facility safety, including design, internal layout, acceptable turning radii, pavement slope, vehicular and pedestrian circulation, and other design features may be approved by the City Engineer when determined to be appropriate.

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### 3.50.060 Parking Reductions

- A. **Purpose.** The Review Authority may approve reductions to the required number of parking spaces in compliance with this Section.
- B. **Shared parking adjustment.** Where two or more non-residential uses share common parking areas, the total number of parking spaces may be reduced by the Review Authority at a rate of five percent for each separate non-residential use, up to a maximum of 20 percent; however, the total number of spaces shall not be less than the number of spaces required by Section 3.50.020 for the single use that generates the highest parking demand. Where shared parking is located on more than one lot, affected parties shall record an agreement governing the shared parking, to the satisfaction of the Director.
- C. **Shared peak-hour parking.** Where two or more uses have distinct and differing traffic usage periods (e.g., a theater and a bank), the required number of parking spaces may be reduced, in addition to the parking reduction allowed by Subsection B. The most remote spaces in the parking lots shall be located no more than 300 feet from the pedestrian entrance to each use that the parking spaces serve (as measured along the most direct pedestrian path). The total number of spaces required for all uses sharing the parking may be reduced to no less than the number of spaces required by Section 3.50.020 for the single use among those proposed that generates the highest parking demand.



D. **Air Quality Incentives.** In accordance with the Clean Air Plan adopted by the San Luis Obispo County Air Pollution Control District, parking reductions may be allowed as follows:

1. Multi-family projects: A project within 500 feet of a transit center or station may have parking reduced by one space per dwelling.
2. Non-residential projects:
  - a. A 20 percent reduction may be approved if a trip reduction plan prepared by the applicant is approved by the Review Authority; and
  - b. A 10 percent reduction may be approved if any of the following apply to the development:
    - (1) 50 percent of the parking for the project is located within or beneath the structures.
    - (2) The development is located within 300 feet of a transit route.
    - (3) The development is located within 1,000 feet of a bikeway.

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### 3.50.070 Parking Districts

Parking required in any Commercial or Industrial zone may be reduced below the stated requirements in any portion of such zone included within a public parking district or assessment district for financing off-street parking facilities in proportion to the amount of assessment on each property owner. Cost of each parking space provided by the district shall be computed by dividing the number of such spaces into the total assessment levied against the property within the District. The assessment against individual property shall be divided by this cost per space to determine the nearest whole number by which the parking requirements on said property may be reduced.

## 3.60 Sign Regulations

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### Sections:

- 3.60.010 - Title
- 3.60.020 - Purpose
- 3.60.030 - Scope
- 3.60.040 - Definitions
- 3.60.050 - Sign Regulations-Permit Required
- 3.60.060 - Exempt Signs
- 3.60.070 - Prohibited Signs
- 3.60.080 - Abatement of Prohibited Signs
- 3.60.090 - Sign Permit-Applications
- 3.60.100 - Building Permits
- 3.60.110 - Action of the Director
- 3.60.120 - Sign Standards
- 3.60.130 - Residential Zones
- 3.60.140 - Commercial Zones
- 3.60.150 - Industrial Zones
- 3.60.160 - General Standards
- 3.60.170 - Abatement of Nonconforming Signs
- 3.60.180 - Amortization of Nonconforming Signs
- 3.60.190 - Notice to Owners of Nonconforming Signs
- 3.60.200 - Noncurrent Signs
- 3.60.210 - Unsafe Signs

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### 3.60.010 Title

This Section shall be known and cited as the “Sign Regulations.”

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### 3.60.020 Purpose

- A. These regulations are intended to:
1. Protect and enhance the character and natural beauty of the community and its various neighborhoods and districts;
  2. Protect those uses which are adequately and appropriately identified from too many and too large signs in their environs;
  3. Protect commercial zones from sign clutter;
  4. Protect the public's ability to identify uses and premises without confusion;
  5. Eliminate unnecessary distractions which may jeopardize pedestrian or vehicular traffic safety;
  6. Assure the maintenance of signs.

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### 3.60.030 Scope

It is unlawful for any person to construct, maintain, display, or alter or cause to be constructed, maintained, displayed, or altered, a sign within the City except in conformance with this Section.

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### 3.60.040 Definitions

As used in this Section, the following terms and phrases shall have the indicated meanings:

**Area of sign** means the number of square feet of the smallest rectangle within which a sign face can be enclosed.

**Billboard** means a sign structure which is made available for lease or rent.

**Billboard face** means the whole of a building visible in an elevation of the building excluding sloped roof surfaces.

**Bulletin board** means a sign which accommodates changeable copy and which displays information on activities and events on the premises.

**Church sign** means a sign indicating the location of churches, not to exceed 18 inches in width and 24 inches in height.

**Directory sign** means a sign identifying the location of occupants of a building or group of buildings which are divided into rooms or suites used as separate offices or studios.

**Exterior-illuminated sign** means any sign any part of which is illuminated from an exterior artificial light source mounted on the sign, another structure, or the ground.

**Free-standing sign** means a sign not attached to any building and having its own support structure.

**Group quarters** means a residential facility in which residents do not occupy individual dwelling units.

**Identification sign** means any sign identifying an occupant, apartment, residence, school, church, or certain business uses and not advertising any product or service.

**Interior-illuminated sign** means a sign any part of which has characters, letters, figures, or any portion of the sign face or outline thereof illuminated from an interior light source.

**Height of sign** means the vertical distance from average adjacent ground level to the top of the sign including the support structure and any design elements.

**Lot frontage** or **frontage** means the horizontal distance along a lot line adjacent to a public street or the side of a lot adjacent to a public street.

**Marquee sign** means a sign placed on the face of a permanent roofed structure projecting over the building entrance, which is an integral part of the building.

**Monument sign** means a sign which is completely self supporting, has its base on the ground, and is generally rectangular in form.

**Mural** means application of pictures or other graphic art forms onto exterior walls, either full or portions of walls.

**Non-illuminated sign** means a sign with no internal or external artificial light source and only incidentally illuminated by ambient light conditions.

**Non-residential zone** means any zone other than a residential zone.

**Off-premise sign** means any sign which directs attention to a business, service, product, or entertainment not sold or offered on the premises on which the sign is located.

**Person** means any individual, partnership, corporation, association or government or any other legal entity.

**Planned Development Overlay Zone** means a use developed in accordance with Section 2.90.

**Political sign** means a sign intended to draw attention to or communicate a position on any issue, candidate, or measure in any national, state, or local election.

**Premises** is a building or unified complex of buildings on one lot or on two or more contiguous lots under common ownership.

**Price sign** means a sign on the premises of a service station, which contains information on the cost and type or grade of motor fuel only.

**Projecting sign** means a sign which extends out from a building face or wall so that the sign face is perpendicular or at an angle to the building face or wall.

**Roof sign** means any sign located on or attached to and extending above the roof of a building.

**Shopping center** means five or more stores with a minimum area of 50,000 square feet, 300 feet of frontage and common off-street parking.

**Second story** means the highest point of the second floor of a building.

**Sign** means any visual device or representation designed or used for the purpose of communicating a message or identifying or attracting attention to a premises, product, service, person, organization, business or event, with or without the use of words, visible from outside the premises on which such device is located.

**Sign area:** see "Area of sign."

**Sign face** means the visible sign proper including all characters and symbols (excluding essential structural elements which are not an integral part of the display) and including nonstructural frame.

**Suspended sign** means a sign attached to and located below any permanent cave, roof or canopy.

**Temporary sign** means any sign which remains in use not more than 60 days or such other period limited to the duration of a condition or activity specified in this Section. In the case of political signs, no signs shall be allowed to be posted more than 60 days prior to the date of the election to which it pertains and shall be removed within seven days after such election.

**Wall sign** means a single faced sign painted on or attached to a building or wall, no part of which extends out from or above a wall more than six inches.

**Window sign** means a sign displayed within a building or attached to the interior of a window but visible through a window or similar opening for the primary purpose of exterior visibility.

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### 3.60.050 Sign Regulations-Permit Required

No sign shall be constructed, maintained, displayed or altered within the City except pursuant to a sign permit obtained as provided in this Section, unless the sign is specifically exempted from permit requirements. Within the Coastal Zone new signs shall be of a size, location, and appearance so as not to detract from scenic areas or views from public roads and other public viewing points. A Coastal Development Permit is required for any sign that could impact public recreational access, including parking opportunities near beach access points or parklands, including any changes in parking timing and availability, and any signage indicating no public parking, no trespassing, and/or no public coastal access allowed. Coastal Development Permits for signs shall be consistent with all applicable Local Coastal Program standards. (Am. Ord. 14-04)

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### 3.60.060 Exempt Signs

- A. The following signs shall be allowed without a sign permit and shall not be included in the determination of type, number or area of signs allowed in each zone: (Under certain circumstances temporary signs and other exempt signs may require a building, plumbing, or electrical permit in compliance with Section 3.60.100.) However, any sign listed below that requires a Coastal Development Permit as provided in Section 3.60.050 shall not be exempt. (Am. Ord. 14-04)
1. Official federal state or local government flag, emblems and historical markers;
  2. Official federal, state or local government traffic, directional and informational signs and notices issued by any court, person or officer in performance of a public duty;
  3. Temporary signs warning of construction, excavation, or similar hazards so long as the hazard exists;
  4. One temporary sign not exceeding 16 square feet used to indicate owner, builder, architect and pertinent data regarding building construction on the building site during construction only. (Larger signs of this nature are subject to Commission approval and shall not exceed 64 square feet.) As it pertains to maximum allowable area, square footage measurements for all temporary signs under this Section shall be based on the actual dimension of each sign without regard for whether the sign is one or two-sided;
  5. Temporary holiday decorations;

6. One temporary political sign per each candidate, ballot, proposition or issue. In residential zones, such sign shall not exceed three square feet for each property. In non-residential zones, such sign shall not exceed 10 square feet for each property;
7. Temporary signs indicating that the property on which the sign is located is for sale, rent, or lease. Only one such sign is permitted to face on each street adjacent to the property. Such signs may be single or double faced and are limited to six square feet or less on property in residential zones and 10 square feet or less on property in non-residential zones;
8. "No Trespassing" signs each not more than one square foot in size placed at each corner and entrance to property and at intervals of not less than 100 feet or in compliance with the requirements of law;
9. Identification signs for residences limited to not more than two square feet for each residence;
10. Parking lot and other private traffic directional signs each not exceeding five square feet in area and limited to guidance of pedestrian or vehicular traffic within the premises on which they are located;
11. Miscellaneous permanent information signs in non-residential zones, with an aggregate area not to exceed three square feet at each public entrance nor 10 square feet total, indicating address, hours and days of operation, whether a business is open or closed, credit information and emergency address and telephone numbers;
12. For each service station pricing and grade signs as required by the State of California;
13. Bulletin boards not over 24 square feet in area and six feet in height, for public, charitable or religious institutions;
14. Temporary window signs;
15. Church signs as defined in Section 3.60.040 of these sign regulations;
16. Miscellaneous temporary information signs in residential zones are permitted with an aggregate area not to exceed three square feet at each public access indicating address, hours, and time of operation to be limited strictly to daylight on holidays, Saturdays, and Sundays, and to be located on private property;
17. Signs on bus benches installed under Council authorized programs designed to provide a general community benefit and subject to review and approval of design and colors by the Director including the submission of a sign drawing with a twenty foot radius showing the area where the bus bench is to be located;
18. The placement of any sign for the purpose of raising funds that benefit the public is permitted on city or private property subject to an agreement with the city.

### 3.60.070 Prohibited Signs

- A. In addition to any sign not specifically in accordance with this Section, the following signs are prohibited:
1. Any sign which simulates or imitates in size, color, lettering or design any traffic sign or signal or which makes use of words, symbols or characters in such a manner to interfere with, mislead or confuse pedestrian or vehicular traffic;
  2. Any sign, except as may be required by other code or ordinance, placed or maintained so as to interfere with free ingress to or egress from any door, window or fire escape;
  3. Private signs, other than permitted projecting signs, located on or extending over public property, including any public right-of-way, without a valid encroachment permit;
  4. Signs erected without the permission of the owner, or his agent, of the property on which such sign is located;
  5. Highly reflective and florescent painted signs;
  6. Any sign which does not conform with the following power line clearance requirements, provided that further restrictions adopted by the California Public Utilities Commission shall be followed:

Table 3.4 Minimum Clearance of Signs From Conductors		
	Less Than 750 Volts	Greater Than or Equal 750 Volts
Vertical Clearance		
Above Sign	3 feet	8 feet
Below Sign	3 feet	Prohibited
Horizontal Clearance		
From Conductors	3 feet	6 feet
From Poles	4 feet	6 feet

7. Off premises signs including billboards (existing billboards will be abated when legally permitted by the State);
8. Any other visual device which does not in the discretion of the Director, comply with the purposes of this Section or the intended interpretation of these standards.

### 3.60.080 Abatement of Prohibited Signs

Any sign, including its supporting structure, which is installed, placed or maintained on public property or public right-of-way without an encroachment permit, or otherwise in violation of this Section, may be summarily removed by the City.

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### **3.60.090 Sign Permit Applications**

Any person desiring to construct, maintain or display a sign for which permits are required shall submit an application to the Department. Such application shall include plans, drawings, and other descriptive materials sufficient to depict the sign proposal, as well as all other proposed or existing signing on the same property, and to enable evaluation of the proposal's conformance with the sign regulations. Authorization of the property owner of record shall be required to submit a sign permit application.

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### **3.60.100 Building Permits**

Sign permit application shall be routed to the building inspector when, in his determination, a separate building, electrical or plumbing permit is required, the applicant shall be notified and the sign permit shall not be issued until such other permits are obtained from the Department.

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### **3.60.110 Action of the Director**

Within 30 days of receiving a proper application for a sign permit which is not contingent upon action by the Commission or the issuance of other permits, the Director shall in writing approve, conditionally approve, or deny the application. The Director may impose only such conditions as will assure compliance with the provisions of this Section.

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### **3.60.120 Sign Standards**

For individual sign proposals not subject to Commission review, all signs shall conform to the following standards for the zone in which they are located. For new construction or major remodeling, signs approved shall be constructed, maintained, and displayed as indicated in the plans approved by the Commission. The Commission may impose more restrictive requirements in order to fulfill the purposes of this Section; it may also, upon demonstration of exceptional circumstances, approve signs which exceed these standards.

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### **3.60.130 Residential Zones**

- A. The following signs are permitted within all residential zones:
1. One sign not exceeding six square feet advertising the sale of products grown on the premises;
  2. One sign not exceeding six square feet per frontage, unlighted pertaining only to the sale, lease or rental on the property upon which the sign is located;
  3. One identification sign, unlighted, not exceeding 10 square feet for each frontage of an apartment or condominium complex, subject to Commission approval.



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**3.60.140 Commercial Zones**

- A. In all commercial zones, signs for residential uses as provided in Section 3.60.130.A are permitted
- B. The following signs are permitted within the Central Business (CB), Central Business-Open (CBO), Coastal Visitor Serving (CVS), and Visitor Serving (VS) zones:
  - 1. One suspended sign for each business or tenant, not to exceed 12 square feet subject to Director approval, and 24 square feet subject to obtaining a Use Permit;
  - 2. One wall sign for each business or tenant, not to exceed 10 percent of the building face and subject to Director approval, and 40 percent subject to obtaining a Use Permit, for each frontage, interior illuminated;
  - 3. One freestanding sign at each premises not to exceed 25 square feet in area or 12 feet in height, interior illuminated, and subject to Director approval, or 100 square feet or 25 feet in height with a Use Permit;
  - 4. One projecting sign to each business or tenant not to exceed 24 square feet subject to Director approval, and 48 square feet subject to obtaining a Use Permit;
  - 5. One roof sign at each premises, used instead of a freestanding sign, not to exceed 100 square feet and subject to obtaining a Use Permit.
- C. The following signs are permitted within the Coastal Commercial (CC), Office Professional (OP) and Neighborhood Commercial (NC) zones:
  - 1. One freestanding sign at each premises not to exceed 25 square feet in area or 12 feet in height, for uses not located within a shopping center, interior illuminated, subject to Use Permit approval;
  - 2. One wall sign per business or tenant for each frontage or building face having a public entrance not to exceed five percent, to be approved by the Director, of the building face area occupied by the business or tenant, illuminated. May be increased to 15 percent subject to obtaining Use Permit approval;
  - 3. One directory sign at each premises, not exceeding one square foot for each business or tenant;
  - 4. One projecting sign for each business or tenant not to exceed 24 square feet subject to Director approval, and 48 square feet subject to obtaining a Use Permit;
  - 5. One roof sign at each premises, used instead of a freestanding sign, not to exceed 100 square feet and subject to obtaining a Use Permit.
- D. The following signs are permitted within the Retail Commercial (RC) zone:
  - 1. One wall sign per business or tenant not to exceed 15 percent of the building face to be approved by the Director, or 40 percent subject to obtaining a Use Permit;

2. One suspended sign for each business or tenant, not to exceed 12 square feet to be approved by the Director or 24 square feet subject to Use Permit approval;
3. One freestanding sign, not to exceed 50 square feet in area or 20 feet in height to be approved by the Director, but may be increased to 150 square feet or 35 feet in height subject to obtaining a Use Permit;
4. One projecting sign for each business or tenant not to exceed 24 square feet subject to Director approval, and 48 square feet subject to obtaining a Use Permit;
5. One roof sign at each premises, used instead of a freestanding sign, not to exceed 100 square feet and subject to obtaining a Use Permit.

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### 3.60.150 Industrial Zones

- A. The following signs are permitted within Industrial (I), Coastal Industrial (CI) and Coastal Industrial Commercial (CIC) zones:
  1. One wall sign for each business or tenant, not to exceed 10 percent of the building face to be approved by the Director, but may be increased to 40 percent subject to obtaining a Use Permit;
  2. One freestanding sign at each premises not to exceed 12 feet in height or 50 square feet in area, interior illuminated, subject to Director approval or 25 feet in height and 100 square feet in area subject to Use Permit;
  3. One projecting sign for each business or tenant not to exceed 24 square feet subject to Director approval, and 48 square feet subject to obtaining a Use Permit;
  4. One roof sign at each premises, used instead of a freestanding sign, not to exceed 100 square feet and subject to obtaining a Use Permit.

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### 3.60.160 General Standards

- A. **Architectural Design Review:** The following criteria describe general characteristics of signs that are encouraged by the City in all zones:
  1. Design Compatibility: Signs -- their materials, size, color, lettering, location and arrangement -- must be an integral part of the site and building design and must be compatible with their surroundings.
  2. Consistency: Signing should be consistent in location and design throughout a development. This includes shopping centers.
  3. Restraint: Signing should be simple, restrained and subordinate to the overall project design.
  4. The message: Text should be kept to a minimum. Location, size, materials and other features of a sign should be selected to achieve appropriate visibility.

5. Types: Wall signs, graphic symbol signs, monument signs, and low-profile freestanding signs are encouraged. Distinctive architectural features, landscaping, window displays and merchandise can be used to communicate some of the image and identity traditionally conveyed by signs.
  6. Lighting: Lighting for signs should be in harmony with the sign's and project's design. If outside lighting is used, it should be arranged so the light source is shielded from view.
  7. Pedestrians: Signing for pedestrians should be provided where appropriate.
- B. **Shopping Center Identification Signs:** With Commission approval, in addition to the signs permitted for individual tenants or businesses, shopping centers may have one identification sign not to exceed 35 feet in height or 150 square feet in area. Such shopping center signs shall not be included in the dimensional or area calculations for individual tenants or businesses.
- C. **Illuminated Signs:** Lighting for illuminated signs shall be so arranged that it does not create a hazardous glare for pedestrians or vehicles either in a public street or on any private premises.
- D. **Freestanding and Monument signs:** Monument signs may be used where freestanding signs are permitted by the provisions of this Section. Such monument signs shall have the same area limitations as freestanding signs. Monument signs and freestanding signs shall not be placed so as to obstruct visibility necessary for safe vehicular and pedestrian circulation, but may be placed in required street yard and/or setback areas. However, both types of signs shall be a minimum of four feet back from the property line.
- E. **Projecting and Suspended Signs:** Projecting signs, including marquee signs and suspended signs, shall conform to the following requirements:
1. The minimum clearance between the lowest point of a sign and the grade immediately below shall be eight feet.
  2. The maximum projection over a public sidewalk shall be two feet.
- F. Search lights subject to approval of an Administrative Development Permit.
- G. Rotating, moving, and flashing signs when approved by a Use Permit.

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### 3.60.170 Abatement of Nonconforming Signs

- A. Signs which do not conform to the provisions of this Section but which lawfully existed and were maintained prior to the adoption date of this ordinance shall be removed or made to conform within 60 days after written notice by the Department, when:
1. The use of the premises changes and the exterior of the building or other site conditions are to be altered; or

2. A sign is damaged by any cause it may be replaced or repaired to its original size and shape; or
3. In accordance with the amortization schedule outlined in Section 3.60.180.A.

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### 3.60.180 Amortization of Nonconforming Signs

- A. Signs which do not conform to the provisions of these regulations but which lawfully existed and were maintained prior to the adoption of Ordinance No. 81-2, shall be removed or made to conform within 60 days after written notice by the Department, in accordance with the following schedule:

Table 3.5 Amortization Schedule	
Original Value of Sign	Amortization Period
Less than \$500	One year
\$500 to \$999	Two years
\$1000 to \$2999	Four years
\$3000 to \$5999	Eight years
More than \$6000	Ten years

- B. The time periods in the above schedule shall commence at the end of a 10-year period beginning on the operative date of this ordinance or with a change in business type or ownership.
- C. If more than one sign on a premises is or becomes nonconforming, the original cost of all such nonconforming signs shall be aggregated for the purpose of determining the amortization period.
- D. The owner or user of a nonconforming sign shall, upon written request of the Department, furnish acceptable proof of the initial cost in the form of (1) an original bill of sale, (2) a depreciation schedule from state or federal income tax returns, or (3) a written appraisal by a sign manufacturer.

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### 3.60.190 Notice to Owners of Nonconforming Signs

Within one year of the effective date of this ordinance the Department shall give written notice to the owners of signs which do not conform to the provisions of these regulations informing them of the nature of the nonconformity, their responsibilities and of the City's intent to enforce Section 3.60.180 of these regulations.

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### 3.60.200 Noncurrent Signs

Any sign including its supporting structure, which no longer identified the current occupant or which otherwise fails to serve its original purpose after a lapse of three months shall be deemed to be a public nuisance and shall be removed by the owner of the property on which it is located upon 30 days written notice by the Director.

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**3.60.210 Unsafe Signs**

Any sign that, in the opinion of the Building Official, is unsafe or insecure, shall be deemed a public nuisance and shall be corrected or removed, together with any supporting structure, by the owner of the property on which the sign is located, within 30 days written notice by the Director.

# CHAPTER 4. STANDARDS FOR SPECIFIC DEVELOPMENT AND LAND USES

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## 4.10 Standards for Specific Development and Land Uses

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### Sections:

- 4.10.010 - Purpose and Applicability
- 4.10.020 - Accessory Retail and Service Uses
- 4.10.030 - Accessory Structures
- 4.10.040 - Bed and Breakfast Inns
- 4.10.050 - Caretaker's Residences
- 4.10.060 - High Occupancy Residential Use
- 4.10.070 - Large Family Day-Care Home
- 4.10.080 - Live Entertainment
- 4.10.090 - Live/Work Units
- 4.10.100 - Massage Establishments
- 4.10.110 - Mixed Use Projects
- 4.10.120 - Multi-Family Developments
- 4.10.130 - Outdoor Storage and Work Areas
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- 4.10.150 - Recycling Facilities
- 4.10.160 - Resale Stores
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- 4.10.180 - Senior Housing
- 4.10.190 - Sidewalk Seating
- 4.10.200 - Single Room Occupancy Facilities
- 4.10.210 - Thrift Stores

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### 4.10.010 Purpose and Applicability

- A. **Purpose.** This Chapter provides site planning, development, and/or operating standards for certain land uses that are allowed by Chapter 2 (Zones and Allowable Land Uses) within individual or multiple zones, and for activities that require special standards to ensure their compatibility with surrounding uses.
- B. **Applicability.** The land uses and activities covered by this Chapter shall comply with the provisions of the Sections applicable to the specific use, in addition to all other applicable provisions of this Development Code.
  - 1. Where allowed. The uses that are subject to the standards in this Chapter shall be located only where allowed by Chapter 2 (Zones and Allowable Land Uses).
  - 2. Permit requirements. The uses that are subject to the standards in this Chapter are allowed only when authorized by the development permit required by Chapter 2 (Zones and Allowable Land Uses), except where a development permit requirement is established by this Chapter for a specific use. Within the Coastal Zone a Coastal Development Permit may also be required as provided in Section 6.20.040 (Coastal Development Permits). (Am. Ord. 14-04)
  - 3. Development standards. The standards for specific uses in this Chapter supplement and are required in addition to those in Chapter 2 (Zones and Allowable Land Uses) and Chapter 3 (Standards for All Development and Land Uses). In the event of any conflict between the requirements of this Chapter and



those of Chapters 2 or 3, the requirements of this Chapter shall control. Projects within the Coastal Zone shall comply with all standards in the Local Coastal Program. (Am. Ord. 14-04)

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#### 4.10.020 Accessory Retail and Service Uses

- A. **Purpose.** This Section provides standards for specific retail sales and service uses that are accessory to a primary commercial or industrial use, where allowed by Chapter 2 (Zones and Allowable Land Uses).
- B. **Permit requirements.** An Administrative Development Permit shall be approved by the Director to ensure compliance with this Section.
- C. **Commercial zones.** Accessory retail service uses within commercial zones shall be related to the primary use (e.g., a retail store selling lawnmowers could also repair lawnmowers).
- D. **Industrial zones.** Accessory retail service uses within industrial zones shall be related to the primary use (e.g., a shoe wholesaler could have a small retail area).
- E. **Required findings.** The approval shall require that the Review Authority make all of the following findings:
  - 1. There will be no adverse effects on adjacent uses from excessive traffic, noise or other adverse effects of the accessory use.
  - 2. The accessory use is clearly incidental to the primary use and does not use a significant area of the building or site, and does not account for a significant amount of the business activity or use.

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#### 4.10.030 Accessory Structures

- A. **Purpose.** This Section provides standards for accessory structures located in residential zones, where allowed by Chapter 2 (Zones and Allowable Land Uses).
  - 1. Relationship to primary use. An accessory structure shall be incidental in function and scale to the primary structures on the site.
  - 2. Timing of installation. An accessory structure shall only be constructed concurrent with or after the construction of a primary residence on the same site.
- B. **Attached structures.** An accessory structure attached to the primary structure shall comply with the development standards of the applicable zone.
- C. **Detached structures.** An accessory structure that is detached from the primary residence shall comply with the development standards of the applicable zone, except as follows:
  - 1. Setback requirements. An accessory structure not exceeding 120 square feet in floor area that does not require a building permit may be located on the rear half of the lot within the side or rear setback.

2. Height limits. An accessory structure shall not exceed 14 feet in height.
3. Separation between structures. An accessory structure shall maintain a minimum five-foot separation from other accessory structures and the primary residence.

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#### 4.10.040 Bed & Breakfast Inns

- A. **Purpose.** This Section provides standards for the development and operation of Bed and Breakfast Inns (B&B) where allowed by Chapter 2 (Zones and Allowable Land Uses). The intent of these provisions is to ensure the compatibility between the B&B and surrounding residential uses.
- B. **Limitation on number.** In order to avoid the concentration of intensive, non-residential land uses in residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, no bed and breakfast shall be located within 300 feet of an existing bed and breakfast.
- C. **Exterior appearance.** The exterior appearance of a B&B shall maintain its residential character.
- D. **Limitation on services provided.** Service shall be limited to the rental of bedrooms or suites; and meal/beverage service shall be provided for registered guests only. Separate/additional kitchens for guests are not allowed. Additional services and special events may be allowed only as specifically provided by the Use Permit approval for the facility, where the Review Authority determines that the type and frequency of the approved services and events will not adversely affect the residential character of the neighborhood, or allow for a use more intensive than typically associated with a B&B.
- E. **Off-street parking.** Off-street parking shall be provided at a ratio of one space for each guest room, plus two spaces for the on-site owner/manager of the B&B. The Review Authority shall determine the appropriate location of the off-street parking.
- F. **Signs.** The Review Authority may approve one sign.

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#### 4.10.050 Caretaker's Residences

- A. **Purpose.** This Section provides standards for caretaker's residences established for providing continuous on-site care or security of the property.
- B. **Development Standards.** The following development standards shall apply to caretaker's residences:
  1. The maximum size for a one-bedroom caretaker's residences shall be 675 square feet.
  2. The maximum size for a two-bedroom caretaker's residences shall be 1,000 square feet. The following provisions shall apply only to a two-bedroom caretaker's residence:

- a. A minimum 300 square foot private yard area shall be provided with a minimum 10 foot width and depth.
- b. The private yard area shall not be located in the required front setback or within a retention basin.

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#### 4.10.060 High Occupancy Residential Use

- A. **Purpose.** This Section provides standards for high occupancy residential uses which are intended to maintain and promote neighborhood quality, character and livability in residential zones where allowed by Chapter 2 (Zones and Allowable Land Uses). High Occupancy Residential Use is six or more adults. This Section does not apply to Residential Care Facilities, Senior Housing or Transitional Care Facilities.
- B. **Limitation on number.** In order to avoid the concentration of intensive, non-residential land uses in residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, no high occupancy residential use shall be located within 300 feet of an existing high occupancy residential use.
- C. **Development Standards:** A high occupancy residential use shall comply with the following standards:
  1. A minimum of 300 square feet of living area shall be provided per adult.
  2. The minimum parking requirement is one off-street parking space per adult occupant, less one. The parking of two vehicles is allowed within the required front setback.
  3. The Review Authority may allow a maximum of two tandem parking areas.
  4. There shall be a minimum of one bathroom provided for every three adult occupants.
  5. The dwelling must meet all current City Building and Fire Codes
- D. **Annual Review.** The Review Authority shall review the Use Permit annually to ensure compliance with the conditions of approval. The applicant shall be responsible for the costs associated with the annual review.

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#### 4.10.070 Large Family Day-Care Home

- A. **Purpose.** This Section provides standards for the operation of large family day-care homes where allowed by Chapter 2 (Zones and Allowable Land Uses). These standards apply in addition to the other provisions of this Development Code and requirements imposed by the California Department of Social Services (DSS). DSS Licensing is required for all facilities.
- B. **Permit requirement.** An Administrative Use Permit shall be approved by the Director to ensure compliance with this Section.

- C. **Development standards.** A Large Family Day Care Home shall comply with the following standards.
1. Location requirements. In order to avoid the concentration of intensive, non-residential land uses in residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, no large family day care home shall be located within 300 feet of an existing large family day care home.
  2. Parking, drop-off area.
    - a. A minimum of two off-street parking spaces shall be provided exclusively for dropping off and picking up children. Alternative parking and drop-off arrangements may be required by the Review Authority based on traffic and pedestrian safety considerations.
    - b. A home located on a street with a speed limit of 30 miles per hour or greater shall provide a drop-off/pick-up area designed to prevent vehicles from backing onto the street.

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#### 4.10.080 Live Entertainment

- A. **Purpose.** This Section provides standards for live entertainment where allowed by Chapter 2 (Zones and Allowable Land Uses). The standards of this Section do not apply to live entertainment associated with Adult Businesses (Section 4.20).
- B. **Permit requirements.** If the live entertainment use meets the standards of this Section, no development permit is required. If the Director determines that the live entertainment use may not meet the standards of this Section, approval of a Use Permit by the Commission is required.
- C. **Limitations on use.** The live entertainment use shall be an accessory use to the primary use and not create any adverse impacts other than those normally associated with the permitted use. The live entertainment should not exceed normal conversation levels and shall be in compliance with the City's noise standards.
- D. **Use Permit.** Live entertainment that is not an accessory use, charges a fee, or does not comply with Subsection C, shall require approval of a Use Permit by the Commission.

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#### 4.10.090 Live/Work Units

- A. **Purpose.** This Section provides standards for the development of new live/work units and for the reuse of existing commercial and industrial structures to accommodate live/work opportunities where allowed by Chapter 2 (Zones and Allowable Land Uses).
- B. **Limitations on use.** The non-residential component of a live/work project shall only be a use allowed within the applicable zone. A live/work unit shall not be established or used in conjunction with any of the following activities:

1. Adult businesses;
  2. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;
  3. Welding, machining, or any open flame work; and
  4. Any other activity or use, as determined by the Director to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes.
- C. **Density.** Live/work units in commercial zones shall not exceed the maximum density allowed in the applicable zone. Live/work units in industrial zones shall not exceed a maximum density of 10 units per acre.
- D. **Occupancy requirement.** The residential space within a live/work unit shall be occupied by at least one individual employed in the business conducted within the live/work unit.
- E. **Design standards.**
1. Floor area requirements. The minimum net total floor area of a live/work unit shall be 1,000 square feet.
  2. Separation and access. Each live/work unit shall be separated from other live/work units or other uses in the structure. Access to each live/work unit shall be provided from a public street, or common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the structure.
  3. Commercial Uses. In commercial zones the commercial area shall be adjacent and oriented to the primary street frontage to emphasize the commercial activity towards the street.
  4. Mixed occupancy structures. If a structure contains mixed occupancies of live/work units and other non-residential uses, occupancies other than live/work shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the live/work units and other occupancies, as determined by the Building Official.
  5. Parking. Each live/work unit shall provide parking based on the area of commercial or industrial use, or a minimum of two spaces, whichever is greater. The Review Authority may modify this requirement for the use of existing structures with limited parking.
- F. **Operating requirements.**
1. Sale or rental of portions of unit. No portion of a live/work unit may be separately rented or sold as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working in the same unit.

2. Hours of operation. The hours of operation of the business in a live/work unit shall be restricted to 7:00 a.m. to 10:00 p.m., except for passive activity that produces noise levels that are below the maximum acceptable levels in compliance with the City noise standards.
  3. Work area. All business operations shall be conducted within the building interior. No outdoor storage shall be allowed unless authorized by the Use Permit.
  4. Notice to occupants. The owner or developer of any structure containing live/work units shall provide written notice to all live/work occupants and users that the surrounding area may be subject to levels of dust, fumes, noise, or other effects associated with commercial and industrial uses at higher levels than would be expected in more typical residential areas. State and Federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the applicable zone.
  5. On-premises sales. On premises sales of goods and services is limited to those produced within the live/work unit.
  6. Nonresident employees. Up to two persons who do not reside in the live/work unit may work in the unit, unless this employment is prohibited or limited by the Use Permit. The employment of three or more persons who do not reside in the live/work unit may be allowed, subject to Use Permit approval, based on an additional finding that the employment will not adversely affect parking in the immediate vicinity of the unit.
  7. Client and customer visits. Client and customer visits to live/work units are allowed subject to any applicable conditions of the Use Permit to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially zoned areas.
- G. **Changes in use.** After approval, a live/work unit shall not be converted to either entirely residential use or entirely business use unless authorized through Use Permit approval.
- H. **Required findings.** The approval of a Use Permit for a live/work unit shall require that the Review Authority make all of the following findings, in addition to those findings required for Use Permit approval (Section 6.20.090):
1. The proposed use of each live/work unit is compatible with residential activities and will not affect the health or safety of the live/work unit residents consistent with Subsection B. (Limitations on use); and
  2. The establishment of live/work units will not conflict with nor inhibit commercial or industrial uses in the area where the project is proposed.
  3. In industrials zones, a live/work project will not result in an overconcentration of residential dwellings that could potentially limit the available land for light manufacturing or other job generating uses.

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#### 4.10.100 Massage Establishments

Permit requirements. Prior to operating, the applicant shall comply with the requirements of Municipal Code Article III.

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#### 4.10.110 Mixed Use Projects

- A. **Purpose.** This Section provides standards for the design of mixed use projects, where allowed by Chapter 2 (Zones and Allowable Land Uses). A mixed use project combines residential and non-residential uses on the same site, with the residential units typically located above the non-residential uses (vertical mixed use). Residential units may also be allowed at ground level behind street-fronting non-residential uses (horizontal mixed use) as specified by this Section.
- B. **Design considerations.** A mixed use project shall be designed to achieve the following objectives.
1. The design shall provide for internal compatibility between the residential and non-residential uses on the site.
  2. Potential glare, noise, odors, and other potential nuisance conditions for residents shall be minimized to allow a compatible mix of residential and non-residential uses on the same site.
  3. The design shall take into consideration existing and potential future uses on adjacent properties and shall include specific design features to minimize potential impacts.
  4. The design shall ensure that the residential units are of a residential character, and that appropriate privacy between residential units and other uses on the site is provided.
  5. Site planning and building design shall provide for convenient pedestrian access from the public street into the commercial portions of the project, through such means as courtyards, plazas, and walkways.
  6. The commercial area shall be adjacent and oriented to the primary street frontage to emphasize the commercial activity towards the street.
- C. **Allowed uses.** A mixed use project may combine residential uses with any other uses allowed in the applicable zone where allowed by Chapter 2 (Zones and Allowable Land Uses);
- D. **Density.** The residential component of a mixed use project shall comply with the density requirements of the applicable zone.
- E. **Site layout and project design standards.** Each proposed mixed use project shall comply with the development standards of the applicable zone and the following requirements.

1. Location of units. Residential units shall not occupy ground floor street frontage on the primary street frontage. Residential units on the ground floor shall only be allowed behind the commercial space and on secondary street frontages. The ground floor street frontage space within a mixed use building shall be reserved for commercial uses, except for a lobby or other feature providing access to the residential units.
2. Loading areas. Commercial loading areas shall be located away from residential units and shall be screened from view from the residential portion of the project to the maximum extent feasible.
3. Refuse and recycling areas. Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and commercial uses.

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#### 4.10.120 Multi-Family Developments

- A. **Purpose.** This Section provides standards for the design of multi-family residential projects, where allowed by Chapter 2 (Zones and Allowable Land Uses). This Section shall apply to new projects, when an additional unit is added, or when an existing dwelling is proposing to add more than 50% of the gross floor area of the existing dwelling.
- B. **Accessory structures.** Accessory structures and uses shall be designed and constructed with an architectural style, exterior colors and material similar to the structures in the project containing dwelling units.
- C. **Front setback pavement.** No more than 50 percent of the front setback area shall be paved for walkways, driveways, and/or other hardscape.
- D. **Parking location.** Required parking spaces shall not be located with the front setback or street side setback areas. The Review Authority may approve parking located in the side or rear setback areas.
- E. **Building Separation.** Detached dwelling units shall have a minimum distance between structures equal to the sum of the height of the buildings divided by two, but in no case less than 10 feet.
- F. **Private open space.** Private open space shall be provided for all multi-family dwellings as shown in Table 4.1. The private open space shall be accessible from within the unit and may include patio areas, balconies, and decks, but not stairs, entrance decks, and/or landings. Each private open space area shall have a minimum dimension of 10 feet for units located on the ground floor, and six feet for units located on second floors or above. The Review Authority may allow required private open space to be in different locations and/or with different dimensions where it determines that the alternative approach will provide open space of equivalent utility and aesthetic quality.
- G. **Common open space.** Common open space may be required by the Review Authority for developments with five or more units. The common open space shall be



useable and include features as determined by the Review Authority. The Review Authority may also consider whether common open space is required based on the proximity to existing public parks or other usable public open space, or that the residential units are part of a mixed use project and/or located in a commercial zone.

Table 4.1. Private Open Space Standards

	R2	CR2	R3	CR3	Commercial zones
Ground floor units					
Studio Unit	100	100	100	100	100
1 bedroom Unit	120	120	120	120	120
2+ bedroom Unit	140	140	140	140	140
Second floor or above units					
Studio Unit	100	100	60	60	60
1 bedroom unit	120	120	72	72	72
2+ bedroom unit	140	140	84	84	84

#### 4.10.130 Outdoor Storage and Work Areas

- A. **Purpose.** This Section provides standards for outdoor storage or work areas where allowed by Article 2 (Zones and Allowable Land Uses).
- B. **Permit requirements.** An Administrative Development Permit shall be approved by the Director to ensure compliance with this Section.
- C. **Development standards.** Outdoor storage and work areas shall comply with the following standards:
  1. Enclosure and screening required. Outdoor storage areas shall be entirely enclosed by a solid wall or fence as approved by the Review Authority with a minimum height of six feet and a maximum height of eight feet.
  2. Maximum height of stored materials. The materials within the storage area shall not be higher than the fence, except where authorized by a Use Permit for the storage area.
  3. Landscaped setback. In any case where an outdoor storage area abuts a street right-of-way, the required screening wall or fence shall be set back from the right-of-way as required by the applicable zone, and the setback area shall be landscaped to the approval of the Director in compliance with Section 3.30 (Landscaping Standards).
- D. **Cargo containers.** The location and use of cargo containers outdoors are allowed only in the Industrial and Coastal Industrial zones as follows, except for temporary uses in compliance with Section 6.20.080 (Temporary Use Permit). For the purposes of this Subsection, "cargo container" is a metal "Seatrain", "PODS", or similar rectangular shipping container that is otherwise carried on rail cars, truck beds, and/or cargo ships.

1. Development standards. Outdoor cargo containers shall comply with the following standards:
  - a. Location. Outdoor storage containers shall not be visible from public streets and placed behind buildings when feasible. The cargo container shall not be placed in required parking spaces.
  - b. Screening. If adjacent to a residential zone, the screening requirements in Section 3.10.020 (Fences, Walls and Screening) shall apply.

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#### 4.10.140 Personal Storage Facilities

- A. **Purpose.** This Section provides standards for personal storage facilities where allowed in Chapter 2 (Zones and Allowable Land Uses).
- B. **Development Standards.** The following development standards shall apply to personal storage facilities:
  1. A landscaped area a minimum of 20 feet is required along all street frontages and adjacent to residential zones.
  2. Driveways shall meet the following standards:
    - a. The minimum width for driveways shall be 25 feet.
    - b. The driveway width shall be increased to 30 feet, when the length of the driveway exceeds 150 feet.
    - c. Parking lanes are not required

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#### 4.10.150 Recycling Facilities

- A. **Purpose.** This Section provides standards for the siting and operation of various types of commercial recycling facilities, where allowed by Article 2 (Zones and Allowable Land Uses).
- B. **Reverse vending machines.** Reverse vending machines shall comply with the following standards.
  1. Permit requirements. An Administrative Development Permit shall be approved by the Director to ensure compliance with this Section.
  2. Accessory use only. Each machine shall be installed only as an accessory use to an allowed primary use.
  3. Location requirements. If located outside of a structure, a machine shall not occupy parking spaces required by the primary use.
  4. Lighting. Each machine shall be illuminated to ensure comfortable and safe operation if the machine is accessible between dusk and dawn. The light source shall be shielded so that glare and reflections are confined within the boundaries of the site.

- C. **Small collection facilities.** A small collection facility shall comply with the following standards.
1. Permit requirements. An Administrative Development Permit shall be approved by the Director to ensure compliance with this Section.
  2. Accessory use only. A small collection facility shall only be allowed as an accessory use to an allowed primary use.
  3. Location requirements. A small collection facility shall:
    - a. Not be located within 50 feet of any lot zoned for residential use; and
    - b. Be set back a minimum of 10 feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation.
  4. Maximum size. A small collection facility shall not occupy more than 350 square feet, not including space that would be periodically needed for the removal of materials or exchange of containers.
  5. Appearance of facility. Collection containers and site fencing shall be of a color and design that is compatible and harmonious with the surrounding uses.
  6. Operating standards for small collection facilities. Small collection facilities shall:
    - a. Not use power-driven processing equipment, except for reverse vending machines;
    - b. Accept only glass, metal, or plastic containers, paper, and reusable items;
    - c. Use containers that are constructed with durable waterproof materials, secured from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule; and
    - d. Be screened where determined by the Review Authority to be necessary because of excessive visibility.
  7. Signs. Non-illuminated signs may be provided as follows:
    - a. Identification and directional signs may be approved by the Director if found necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.
  8. Parking requirements.
    - a. No additional parking space shall be required for customers of a small collection facility located in the established parking lot of the primary use.
- D. **Processing facilities.** Processing facilities shall comply with the following standards.
1. Permit requirements. A Use Permit shall be approved by the Commission.
  2. Location requirements. The facility shall not abut a lot zoned for residential use.
  3. Limitation on activities. Allowed activities are limited to baling, briquetting, compacting, crushing, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials.

4. Container location. Containers provided for "after hours" donation of recyclable materials shall be permanently located at least 100 feet from any residential zone, be constructed of sturdy materials, have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of the materials; and
5. Screening. The facility shall be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure;
6. Outdoor storage. Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage shall not be visible above the height of the required solid masonry walls;
7. Operating standards. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining lots.

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#### 4.10.160 Resale Stores

Permit requirements. Resale stores, including secondhand stores and consignment shops as defined in Section 9.10.020 (Definitions), that sell tangible personal property as defined by the U.S. Justice Department shall obtain clearance from the Police Department prior to operating.

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#### 4.10.170 Second Residential Dwelling

- A. **Purpose.** This Section provides standards for second residential dwellings where allowed by Chapter 2 (Zones and Allowable land Uses).
- B. **Permit requirements.** An application that complies with the standards of this Section shall be approved ministerially.
- C. **Limitation on Use.** There shall be no more than one second dwelling unit per lot.
- D. **Timing of construction.** A second residential dwelling may be constructed simultaneously with, or after the primary residence. In addition, an existing residence that complies with the standards for a second residential dwelling in this Section may be considered a second residential dwelling, and a new primary residence constructed.
- E. **Owner Occupied.** Prior to building permit issuance, the property owner shall either sign a covenant to be recorded that requires the owner to occupy either the primary or second dwelling, or enter into an affordable housing agreement requiring that one of the dwellings be rented at the lower-income household. The restricted rental rate of one of the dwellings shall be for a period of 30 years. The Affordable Housing Agreement may be rescinded if the owner agrees to record a covenant that one of the dwellings shall be owner occupied.
- F. **Development standards:** A second residential dwelling shall comply with all development standards of the zone, where such standards are considered on a

cumulative basis with existing and proposed buildings, except for density and as provided in this Section. (Am. Ord. 14-04)

1. **Maximum Size.** The maximum area for a detached second dwelling unit shall not exceed 1,000 square feet. The maximum area for a second dwelling unit attached to the primary residence shall not exceed 30 percent of the existing living area.
2. **Utilities.** Water and sewer services shall be adequate to serve the second unit.
3. **Off-street parking.** In addition to the parking requirements for the primary residence in Section 3.30, the following parking is required;
  - a. One parking space per bedroom not to exceed two parking spaces.
  - b. Parking may be covered or uncovered, but shall not be permitted in the required front or side setback.
  - c. Tandem parking may be permitted on a case-by-case basis.
4. **Design Standards.** The second residential dwellings shall be subordinate in size and appearance to the primary residence. The architectural design, materials, and color shall be compatible with the existing primary residence or a superior design.

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#### 4.10.180 Senior Housing

- A. **Purpose:** This Section provides flexible development standards to promote and encourage senior housing development where allowed by Chapter 2 (Zones and Allowable Land Uses).
- B. **Development Standards:** Residential development exclusively for seniors has operating characteristics which differ from those of typical multi-family dwellings. Therefore, the strict application of development standards may not be appropriate to apply to senior housing projects. Accordingly, the Review Authority may approve exceptions to off-street parking, open space, and other development standards as may be appropriate if the findings in Subsection D can be made. Senior projects with affordable units are eligible for up to a 35 percent density bonus consistent with Government Code Section 65915. The Council may consider a density bonus of up to 50 percent for a project that provides affordable units and is determined to be a superior design.
- C. **Design standards.** Senior housing shall provide adequate amenities (e.g., shopping, services, recreation, public transit, etc.) on-site or within close proximity.
- D. **Required findings.** The Review Authority may approve exceptions to the development standards of the applicable zone if the following findings can be made:
  1. The project provides a living environment that is conducive to seniors and will support their lifestyles.

2. Exceptions to development standards would not create greater adverse impacts on surrounding properties than would be expected if the site was developed to its maximum intensity of the applicable zone.

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#### 4.10.190 Sidewalk Seating

- A. **Purpose:** This Section provides standards for outdoor dining in the public right-of-way where allowed by Chapter 2 (Zones and Allowable Land Uses). The purpose is to enhance the pedestrian ambiance by allowing outdoor seating.
- B. **Permit Required.** An Administrative Development Permit shall be approved by the Director. In addition, an encroachment permit shall be required from the Public Works Department.
- C. **Development Standards.** Sidewalk cafes shall comply with the following standards:
  1. A minimum four-foot wide unobstructed pedestrian travel way shall be maintained at all times.
  2. Sidewalk seating is not allowed within 15 feet of the corner.
  3. Awnings or umbrellas may be used but shall maintain a minimum clearance of six-feet eight-inches.
  4. A barrier surrounding the sidewalk seating area may be required by the Alcohol Beverage Control Board or the Public Works Director.
- D. **Parking.** No additional off-street parking is required for sidewalk seating in compliance with this Section.
- E. **Standards of Operation:**
  1. The applicant shall be responsible for maintaining the sidewalk seating area.
  2. All furniture and fixtures shall be removed each night.
  3. All items associated with the sidewalk seating area shall be removed when not in use.
  4. The hours of operation for the sidewalk seating may be more restrictive than the normal hours of operation.
  5. The City retains the right to revoke the Administrative Development Permit/Encroachment Permit upon 24 hour written notice to the applicant for any cause, regardless of compliance with the conditions of the Permit.

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#### 4.10.200 Single Room Occupancy Facilities

- A. **Purpose.** This Section provides standards for single room occupancy facilities where allowed by Chapter 2 (Zones and Allowable Land Use). Single room occupancy facilities shall comply with the standards of this Section to provide

affordable, long-term housing for extremely low, very low, and low income households.

**B. Development Standards.** Single-room occupancy facilities shall comply with the following standards:

1. The floor area per room shall be a minimum of 150 square feet including a bathroom and kitchen facilities.
2. The maximum room occupancy shall be one person.
3. A minimum of one parking space per three rooms. The Review Authority may increase or decrease the parking standards based on the type of tenant, location, and the anticipated parking demand.
4. A common area with a minimum of 250 square feet shall be provided.
5. A manager's unit shall be provided and may exceed the maximum allowable square feet per room.

**C. Operating Standards.**

1. Occupancy shall be limited to a minimum of 30 days.
2. On-site management shall be provided 24 hours a day. The manager shall be accessible to residents, law enforcement personnel, and any other individuals who need to establish communication upon or about the premises. The manager also shall have the authority to exercise control over the premises to ensure that the use of the premises does not result in littering, nuisance activities, noise, or other activities that adversely impact surrounding properties.
3. Cleaning services shall be provided.

**D. Density Standards.** The density shall be calculated based on the applicable zone with one room equivalent to one-half of a dwelling.

**E. Design Guidelines.** The following design guidelines are intended to be interpreted with some flexibility in their application to each project:

1. Living units should have amenities sufficient to sustain daily living, including, but not limited to, furnishings designed for smaller spaces, built-in cabinets, closets, miscellaneous storage and individually controlled heating and ventilation.
2. Living units should be pre-wired for both telephone and cable television service.
3. Laundry facilities should be provided.

**F. Affordability.** A minimum of 50 percent of the living units shall be affordable and available to extremely low, very low, and low income households.

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## 4.10.210 Thrift Stores

**A. Permit requirement.** An Administrative Development Permit shall be approved by the Director.

- B. **Limitations on use.** No thrift store as defined in Section 9.10.020 (Definitions) shall be located within 1,000 feet from another thrift store.



## 4.20 Adult Businesses

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### Sections:

4.20.010 - Purpose

4.20.020 - Permit Requirements

4.20.030 - Required Findings

4.20.040 - Permits Nontransferable; Use Specific

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### 4.20.010 Purpose

This Section establishes regulations for adult businesses where allowed by Chapter 2 (Zones and Allowable Land Use). Adult Business shall comply with the standards of this Section, because of their very nature, are believed to have any of the recognized significant secondary effects on the community which include, but are not limited to: depreciated property values and increased vacancies in residential and commercial areas in the vicinity of Adult Businesses; interference with residential property owners' enjoyment of their property when such property is located in the vicinity of Adult Businesses due to increased crime, debris, noise and vandalism; higher crime rates in the vicinity of Adult Businesses; and blighting conditions such as low-level maintenance of commercial premises and parking lots which thereby have a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the neighborhoods in the vicinity of the Adult Businesses. It is neither the intent, nor the effect of this Section to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent, nor the effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors or exhibitors of sexually oriented materials to their intended market.

Nothing in this Section is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any city ordinance or any statute of the State of California regarding public nuisances, unlawful exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

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### 4.20.020 Permit Requirements

- A. **Permit requirements.** A Use Permit shall be approved by the Commission to ensure compliance with this Section. In addition, the Police Department shall conduct a background investigation on the applicant as required by this Section. The Use Permit may be approved pending the conclusion and findings of the background investigation.

- B. **Submittal Requirements.** In addition to the standard submittal requirements for a Use Permit, the applicant shall submit a letter of justification describing the proposed project and explaining how it will satisfy the required findings.
- C. **Public Hearing.** A public hearing shall be conducted in compliance with Section 7.10 (Public Hearings) with the additional requirement that the public notice shall be mailed to all property owners within 500 feet of the proposed project.

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#### 4.20.030 Required Findings

The approval shall require that the Commission make all of the following findings:

- A. The Adult Businesses shall not be located within 100 feet from any residentially zoned property (except for Assessor Parcels Nos. 060-252-005 and 060-254-007), 500 feet of any lot upon which there is properly located a public park or religious institution (except for Assessor Parcel No. 060-253-016 which may be located 250 feet from an Adult Business), 750 feet from any schools or 500 feet from any other Adult Business establishment as of the day the application is filed.
  - 1. For the purposes of this Section, a use is “located” upon a site if an application for the use to be placed upon the site has been filed with the City prior to receipt of the Adult Business application under review.
  - 2. The distance of separation required by this Subsection shall be made using a straight line, without regard to intervening structures or objects, from the property line of the lot on which the Adult Business shall be located to the nearest property line of the lot upon which is located a residential use, religious institution, park or school, or other adult use. If the residential use, religious institution, park or school, or other adult business from which the measurement is being taken is located on the same lot as the Adult Business, the distance between the two shall be measured in a straight line between the front doors of each use without regard to intervening structures or objects.
- B. The Adult Business shall comply with the General Plan and this Development Code.
- C. The Adult Business shall not be located completely or partially within any mobile structure or pushcart.
- D. The Adult Business shall not conduct any massage, tattooing, acupuncture, fortune-telling or escort services on the premises.
- E. The Adult Business shall provide a security system that visually records and monitors all parking lot areas. All indoor areas of the Adult Business accessible to the public will be open to public view at all times with the exception of restroom facilities. “Accessible to the public” shall include but not be limited to those areas which are only accessible to members of the public who pay a fee and/or join a private club or organization, as well as any area of the establishment where a patron can go by way of an invitation of an entertainer.

- F. The Adult Business shall not display any Sexually Oriented Material, Sexually Oriented Merchandise or display which would be visible from any location other than from within the Adult Business.
- G. The Adult Business shall not allow admittance to any person under the age of 18 if no liquor is served, or under the age of 21 if alcohol is served.
- H. The Adult Business shall not operate between the hours of midnight and 10:00 a.m.
- I. For the five years prior to establishing the Adult Business and at all times during its operation in the City, neither the owner (if an individual) nor any of the directors, officers or general partners (if a corporation or partnership) or employees of the Adult Business shall have been found guilty of a misdemeanor or felony classified by the state as a sex-related offense including but not limited to a violation of the following Penal Code Sections and their Subparts and Subsections: 220, 261, 262, 264, 264.1, 265, 266, (inc. 266a-266k) 267, 286, 286.5, 288, 288a, 289, 647, 647b 647d 647 or have either had a Use Permit or similar license or permit suspended or revoked or have otherwise been found to have violated any of the provisions of a Use Permit or similar permit, license or ordinance in any city, county, territory, or state. This shall be verified by evidence generated from the Grover Beach Police Department background investigation.
- J. The owner of the Adult Business shall provide separate restroom facilities for male and female patrons. The restrooms shall be free from Sexually Oriented Materials and Sexually Oriented Merchandise. Only one person shall be allowed in the restroom at any time, unless otherwise required by law, in which case the owner of the Adult Business shall employ a restroom attendant/security officer of the same sex as the restroom users who shall be present in the public portion of the restroom during operating hours. The owner shall ensure that the attendant permits no person of the opposite sex in the restroom, that not more than one person to enter a restroom stall and, with the exception of urination and excretion that no persons engage in any Specified Sexual Activity in the public portion of the restroom.
- K. The interior of the Adult Business shall be configured such that there is an unobstructed view, by use of the naked eye and unaided by video, closed circuit cameras or any other means, of every public area of the premises, including but not limited to the interior of all Individual Viewing Areas, from a manager's station which is no larger than 32 square feet of floor area with no single dimension being greater than eight feet in a public portion of the establishment. No public area, including but not limited to the interior of any Individual Viewing Area, shall be obscured by any door, curtain, wall, two-way mirror or other device which would prohibit a person from seeing into the interior of the Individual Viewing Area, solely with the use of the naked eye and unaided by video, closed circuit cameras or any other means from the manager's station. A manager shall be stationed in the manager's station at all times the business is in operation or open to the public in order to enforce all rules and regulations.
- L. All areas of the Adult Business shall be illuminated at a minimum of the following foot-candles, minimally maintained and evenly distributed at ground level:

1. Bookstores: 20 foot-candles.
  2. Retail establishments: 20 foot candles.
  3. Theater: Five foot-candles except during performances, at which times the lighting shall be at least 1.25 foot candles.
  4. Cabaret: Five foot-candles except during performances, at which times the lighting shall be at least 1.25 foot candles.
  5. Motion pictures.
    - a. Motion picture arcade: 10 foot-candles in public areas.
    - b. Individual viewing booths: 1.25 foot-candles.
    - c. Motion picture theater: 10 foot-candles except during performances at which times the lighting shall be at least 1.25 foot candles.
  6. Motel/hotel: 20 foot-candles in public areas.
- M. The Individual Viewing Areas of the Adult Business shall be operated and maintained with no holes, openings or other means of direct visual or physical access between the interior space of two or more Individual Viewing Areas.
- N. A traffic study prepared for the Adult Business in conformance with industry standards must demonstrate that the project will not result in a reduction in any roadway level of service below that level of service designated in the General Plan for that roadway.
- O. The Adult Business shall comply with the City's noise standards.
- P. The Adult Business shall comply with all City Building and Fire Codes.
- Q. Live entertainment shall only be performed either on a stage raised at least 18 inches above the floor and separated from patrons by a fixed rail at least 30 inches in height placed at a distance of not less than eight feet around the perimeter of the stage; or in a location other than on the stage such that the Performer is separated from any patron by not less than six feet. This provision does not apply to an Individual Viewing Area where the stage is completely separated from the Individual Viewing Area by a floor to ceiling permanent, solid barrier that cannot be opened between the public area and performer area.
- R. No Individual Viewing Area may be occupied by more than one person at any one time.
- S. No patron shall directly pay or give any gratuity to any Performer, and no Performer will solicit or accept any directly paid gratuity from any patron. For the purposes of this Section, the phrase "directly pay" shall mean the person-to-person transfer of the gratuity. This Section shall not prohibit the establishment of a nonhuman gratuity receptacle placed at least six feet from the stage or area which the Performer is occupying.

- T. No Performer shall intentionally have any physical contact with any patron and no patron shall intentionally have any physical contact with any Performer while on the premises of an Adult Business.
- U. No exterior door or window shall be propped or kept open at any time during hours of operation and exterior doors or windows shall be covered with opaque coverings at all times.
- V. The Adult Business shall have a separate entrance and exit to the premises for Performers which are separate from the entrance and exit used by the public.
- W. Neither Live Entertainment, nor any Adult Material or Adult Merchandise shall be visible from anywhere outside the Adult Business.
- X. At least one security guard shall be on duty outside the premises, patrolling the grounds and parking lot at all times live entertainment is offered. The security guard shall be charged with preventing violations of law and enforcing the provisions of this Section. All security guards shall be uniformed so as to be readily identifiable as a security guard by the public. No person acting as a security guard shall act as a doorperson, ticket taker or seller, or similar functionary while acting as a security guard. For all Adult Businesses providing Live Entertainment, an additional security guard shall be provided with each increase in maximum occupancy of 200 persons.
- Y. The Adult Business shall be operated consistent with the floor plan approved by the City. No changes to the floor plan shall be implemented unless and until the changes have first been approved by the City.

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#### **4.20.040 Permits Nontransferable; Use Specific**

- A. No Adult Business permit may be sold, transferred, or assigned by any permittee, or by operation of law, to any other person, group, partnership, corporation or any other entity. Any sale, transfer, or assignment or attempted sale, transfer, or assignment shall be deemed to constitute a voluntary surrender of such permit, and the permit shall be thereafter null and void. A Use Permit held by an individual in a corporation or partnership is subject to the same rules of transferability as contained above. Any change in the nature or composition of the Adult Business from one element of an Adult Business use to another element of an Adult Business shall also render the permit null and void. A Use Permit for an Adult Business shall only be valid for the exact location specified on the permit.
- B. **Violation and Penalty.**
  - 1. Every person, whether acting as an individual owner, employee of the owner, permittee, or operator or employee of the permittee, or whether acting as a mere helper for the owner, permittee, employer, or operator, or whether acting as a participant or worker in any way, who operates or conducts an activity referred to in this Section without first obtaining a Use Permit from the City shall be guilty of a misdemeanor. Except as provided herein, and as provided by the penal code, no violation of this Section shall be criminally punished.

2. Any establishment operated, conducted or maintained contrary to the provisions of this Section is unlawful and a public nuisance; and the City Attorney may commence an action or actions, proceeding or proceedings for the abatement, removal and enjoinder thereof in the manner provided by law, and shall take other steps and shall apply to the court or courts as may have jurisdiction to grant the relief as will abate or remove the Adult Business and restrain and enjoin any person from operation, conducting or maintaining such an establishment contrary to the provisions of this Section.

**C. Enforcement and Revocation**

1. Inspections: The applicant shall permit officers of the City and each of their authorized representatives to conduct unscheduled inspections of the premises of the Adult Business for the purpose of ensuring compliance with the conditions of the Use Permit and other applicable laws at any time the Adult Business is open for business or occupied.
2. Revocation. The Commission may consider revocation of the Use Permit in compliance with Section 6.30.080 (Revocations) or if any of the following have occurred:
  - a. The applicant is convicted of any felony or misdemeanor which is classed as a sex or sex-related offense including but not limited to a violation of the following Penal Code Sections and their Subparts and Subsections: 220, 261, 262, 264, 264.1, 265, 266, (inc. 266a-266k) 267, 286, 286.5, 288, 288a, 289, 647, 647b 647d 647, any violation of the City's massage ordinance, or any violation of any other adult business ordinance of any other city, county, or state; or
  - b. Any person has been convicted of a sex-related offense including but not limited to a violation of the following Penal Code Sections and their Subparts and Subsections: 220, 261, 262, 264, 264.1, 265, 266, (inc. 266a-266k) 267, 286, 286.5, 288, 288a, 289, 647, 647b 647d 647 as a result of his or her activity on the premises of the Adult Business.

## 4.30 Residential Common Area Developments

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### Sections:

- 4.30.010 - Purpose
- 4.30.020 - Permit Requirements
- 4.30.030 - Definitions
- 4.30.040 - Development Standards
- 4.30.050 - Design Standards
- 4.30.060 - Conversions

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### 4.30.010 Purpose

This Section provides standards for the design of residential common area developments or Planned Unit Developments (PUDs) where allowed by Chapter 2 (Zones and Allowable Land Uses).

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### 4.30.020 Permit Requirements

A Development Permit shall be approved by the Commission to ensure compliance with this Section.

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### 4.30.030 Definitions

The following definitions shall only apply to Section 4.30 Residential Common Area Developments.

**Community Apartment** means a project in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located thereon.

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

**Conversion** means a change of legal occupation rights to allow for ownership of dwelling units.

**Lot coverage** means the amount of lot area covered by structure. Structure meaning the footprint of the building including the garage and any cantilevered living space.

**Open space** means landscaped areas, open patios, open walkways, lawns and outdoor common recreation areas.

**Organizational documents** means covenants, conditions, and restrictions; articles of incorporation; bylaws; and contracts for maintenance, management or operation of all or part of a project, and similar documents.

**Planned Unit Development** means a residential project approved subject to the developments standards provided in Subsection 4.30.040 in addition to the standards of the applicable zone.

**Private usable open space** means privately-owned open landscaped areas with a minimum length and width of 10 feet.

**Project** means the entire parcel of real property divided into units or interests or shares for sale and shall be deemed to include any residential common area development as herein defined.

**Residential Common Area Development** means any community apartment project, condominium, planned development, or stock cooperative, and any other project consisting of shares of individual ownership, together with areas to be owned or used in common by the unit owners which the City finds to be similar, designed and constructed for residential purposes.

**Stock Cooperative** means a corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock in the corporation held by the person having such right of occupancy.

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#### 4.30.040 Development Standards

- A. The following development standards shall apply to each dwelling.
  1. Minimum lot size shall be 3,500 square feet per unit.
  2. Lot coverage shall not exceed 35 percent of the total lot area.
  3. Open Space area shall be a minimum of 35 percent of the total lot area.
  4. Off street parking shall be an attached two-car garage per dwelling, together with one guest parking space per dwelling. The garage shall have minimum interior dimensions 20 feet by 20 feet and the guest parking spaces shall be 10 feet by 20 feet.
  5. Private yard area shall mean each dwelling shall have attached or contiguous to it, a patio, balcony, or private open area. For all dwelling units, 1,000 square feet or less, the minimum private open space shall be 300 square feet. For all dwelling units in excess of 1,000 square feet, an additional 30 square feet of private open space shall be added to the above minimum for each additional 100 square feet of dwelling or part thereof. The "usability" of the total open space system shall be an overriding concern of this Section in addition to meeting the minimum requirements. Yard easements may be used when in addition to the minimum requirements. They may not be used in order to meet the minimum requirement.



6. The minimum setbacks shall be met for the applicable zone. Additionally, within the project, there shall be a minimum of 10 feet separation between structures for detached projects.
  7. All condominium units shall be one bedroom or more, and the minimum gross floor area of units shall be as follows: One bedroom - 700 square feet; two bedroom - 900 square feet; three bedroom - 1,100 square feet; and for each bedroom in excess of three, an additional 200 square feet shall be added to the minimum dwelling size.
  8. Each dwelling shall have a laundry area to accommodate a washer and dryer. Common laundry facilities are prohibited.
  9. Each unit shall have a minimum of 200 cubic feet of exterior storage, which shall be weather-proofed and designed to provide reasonable security. Storage within a garage shall be located above the hood line.
  10. All garage doors shall be roll-up type and have electric openers.
  11. All common driveways shall be marked as fire lanes.
  12. All perimeter fences shall be concrete or masonry, or a combination of wood and masonry. Fencing shall be provided along interior property lines and around any private or restricted patio areas in compliance with Section 3.10.020.
  13. Individual trash cans shall be used for each dwelling and stored in the garage or in a screened side or rear yard.
- B. The organization documents for any project shall include the following:
1. Reasonable provision for access by City personnel for fire and police protection and control purposes;
  2. Right of authorized City personnel to enter onto all common areas for purposes of inspection to determine compliance with development permit requirements and City building and fire codes; provided, that such right shall not be deemed to give any right of entry to private living units except as otherwise allowed by law;
  3. Continuing jurisdiction of the City to enforce provisions of covenants, conditions and restrictions with respect to compliance with requirements of subdivision approval and conditional Use Permit, landscaping maintenance, safety, architectural control, property maintenance, parking, and drainage maintenance; such enforcement rights to include power of the City on behalf of the homeowners association to levy and collect special assessments for the cost of bringing the project into compliance.
  4. Provision for resolution of impasses within homeowners association by arbitration.
  5. Reasonable provisions protecting rights of unit owners and association to install and use solar energy facilities in accordance with commonly accepted engineering and design standards.
  6. Prohibition against amendment of any portions of organizational documents affecting City jurisdiction, without City approval.

7. Declaration of covenants, conditions and restrictions shall be subject to City approval, which approval shall be indicated on the recorded original thereof.

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#### **4.30.050 Design Standards**

- A. The following design standards shall apply to each dwelling.
  1. The square footage of the second floor of each dwelling shall not be more than 80 percent of the first floor inclusive of the garage.
  2. The design of the units shall promote architectural as well as visual relief, thereby reducing the overall structural bulk, especially on the second floor.
  3. Consistent with consideration of bulk, scale, and design, the project shall minimize any cantilevering of the second floor over the first floor.
  4. The height and scale of each dwelling shall be compatible with the site and existing (or proposed) adjacent buildings.
  5. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to its surroundings.
  6. Materials shall be of durable quality.
  7. Monotony of design in single or multiple building projects shall be avoided. Variation in detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings shall be used to prevent a monotonous appearance.

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#### **4.30.060 Conversions**

The conversion of existing apartments into Residential Common Area Developments as herein defined shall be limited exclusively to apartment projects which meet all development and design standards of this Section.

## 4.40 Telecommunications Facilities

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### Sections:

- 4.40.010 - Purpose
- 4.40.020 - Applicability
- 4.40.030 - Permit Requirements
- 4.40.040 - Facility Design and Development Standards
- 4.40.050 - Operation and Maintenance Standards
- 4.40.060 - Discontinuance and Site Restoration

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### 4.40.010 Purpose

This Section establishes development standards consistent with Federal law to regulate the placement and design of communication facilities to preserve the unique visual character of the City, promote the aesthetic appearance of the City, and to ensure public health, safety and welfare; pursue additional benefits from the facilities to the public by encouraging the leasing of publicly owned properties where feasible for the development of communication facilities; and to acknowledge and provide the community benefit associated with the provision of advanced communication services within the City.

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### 4.40.020 Applicability

The location, permit requirements, and other provisions of this Section shall apply to all communications facilities, except for City owned telecommunications facilities. All communication facilities shall also comply with all applicable requirements of State and Federal law.

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### 4.40.030 Permit Requirements

- A. **Use Permit or Administrative Development Permit.** Use Permit approval is required for all communication facilities subject to this Section, except for the following, which shall require approval of an Administrative Development Permit. The Director shall ensure through the Administrative Development Permit approval that each of the following facilities complies with all applicable requirements of this Section. The Director may also choose to defer action and refer any of the following facilities to the Commission for consideration as a Use Permit application.
  - 1. An antenna that is installed, placed, and maintained under the roofline of an existing structure, or above, behind, and below an existing approved roof screen and does not extend above the highest point of the structure, or is camouflaged within an existing structure so as not to be visible from a public right-of-way or other property.

2. A communication facility in which the antenna is mounted on a mast less than 10 feet high and is not visible from a public right-of-way.
3. An amateur and/or citizens band antenna operated by a person holding a license issued by the FCC in compliance with 47 C.F.R. Part 97, and used solely in connection with that license, and which shall be subject to the "minimum practicable regulation to accomplish the local authority's legitimate purpose," in keeping with the order of the FCC known as "PRB 1," FCC 85 506, released September 19, 1985; provided that there shall be no more than one antenna support structure on a single lot and that the antenna structure complies with the height limits of the applicable zone.

**B. Exemptions from Use Permit requirements.** The following communication facilities shall be exempt from Use Permit requirements.

1. Replacement or modification of previously permitted facilities or equipment determined by the Director to be of a minor nature that does not increase the number or height of antennas or significantly change or enlarge the ancillary related equipment at the site.
2. An antenna that is one meter (39.37 inches) or less in diameter or diagonal measurement, that is designed:
  - a. To receive direct broadcast satellite service, including direct-to-home satellite service, as defined by Section 207 of the Telecommunications Act of 1996, Code of Federal Regulations Title 47, and any interpretive decisions thereof issued by the Federal Communications Commission; or
  - b. For subscribing to a multipoint distribution service.
3. A satellite earth station (SES) antenna of two meters (78.74 inches) or less in diameter or diagonal measurement, located in a commercial or industrial zone, that is designed to transmit or receive radio communications by satellite or terrestrial communications antenna. These antennas may require a Building Permit and approval of the placement by the Director to ensure maximum safety is maintained and promote the aesthetic appearance of the City. These antennas shall be placed, whenever possible, on the top of buildings as far from the edge of rooftops as possible.

**C. Coastal Development Permit.** Unless preempted by federal law, a Coastal Development Permit (CDP) is required for all communication facilities located in the Coastal Zone that constitute development as defined in Section 9.10 (Definitions) and are not otherwise exempt from CDP requirements pursuant to Section 30610 of the Coastal Act and Section 6.20.040 (Coastal Development Permits). Projects within the Coastal Zone shall comply with all standards in the Local Coastal Program. (Am. Ord. 14-04)

**D. Application requirements.** In addition to the information required for a Use Permit, Administrative Development Permit, and/or Coastal Development Permit application by Chapter 6 (Procedures), an application for a communication facility shall include:

1. Consistent with all limitations imposed by Federal law, certification by a licensed engineer that is acceptable to the Director that the proposed facility will at all times meet standards set by the Federal Communication Commission (FCC) and comply with all applicable health requirements and standards pertaining to electromagnetic and/or radio frequency emissions.
2. A report, if required by the Police Department, to evaluate the potential for interference (e.g., HF, UHF, VHF, 800 MHz) with public safety communication equipment. The applicant shall be responsible for paying any costs incurred by the City, including the costs of retaining consultants, to review and analyze the report.
3. The applicant shall submit a visual impact analysis, which may include photomontage, field mock-up, or other techniques, which demonstrates the visual impacts of the proposed facility. Consideration shall be given to views from public areas. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service. The analysis shall also consider the potential of future utility undergrounding construction. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant.
4. A Master Plan of all existing facilities and planned future facilities within the City and surrounding area. The Master Plan shall consist of the following components:
  - a. A written description of the type of technology the company/carrier will provide to its customers over the next five years (i.e. Cellular, PCS, etc) and a description of consumer services to be offered (i.e. voice, video and data transmission);
  - b. A description of the radio frequencies to be used for each technology;
  - c. A map of the City and surrounding area showing the five year plan cell sites and planned coverage;
  - d. A written list of existing, proposed and anticipated cell sites of the service provider over a five year period;
  - e. A description of the location of the cells and the types of installations, including antennas and equipment.
  - f. A site plan of the lot, right-of-way, premises or lot showing the exact location of the proposed facility (including all related equipment and cables), exact location and dimensions of all buildings, parking lots, walkways, trash enclosures, and property lines.
  - g. Co-location/Height Justification: The applicant shall provide justification as to why the proposed height is necessary and why co-location on an existing site is not feasible or desirable (if applicable).

- h. Building elevations and roof plan (for building and/or rooftop-mounted facilities) indicating exact location and dimensions of equipment proposed. For freestanding facilities, indicate surrounding grades, structures, and landscaping from all sides.
  - i. Proposed landscaping and/or non-vegetative screening (including required safety fencing) plan for all aspects of the facility.
- 5. Licenses: Documentation certifying the applicant has obtained all applicable licenses or other approvals required by the Federal Communication Commission to provide the services proposed in connection with the application.
- 6. Master Use Permit. A service provider who intends to establish multiple wireless Telecommunications Facilities within the City is encouraged to apply for the approval of all facilities under a Master Use Permit. Under this approach, all proposed facilities requiring a Use Permit may be acted upon by the City as a single Use Permit application, ensuring feasibility of long range company projections.
- E. **Communications consultant may be required.** In the event that the City needs assistance in understanding the technical aspects of a particular proposal, the services of a communications consultant may be requested to determine the engineering or screening requirements of establishing a specific wireless communications facility. This service will be provided at the applicant's expense.
- F. **Required findings for Use Permit approval.** The approval of a Use Permit or Administrative Development Permit for a communication facility shall require that the Review Authority make the following findings, in addition to those required for Use Permit approval by Section 6.20.080 (Use Permit):
  - 1. The communication facility complies with all applicable requirements of this Section; and
  - 2. The communication facility will not adversely impact the character and aesthetics of any public right-of-way.
- G. **Required findings for Coastal Development Permit approval.** The approval of a Coastal Development Permit for a communication facility shall require that the Review Authority find that the communication facility complies with Section 6.20.040 (Coastal Development Permit); that the communication facility is not located west of Highway 1, unless it is not visible from public viewing areas, meets the standards of Section 4.40.030.A.1, or such a prohibition would result in a conflict with Federal Law; and that the communication facility complies with all requirements of this Section applicable to coastal development permits.
- H. **Co-location required.** A new communication facility shall be co-located with existing facilities and with other planned new facilities whenever feasible, and whenever determined by the Review Authority to be aesthetically desirable. A service provider shall co-locate a new communication facility with non-communications facilities (e.g., light standards, water tanks, and other utility structures) where the Review Authority determines that this collocation will minimize the overall visual impact.

1. A service provider shall exhaust all reasonable measures to co-locate their communications facilities on existing towers or with or within existing ancillary support equipment facilities before applying for a new communication facility site.
  2. Each service provider shall provide the City with evidence that they have contacted all other potential providers who have, or who are reasonably likely to be installing facilities within the vicinity of the proposed facility and have offered to participate in a joint installation project on reasonable terms.
  3. In order to facilitate collocation, Use Permit and Coastal Development Permit conditions of approval for a new facility shall require each service provider to cooperate in the siting of equipment and antennas to accommodate the maximum number of operators at a given site where determined by the Review Authority to be feasible and aesthetically desirable.
- I. **City-owned property.** Consistent with all limitations imposed by Federal law, a communication facility shall not adversely affect the public health, safety or welfare. In order to best benefit the citizens of Grover Beach from this necessary community impact, the Review Authority shall always consider City-owned sites as the highest priority for the location of communication facilities.

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#### 4.40.040 Facility Design and Development Standards

- A. Each proposed communication facility shall comply with the following standards:
1. Facility placement.
    - a. A roof-mounted antenna on a structure that complies with applicable height limits shall be set back from the nearest roof edge the equivalent of the height of the tower or a minimum of 10 feet, whichever is greater.
    - b. A ground-mounted communication facility (including towers and antennas) shall be located as far as possible from all property boundaries, and set back from the property line at a ratio of 1.5 horizontal feet for every one foot of height, where feasible unless a location closer to property boundaries reduces visual impacts as viewed from public areas.
    - c. A tower or antenna shall be set back from any site boundary or public right-of-way by a minimum of 25 feet, if feasible. No part of any tower shall extend into a required setback or beyond a property line of the site.
    - d. Communication facilities other than towers and antennas shall be located either within a structure, underground, in a rear yard (not visible from a public right-of-way) or on a screened roof top area. A ground-mounted facility that is located within a front or side setback or within a public right-of-way shall be underground so that the facility will not detract from the image or appearance of the City.

2. Height limitations.
  - a. All ground mounted communication equipment, antennas, poles, or towers shall be of a minimum functional height.
  - b. The height of a tower located on the ground shall not exceed 60 feet, except the Review Authority may grant an exception to allow towers of up to 80 feet where it determines that the increased height is necessary for adequate coverage, and the tower will co-locate service providers.
  - c. The height of a communications facility located on a structure other than a dedicated support tower shall not exceed 20 feet above the highest point of the structure and shall at no time exceed the height allowed by the applicable zone unless approved with a Use Permit.
  - d. An antenna mounted on the side of a structure shall not extend above the structure's parapet so that it is visible from below against the sky.
3. Colors and materials. All antennas, poles, towers, or equipment, including ancillary support equipment, shall have a non-reflective finish and shall be painted or otherwise treated to match or blend with the primary background and minimize visual impacts. Antennas attached to a structure shall be painted or otherwise treated to match the exterior of the structure or the antenna's background color. All ground-mounted equipment shall be covered with a clear anti-graffiti type material of a type approved by the Director or shall be adequately secured to prevent graffiti.
4. Screening, landscaping. All ground mounted equipment, antennas, poles, or towers shall be sited to be screened by existing development, topography, or vegetation. Ground mounted facilities shall be located within structures, underground, or in areas where substantial screening by existing structures or vegetation can be achieved. Additional new vegetation or other screening may be required by the Review Authority. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator's coverage objectives.
5. Additional screening and landscaping. As part of project review, the Review Authority may require additional screening and/or landscaping, undergrounding, an alternative color scheme, or relocation of a tower or ancillary equipment to a less obtrusive area of the site where it would have a less prominent visual presence due to slope, topography, size, or relationship to public right-of-ways.
6. Power lines. All power lines to and within a communication facility site shall be underground.
7. Backup power supplies. Backup generators shall only be operated during periods of power outages
- B. All building and roof-mounted wireless telecommunications facilities and antennae shall be designed to appear as an integral part of the structure where feasible and located to minimize visual impacts.



- C. The placement of new antennae and facilities shall not be physically obstructive or visually intrusive and shall be designed to be visually compatible with the character of the surrounding area.

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#### 4.40.050 Operation and Maintenance Standards

- A. **Contact and site information.** The owner or operator of any facility shall submit and maintain current at all times basic contact and site information. The applicant shall notify the City of any changes to the information submitted within 30 days of any change, including change of the name or legal status of the owner or operator. This information shall include the following:
  - 1. Identity, including name, address, and telephone number, and legal status of the owner of the facility including official identification numbers and FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility;
  - 2. Name, address, and telephone number of a local contact person for emergencies;
  - 3. Type of service provided; and
  - 4. Identification signs, including emergency phone numbers of the utility provider, shall be posted at all communication facility sites.
- B. **Facility maintenance.** All communication facilities and related equipment, including lighting, fences, shields, cabinets, and poles shall be maintained in good repair, free from trash, debris, litter, graffiti, and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible.
- C. **Landscaping maintenance.** All trees, foliage, and other landscaping elements on a communication facility site, whether or not used as screening, shall be maintained in good condition at all times in compliance with the approved landscape plan. The facility owner or operator shall be responsible for replacing any damaged, dead, or decayed landscaping as promptly as reasonably possible. Amendments or modifications to the landscape plan shall require approval by the Director. The Review Authority may also require a landscape maintenance agreement.
- D. **Site inspection required.** Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards identified in this Section.
- E. **Exterior lighting.** Lighting of antenna structures and their electrical support equipment is prohibited, except as required by any order or regulation of the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA). The lighting shall be constructed or located so that only the intended area is illuminated and off site glare is fully controlled. Light fixtures shall be low wattage, hooded, and downward directed.

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**4.40.060 Discontinuance and Site Restoration**

All equipment associated with a communication facility shall be removed within 30 days of the discontinuance of the use and the site shall be restored to its original pre-construction condition, subject to the approval of the Director. The service provider shall provide the City with a notice of intent to vacate a site a minimum of 30 days before site vacation. This removal requirement, and appropriate bonding requirements, shall be included in the terms of a lease for a facility on public property. A private lease for a facility located on private property is encouraged to include terms for equipment removal, since the property owner shall be ultimately responsible for removal of the equipment.

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# CHAPTER 5. SITE DEVELOPMENT STANDARDS

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## 5.10 Flood Hazard Area Use Control

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### Sections:

- 5.10.010 - Statutory Authorization, Findings of Fact, Purpose and Methods
- 5.10.020 - Definitions
- 5.10.030 - General Provisions
- 5.10.040 - Administration
- 5.10.050 - Provisions for Flood Hazard Reduction
- 5.10.060 - Variance Procedure

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### 5.10.010 Statutory Authorization, Findings of Fact, Purpose and Methods

- A. **Statutory Authorization.** The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Council does hereby adopt the following floodplain management regulations.
- B. **Finding of Fact.**
  - 1. The flood hazard areas of the City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
  - 2. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to flood losses.
- C. **Statement of Purpose.** It is the purpose of this Section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone, mudslide (i.e. mudflow) or flood related erosion areas. These regulations are designed to:
  - 1. Protect human life and health;
  - 2. Minimize expenditure of public money for costly control projects;
  - 3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  - 4. Minimize prolonged business interruptions;

5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. Ensure that those who occupy the area of special flood hazard assume responsibility for their actions.

**D. Methods of Reducing Flood Losses.** In order to accomplish its purpose, this Section includes regulations to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
4. Control filling, grading, dredging, and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

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## 5.10.020 Definitions

Unless specifically defined below, words or phrases used in this Section shall be interpreted so as to give them the meaning they have in common usage and to give this Section its most reasonable application.

**A zone** - see "Special flood hazard area" as defined in this Section.

**Accessory structure, low-cost and small** means a structure that is:

1. Solely for the parking of no more than 2 cars; or limited storage (small, low cost sheds); and
2. Having a gross floor area of 120 square feet or less.

**Accessory use** means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

**Alluvial fan** means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is



subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

**Apex** means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

**Appeal** means a request for a review of the Floodplain Administrator's interpretation of any provision of this Section.

**Area of shallow flooding** means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of special flood hazard** - See "Special flood hazard area" as defined in this Section.

**Base flood** means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this Section.

**Base flood elevation (BFE)** means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH and VE that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

**Basement** means any area of the building having its floor subgrade - i.e., below ground level - on all sides.

**Breakaway walls** are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

**Building** - see "Structure" as defined in this Section.

**Coastal high hazard area** means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area

subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone VE, or V.

**Development** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**Encroachment** means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

**Existing manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before July 3, 1989.

**Expansion to an existing manufactured home park or subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Flood, flooding, or flood water** means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
2. The condition resulting from flood-related erosion.

**Flood Boundary and Floodway Map (FBFM)** means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

**Flood Insurance Rate Map (FIRM)** means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study** means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

**Floodplain or flood-prone area** means any land area susceptible to being inundated by water from any source - see "Flooding" as defined in this Section.

**Floodplain Administrator** is the community official designated by title to administer and enforce the floodplain management regulations.

**Floodplain management** means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency

preparedness plans, flood control works, floodplain management regulations, and open space plans.

**Floodplain management regulations** means this Section and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

**Floodproofing** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

**Floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."

**Floodway fringe** is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

**Fraud and victimization** as related to Subsection 5.10.060.C, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

**Functionally dependent use** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

**Governing body** is the City, which is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

**Hardship** as related to Subsection 5.10.060.C means the exceptional hardship that would result from a failure to grant the requested variance. The Council requires that the variance be exceptional, unusual, and peculiar to the property involved. More economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be

resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**Highest adjacent grade** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic structure** means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

**Levee** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

**Levee system** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

**Lowest floor** means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:
  - a. The flood openings standard in Subsection 5.10.050.A.3.c;
  - b. The anchoring standards in Subsection 5.10.050.A.1;
  - c. The construction materials and methods standards in Subsection 5.10.050.A.2; and
  - d. The standards for utilities in Subsection 5.10.050.B.

2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

**Manufactured home** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**Manufactured home park or subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Market value** shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a report prepared by an independent professional appraiser. See Subsection 5.10.040.B.2.a.

**Mean sea level** means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**New construction**, for floodplain management purposes, means structures for which the "start of construction" commenced on or after August 1, 1984, and includes any subsequent improvements to such structures.

**New manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after August 1, 1984.

**Obstruction** includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

**One-hundred-year flood or 100-year flood** - see "**Base flood**" as defined in this Section.

**Primary frontal dune** means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.

**Program deficiency** means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

**Public safety and nuisance** as related to Subsection 5.10.060.C, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**Recreational vehicle** means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Remedy a violation** means to bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Section or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

**Riverine** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Sand dunes** mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**Sheet flow area** - see "Area of shallow flooding" as defined in this Section.

**Special flood hazard area (SFHA)** means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, AE, AH, VE or V.

**Start of construction** includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing,

grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

**Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**V zone** - see "Coastal high hazard area" as defined in this Section.

**Variance** means a grant of relief from the requirements of this Section which permits construction in a manner that would otherwise be prohibited by this Section.

**Violation** means the failure of a structure or other development to be fully compliant with this Section. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Section is presumed to be in violation until such time as that documentation is provided.

**Water surface elevation** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**Watercourse** means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

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**5.10.030 General Provisions**

- A. **Lands to which this Section applies.** This Section shall apply to all areas of special flood hazards within the jurisdiction of the City.
- B. **Basics for establishing the areas of special flood hazards.** The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for San Luis Obispo County, California and Incorporated Areas" dated August 28, 2008, with accompanying Flood Insurance Rate Maps (FIRM's) and Flood Boundary and Floodway Maps (FBFM's), dated August 28, 2008, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this Section. This FIS and attendant mapping is the minimum area of applicability of this Section and may be supplemented by studies for other areas which allow implementation of this Section and which are recommended to the Council by the Floodplain Administrator. In addition, the area of special flood hazards shall be expanded to include areas that are expected to be inundated by continued and accelerated sea level rise over the expected life of the development. The area potentially subject to sea level rise shall be based upon up-to-date scientific papers and studies, agency guidance (such as the 2012 National Research Council report *Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future*) and reports by national and international groups such as the Intergovernmental Panel on climate Change. The study, FIRM's and FBFM's are on file at the City of Grover Beach Community Development Department, 154 South Eighth Street, Grover Beach, California. (Am. Ord. 14-04)
- C. **Compliance.** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Section and other applicable regulations. Violation of the requirements of this Section (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the Council from taking such lawful action as is necessary to prevent or remedy any violation.
- D. **Abrogation and greater restrictions.** This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- E. **Interpretation.** In the interpretation and application of this Section, all provisions shall be:
1. Considered as minimum requirements;
  2. Liberally construed in favor of the governing body; and
  3. Deemed neither to limit nor repeal any other powers granted under state statutes.



- F. **Warning and disclaimer of liability.** The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City, any elected or appointed official, officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder.
- G. **Severability.** This Section and the various Subsections thereof are hereby declared to be severable. Should any Subsection of this Section be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Section as a whole, or any portion thereof other than the Subsection so declared to be unconstitutional or invalid.

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## 5.10.040 Administration

- A. **Designation of the floodplain administrator.** The Community Development Director in cooperation with the City Engineer is hereby appointed to administer, implement, and enforce this Section by granting or denying development permits in accord with its provisions.
- B. **Duties and responsibilities of the floodplain administrator.** The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:
1. Permit Review. Review all development permits to determine:
    - a. Permit requirements of this Section have been satisfied, including determination of substantial improvement and substantial damage or existing structures;
    - b. All other required state and federal permits have been obtained;
    - c. This site is reasonably safe from flooding;
    - d. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the City; and
    - e. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "**start of construction**" definition.

2. Development of Substantial Improvement and Substantial Damage Procedures.
  - a. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."
  - b. Assure procedures are coordinated with other departments/divisions and implemented by community staff.
3. Review, Use and Development of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Subsection 5.10.030.B, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Article V of this Section.

NOTE: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.

4. Notification of Other Agencies.
  - a. Alteration or relocation of a watercourse:
    - (1) Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
    - (2) Submit evidence of such notification to the Federal Emergency Management Agency; and
    - (3) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
  - b. Base Flood Elevation changes due to physical alterations:
    - (1) Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).
    - (2) All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.
  - c. Changes in corporate boundaries: Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and

include a copy of a map of the community clearly delineating the new corporate limits.

5. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:
  - a. Certification required by Subsection 5.10.050.A.3.a and Subsection 5.10.050.D (lowest floor elevations);
  - b. Certification required by Subsection 5.10.050.A.3.b (elevation or floodproofing of nonresidential structures);
  - c. Certification required by Subsection 5.10.050.A.3.c (wet floodproofing standard);
  - d. Certification of elevation requires by Subsection 5.10.050.C.1.c (subdivisions and other proposed development standards);
  - e. Certification required by Subsection 5.10.050.F.2 (floodway encroachments);
  - f. Information required by Subsection 5.10.050.G.6 (coastal construction standards); and
  - g. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.
6. Map Determination. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Subsection 5.10.040.D.
7. Remedial Action. Take action to remedy violations of this Section as specified in Subsection 5.10.030.C.
8. Biennial Report. Complete and submit Biennial Report to FEMA.
9. Planning. Assume the City's General Plan is consistent with floodplain management objectives herein.
- C. **Development Permit.** A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Subsection 5.10.030.B. Application for a development permit shall be made on forms furnished by the Community Development Department of the City. The applicant shall provide the following minimum information:
  1. Plans in duplicate, drawn to scale, showing:
    - a. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their locations;
    - b. Proposed locations of water supply, sanitary sewer, and other utilities;

- c. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
  - d. Location of the regulatory floodway when applicable;
  - e. Base flood elevation information as specified in Subsection 5.10.030.B or Subsection 5.10.040.B.3;
  - f. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
  - g. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Subsection 5.10.050.A.3.b of this Section and detailed in FEMA Technical Bulletin TB 3-93.
- 2. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Subsection 5.10.050.A.3.b.
  - 3. For a crawl-space foundation, location and total net area of foundation openings as required in Subsection 5.10.050.A.3.c of this Section and detailed in FEMA Technical Bulletins 1-93 and 7-93.
  - 4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
  - 5. All appropriate certifications listed in Subsection 5.10.040.B.5 of this Section.

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### 5.10.050 Provisions for Flood Hazard Reduction

- A. **Standards of Construction.** In all areas of special flood hazards the following standards are required. In the Coastal Zone, development shall be prohibited in areas of special flood hazards, including areas subject to future flooding due to sea level rise, to the maximum extent feasible. If development cannot be built outside such hazard areas, the following standards shall be applied (Am. Ord. 14-04):
  - 1. Anchoring. All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - 2. Construction Materials and Methods. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:
    - a. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
    - b. Using methods and practices that minimize flood damage;
    - c. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and

- d. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.
3. Elevation and Floodproofing.
- a. Residential construction. All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:
    - (1) In AE, AH, A Zones, elevated to one foot above the base flood elevation.
    - (2) In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.
    - (3) In an A zone, without BFE's specified on the FIRM, elevated to or above the base flood elevation; as determined under Subsection 5.10.040.B.3.

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.
  - b. Nonresidential construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with Subsection 5.10.050.A.3.a or:
    - (1) Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Subsection 5.10.050.A.3.a, so that the structure is watertight with walls substantially impermeable to the passage of water;
    - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
    - (3) Be certified by a registered civil engineer or architect that the standards of Subsection 5.10.050.A.3.b.(1) & (2) are satisfied. Such certification shall be provided to the Floodplain Administrator.
  - c. Flood openings. All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:
    - (1) For non-engineered opening:

- (a) Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - (b) The bottom of all openings shall be no higher than one foot above grade;
  - (c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and
  - (d) Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter and exit; or
- (2) Be certified by a registered civil engineer or architect.
- d. Manufactured homes. See Subsection 5.10.050.D.
- e. Garage and low cost accessory structures.
  - (1) Attached garages.
    - (a) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See Subsection 5.10.050.A.3.c. Areas of the garage below the BFE must be constructed with flood resistant materials. See Subsection 5.10.050.A.2.
    - (b) A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.
  - (2) Detached garages and accessory structures.
    - (a) "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Article II, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:
      - i. Use of the accessory structure must be limited to parking or limited storage;
      - ii. The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
      - iii. The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
      - iv. Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
      - v. The accessory structure must comply with floodplain encroachment provisions in Subsection 5.10.050.F; and

- vi. The accessory structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Subsection 5.10.050.A.3.c.
- (b) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Subsection 5.10.050.A.
- f. Crawlspace construction. This Subsection applies to buildings with crawl spaces up to two feet below grade. Below-grade crawl space construction in accordance with the requirements listed below will not be considered basements.
  - (1) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer;
  - (2) The crawl space is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. For guidance on flood openings, see FEMA Technical Bulletin 1-93;
  - (3) Crawl space construction is not permitted in V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones;
  - (4) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE; and
  - (5) Any building utility systems within the crawl space must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
  - (6) Requirements for all below-grade crawl space construction, in addition to the above requirements, to include the following:
    - (a) The interior grade of a crawl space below the BFE must not be more than two feet below the lowest adjacent exterior grade (LAG), shown as D in figure 3 of FEMA Technical Bulletin 11-01;
    - (b) The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed four feet (shown as L in figure 3 of FEMA Technical Bulletin 11-01) at any point;

- (c) There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event, not to exceed 72 hours; and
- (d) The velocity of floodwaters at the site should not exceed five feet per second for any crawl space. For velocities in excess of five feet per second, other foundation types should be used.

**B. Standards for Utilities.**

1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
  - a. Infiltration of flood waters into the systems; and
  - b. Discharge from the systems into flood waters.
2. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

**C. Standards for Subdivisions and Other Proposed Development.**

1. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, shall:
  - a. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).
  - b. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
  - c. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:
    - (1) Lowest floor elevation.
    - (2) Pad elevation.
    - (3) Lowest adjacent grade.
2. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
3. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
4. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.



5. In the coastal zone, land divisions shall be prohibited if the resulting lots would provide for development within areas of special flood hazards, including areas subject to future flooding due to sea level rise. (Am. Ord. 14-04)

**D. Standards for Manufactured Homes.**

1. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:
  - a. Within Zones A, AH, AO, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - b. Within Zones V, and VE on the community's Flood Insurance Rate Map, meet the requirements of Subsection 5.10.050.G.
2. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A, AH, AE, AO, V, and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of Subsection 5.10.050.D.1 will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:
  - a. Lowest floor of the manufactured home is one foot above the base flood elevation; or
  - b. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

**E. Standards for Recreational Vehicles.**

1. All recreational vehicles placed in Zones A, AH, AO, AE, V and VE will either:
  - a. Be on the site for fewer than 180 consecutive days; or
  - b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

- c. Meet the permit requirements of Subsection 5.10.040.C of this Section and the elevation and anchoring requirements for manufactured homes in Subsection 5.10.050.D.
  2. Recreational vehicles placed on sites within Zones V, and VE on the community's Flood Insurance Rate Map will meet the requirements of Subsection 5.10.050.E.1 and Subsection 5.10.050.G.
  3. Owners of recreational vehicle parks and owners of manufactured home parks that allow placement of recreational vehicles must notify the Floodplain Administrator prior to placing any new recreational vehicle, altering any existing recreational vehicle, allowing the placement or alteration of, or allowing any recreational vehicle to remain on site for more than 180 consecutive days, such that the recreational vehicle fails to meet the requirements of Subsections 5.10.050.E.1. a and b. The owner of a recreational vehicle that fails to meet the requirements of Subsections 5.10.050.E.1. a and b must apply for a city recreational vehicle permit and provide certification from an approved special inspector that the recreational vehicle complies with the requirements of Subsection 5.10.050.E.1.c and 5.10.050.E.2.
  4. The owner of the recreational vehicle subject to the permit requirements of Subsection 5.10.050.E.3 shall at the time of application for the permit, pay to the City a processing fee in an amount established by resolution of the Council.
- F. **Floodways.** Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
1. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the City.
  2. Within an adopted regulatory floodway, the City shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
  3. If Subsections 5.10.050.F.1 & 2 are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Article V.
- G. **Coastal High Hazard Areas.** Within coastal high hazard areas, Zones V, and VE, as established under Subsection 5.10.030.B, the following standards shall apply:
1. All new residential and non-residential construction, including substantial improvement/damage, shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the bottom of

the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or city building standards.

2. All new construction and other development shall be located on the landward side of the reach of mean high tide.
3. All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Article II of this Section. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.
4. Fill shall not be used for structural support of buildings.
5. Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
6. The Floodplain Administrator shall obtain and maintain the following records:
  - a. Certification by a registered engineer or architect that a proposed structure complies with Subsection 5.10.050.G.1; and
  - b. The elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

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## 5.10.060 Variance Procedure

### A. Nature of variances.

1. The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.
2. The variance criteria set forth in this Subsection of this Section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this Section would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.
3. The city should help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are

so serious that variances from the flood elevation or from other requirements in the flood ordinance must be quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this Section are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

**B. Conditions for variances.**

1. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 5.10.040 and 5.10.050 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 5.10.020) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
4. Variance shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this Section. For example, in the case of variances to an elevation requirement, this means the Commission need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the Commission believes will both provide relief and preserve the integrity of the local ordinance.
5. Any applicant to whom a variance is granted shall be given written notice over the signature of the Floodplain Administrator that:
  - a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
  - b. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County of San Luis Obispo Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

6. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

**C. Appeal board.**

1. In passing upon requests for variances, the Commission shall consider all technical evaluations, all relevant factors, standards specified in this Section, and the:
  - a. Danger that materials may be swept onto other lands to the injury of others;
  - b. Danger of life and property due to flooding or erosion damage;
  - c. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
  - d. Importance of the services provided by the proposed facility to the community;
  - e. Necessity to the facility of a waterfront location, where applicable;
  - f. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - g. Compatibility of the proposed use with existing and anticipated development;
  - h. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - i. Safety of access to the property in time of flood for ordinary and emergency vehicles;
  - j. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
  - k. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
2. Variances shall only be issued upon a:
  - a. Showing of good and sufficient cause;
  - b. Determine that failure to grant the variance would result in exceptional "hardship" to the applicant; and
  - c. Determine that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see "Public safety and nuisance"), cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances.
3. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Subsections 5.10.060.C.1 through

5.10.060.C.4 are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

4. Upon consideration of the factors of Subsection 5.10.060.B.1 and the purposes of this Section, the Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Section.

## 5.20 Street Improvements

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### Sections:

- 5.20.010 - Applicability
- 5.20.020 - Timing
- 5.20.030 - Council Authority
- 5.20.040 - Street Conform
- 5.20.050 - Extent of Street Conform

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### **5.20.010      Applicability**

This Section shall apply in all zones to any project that requires a building permit.

- A. All new construction of single-family residential buildings, or structures, shall install curb, gutter and sidewalk, as well as a street conform. The applicant for one single-family residential building or structure shall be responsible for up to the first 11 feet of street conform and the City will be responsible for any part of the street conform that is required to be wider than 11 feet. These public improvements shall be designed or approved by the City Engineer at the property owner's expense.
- B. All new construction, remodeling of, or additions to commercial, industrial or multi-family residential buildings, or structures, shall install curb, gutter and sidewalk, as well as a street conform. These public improvements shall be designed or approved by the City Engineer at the property owner's expense.
- C. Single-family dwelling remodels or additions shall install curb, gutter, and sidewalk, as well as a street conform of no more than an average of four feet from gutter lip when the aggregate square footage of the remodel or addition is an amount equal to 40 percent or greater of the existing square footage. See Figures 5.1 and 5.2 for examples of calculations. The City will be responsible for any part of the conform that is required to be wider than four feet.

The following multipliers shall be applied when calculating aggregate square footage:

- |   |      |
|---|------|
| 1. Gross living area  | 1.00 |
| 2. Garage, workshops, and other accessory structures  | 0.25 |
| 3. Porches, patios, gazebos, and similar structures as<br>may be determined by the Director | 0.15 |

The calculations will be applicable to the combined square footage of all building permits issued for the address or site within the last five years.

**Figure 5.1.** An example of when curb, gutter and sidewalk installation is required for single-family residential is presented below:

### Existing Improvements

1,000 Square Feet Gross Living Area	400 Square Feet Garage	Workshop 300 sq. ft.
	Patio 100 sq. ft	
Living Area	1,000 Sq. Ft. X 1.00 = 1,000 Sq. Ft.	
Garage	400 Sq. Ft. X 0.25 = 100 Sq. Ft.	
Patio	100 Sq. Ft. X 0.15 = 15 Sq. Ft.	
Workshop	<u>300 Sq. Ft. X 0.25 = 75 Sq. Ft.</u>	
<i>Total Existing</i>	<i>1,190 Sq. Ft.</i>	

### Proposed Improvements

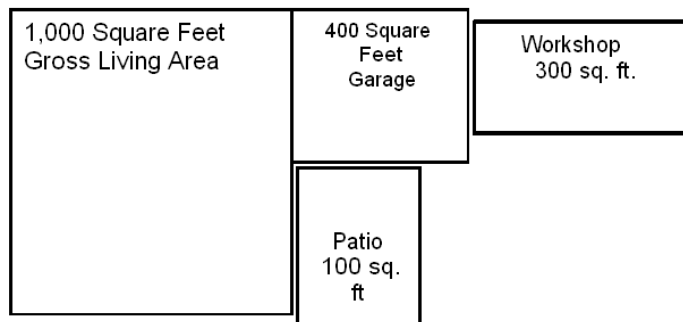
1,000 Sq. Ft. Living Area	400 Sq. Ft. Garage	Workshop 300 sq. ft.
	Patio 100 sq. ft	500 Sq. Ft. Living Area Addition (Removal of patio area)
Addition:	500 Sq. Ft. X 1.00 = 500 Sq. Ft.	
Minus: Patio Removal	<u>(100 Sq. Ft. X 0.15 = 15 Sq. Ft.)</u>	
<i>Adjusted Addition</i>	<i>485 Sq. Ft.</i>	

**Percentage Calculation: 485 Sq. Ft. Addition / 1,190 Sq. Ft. Existing = 40.8%**



**Figure 5.2.** An example of when curb, gutter and sidewalk installation is not required for single-family residential is presented below:

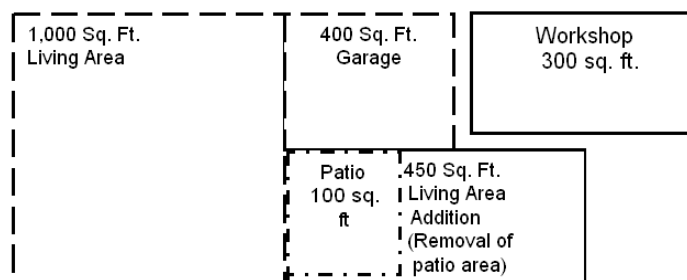
### Existing Improvements



Living Area	1,000 Sq. Ft. X 1.00 = 1,000 Sq. Ft.
Garage	400 Sq. Ft. X 0.25 = 100 Sq. Ft.
Patio	100 Sq. Ft. X 0.15 = 15 Sq. Ft.
Workshop	300 Sq. Ft. X 0.25 = 75 Sq. Ft.

*Total* 1,190 Sq. Ft.

### Proposed Improvements



Addition:	450 Sq. Ft. X 1.00 = 450 Sq. Ft.
Minus: Patio Removal	(100 Sq. Ft. X 0.15 = 15 Sq. Ft.)

*Adjusted Addition* *435 Sq. Ft.*

**Percentage Calculation: 435 Sq. Ft. Addition / 1,190 Sq. Ft. Existing = 36.6%**

- D. For projects consisting of more than one residential dwelling or any commercial remodel, the developer shall be required, in cases where the existing street condition is determined to be at a pavement condition less than 60 on the Pavement Management System (PMS) rating, to reconstruct the street to the centerline of the street, even though curb, gutter and sidewalk may already exist on the project frontage.

- E. If existing curb, gutter or sidewalk is found to be in unsatisfactory condition fronting any commercial or multi-family project, then the applicant or developer shall be required to replace the defective portions of said improvements in accordance with City Standards.

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**5.20.020     Timing**

In cases where this Section is applicable, the owner or person applying for such permit shall install curb, gutters, and sidewalks, as well as street conform, in accordance with Subsection 5.20.010.A along all streets abutting such property prior to the issuance of a certificate of final inspection on a Building Permit or other certificate of compliance with applicable permit conditions. The owner or person installing curb, gutter and sidewalk shall also be required to construct a street conform per the City Engineer's requirements consistent with Subsection 5.20.010.A.

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**5.20.030     Council Authority**

- A. The Council may waive all or part of the requirements of this Section upon application for such waiver in cases where in the sole discretion of the Council the strict application of this Section would create substantial hardship, would be impractical, or would not be in the best interests of the City or the public.
- B. The Council may extend the time for compliance with the provisions of this Section and may require such cash or other bond as it deems suitable to guarantee compliance with this Section within such time limit as it may specify.
- C. No filing fee shall be required for the application to the Council under this Section.
- D. No improvements referred to in this Section shall be constructed until curb grades have been approved by the City.
- E. Each request for waiver of the requirements of this Section shall be acted upon independently by the Council based upon the particular facts involved.

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**5.20.040     Street Conform**

- A. As required by Subsection 5.20.010.A, the applicant or property owner shall install a street conform when new or replacement curb, gutter and sidewalk is required. In some cases these provisions apply even when curb, gutter and sidewalk may already exist. The street conform shall be designed and/or approved by the City Engineer at the property owner's expense.
- B. A street conform is that portion of new street built between the gutter lip that meets or conforms to existing paving in a safe manner. The resulting slope between the new gutter lip and the existing street at the conform point is called the "cross fall". A maximum safe cross fall shall not exceed ten percent and a usual cross fall will range from two percent to five percent as approved by the City Engineer.

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**5.20.050      Extent of Street Conform**

The extent of the required street conform is dependent on the size and character of the project and the existing condition of the subject street(s). The Pavement Management System (PMS) street rating (0-100) shall be used to determine the existing street condition. On corner lots, the requirements are applicable to both streets abutting the property.

- A. For projects consisting of one single-family dwelling:
  - 1. Pavements rated at 0-100 will require construction/reconstruction only to the conform point as approved by the City Engineer, or for up to the first 11 feet of width, whichever is less. In the event that a conform wider than 11 feet is required, the City shall be responsible for that portion which is wider than 11 feet.
- B. For projects consisting of more than one single-family dwelling or any commercial development, including commercial remodels or additions:
  - 1. Pavements rated at 60-100, as verified by the City Engineer, will require construction/reconstruction only to the conform point as approved by the City Engineer. In some cases, the conform point could be all the way to the centerline of the street. If the Pavement Management System (PMS) street rating is 0-59, as verified by the City Engineer, then construction/reconstruction shall be required all the way to the centerline of the street regardless of the conform point. These provisions apply even though curb, gutter, and sidewalk may already exist.
- C. For projects consisting of one single-family dwelling remodel or addition of 40% or more increase in floor area:
  - 1. Pavement shall be required to be constructed or reconstructed to the conform point, but not more than an average of four feet beyond the lip of gutter as approved by the City Engineer. The City shall be responsible for any part of the conform that is required to be wider than four feet.
- D. If a second single-family dwelling is constructed on the same parcel within two years after the completion of the first single-family dwelling, then that project shall be considered as more than one single-family dwelling and the provisions of this Section shall apply as to "more than one single-family dwelling". (Am. Ord. 04-14; Am. Ord. 09-01)

## 5.30 Street Tree Regulations

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### Sections:

- 5.30.010 - Street Tree Policy Purpose and Intent
- 5.30.020 - Definitions
- 5.30.030 - Enforcing Authority
- 5.30.040 - Master Tree List
- 5.30.050 - Street Tree Planting Plan Standards
- 5.30.060 - Street Tree Maintenance and Inspection
- 5.30.070 - Removal of Trees
- 5.30.080 - Removal of Trees Prohibited Without a Permit
- 5.30.090 - Subdivision Street Tree Planting
- 5.30.100 - Control of Trees on Easements
- 5.30.110 - Property Owner Requests
- 5.30.120 - Protection of Street Trees Prohibitions
- 5.30.130 - Public Utilities
- 5.30.140 - Sidewalk, Curb and Gutter Determinations
- 5.30.150 - Appeals
- 5.30.160 - Non-liability of City

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### 5.30.010 Street Tree Policy Purpose and Intent

It is hereby declared that the public interest and welfare requires that the City establish, adopt and maintain a comprehensive program for the installation, maintenance and preservation of trees within the City.

This Section provides policies, regulations and specifications necessary to govern installation, maintenance and preservation of trees to beautify the City, purify its air, provide shade, wind protection and preserve trees with historic and unusual value for the inhabitants of this City, subject to the availability of City funds for such purposes.

It is hereby declared to be the policy of the City to line its streets with trees and to provide a consistent and adequate program for maintenance and preservation of such trees. This policy provides for the planting of trees in all areas of the City, and for the selection of appropriate species to achieve as much uniformity as possible for beauty and economy.

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### 5.30.020 Definitions

The following words and phrases used in this Section, unless a different meaning is clearly required by the context, shall have the following meanings:

**Planting Strip** shall mean the area available for planting between the street curb, or place where the curb should be, and the property line.

**Planting** shall mean planting and replacement of planting strips.

**Maintain or Maintenance** shall mean the entire care of trees in planting strips, as well as the preparation of ground, fertilizing, mulching, watering, unless specifically so stated.

**Tree** shall be defined as any woody plant characterized by having a single trunk of at least three inches in diameter at breast height (4-1/2 feet), or a multi-stemmed trunk system with a more or less definitely formed crown. This shall also include any tree that has been placed by the City that has not yet obtained the stated size.

**Public Streets or Streets** shall include all roads, streets, avenues, boulevards, alleys and parkways, or portion thereof, of the city.

**Park Director** shall mean the Parks and Recreation Director of the City.

**Undeveloped Parcel** as used in this Section shall be any lot, or portion of lot, which can be further subdivided or intensively developed in accordance with this Section.

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### **5.30.030 Enforcing Authority**

The Park Director, or his duly authorized representative, shall be charged with the enforcement of this Section.

The Parks and Recreation Commission shall be responsible for reviewing all required fee schedules for the planting of street trees. The Parks, Recreation and Beautification Commission shall advise the Park Director and made recommendations to the Council concerning required street trees.

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### **5.30.040 Master Tree List**

The Parks and Recreation Commission is hereby charged with the duty of promptly determining the types and species of trees suitable and desirable for planting and the areas in which, and conditions under which, such trees shall be planted in or which may overhang the public streets within the City. The Parks, Recreation and Beautification Commission shall also recommend a Tree Planting Plan setting forth the types of trees to be planted in different portions of the City and a recommended program of tree planting by the City. When such determination has been made, the Parks, Recreation and Beautification Commission shall report its findings in writing to the Council. When approved by the Council said reports shall be known as the Master Tree List and Master Plan. The List and Plan shall be placed on file with the City Clerk. Revisions or changes in said List or Plan may be amended from time to time by the Parks, Recreation and Beautification Commission in the matter described hereinabove.

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### **5.30.050 Street Tree Planting Plan Standards**

- A. The planting of trees in or within five feet of the public street right-of-way of the City shall be governed by the general and specific tree plan.

- B. The Parks and Recreation Commission shall be guided by and apply the following standards in formulating and approving a street tree plan.
  - 1. The prime purpose of beauty, shade, and/or wind protection shall always be observed.
  - 2. The location of specific trees shall be at specified intervals with consideration given to avoiding or minimizing interference by the trees with existing or planned utilities, driveway approaches, street intersections and building exposures.
  - 3. No tree shall be planted within 35 feet of any corner of any intersection unless approved by the City Engineer.
  - 4. Selection and spacing of a particular species of tree for a specific block, a street, or section of the City shall be based upon the nature of the species and the width of the planting strip, soil conditions, zoning regulations, street patterns, building setbacks, utilities, and the availability of the particular species.
  - 5. All trees hereafter planted in or within five feet of the public street right-of-way of the City must be on the Master List, unless a written permit from the Park Director shall have first been obtained to plant a tree not on said list. Such permit shall set forth the type of tree, method of planting and maintenance, and any other conditions deemed proper by the Director for planting of such tree, and the person obtaining such permit shall comply with all the terms and conditions thereof.
- C. The Public Works Department shall assume the responsibility of furnishing and planting all new City street trees. Subdivisions shall be assessed a fee per lineal foot of street frontage per lot for this planting service. Said fee shall be established by the Parks and Recreation Commission and approved by the Council.

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### **5.30.060 Street Tree Maintenance and Inspection**

The Park Director shall have supervision, direction and control of the care, trimming, removal, relocation and replacement of trees in the streets or public property owned or under the control of the City. It shall be unlawful for any person to cut, trim, prune, spray, brace, or in any other manner to destroy or seriously damage any tree in the public street area or upon property owner or controlled by the City.

- A. Upon discovering that any such trees are infected or infested with insects, pests, or disease, the Park Director shall cause such conditions to be treated, or if any trees are so infected or infested to such a degree that such conditions cannot be eradicated by treatment, the Director may order the removal and replacement of any such trees.
- B. Street trees shall be maintained as follows: Surface roots of young trees in process of development shall be removed to prevent future sidewalk, curb and gutter damage. Overhead limbs shall be pruned proportionately to compensate for root loss. Upon reaching maturity, trees shall be pruned or trimmed to not less than seven feet above ground in residential areas, and to not less than ten feet above the ground in

commercial areas. Small trees and young trees during the process of development shall be properly shaped and trimmed to provide adequate sidewalk and street clearance.

- C. In the event any tree, shrub, or plant in any street in the City or any tree, shrub or plant standing on any private property, overhanging or projecting into any street or public place appears to be dead, liable to fall, dangerous, an obstruction to public travel or is not pruned or trimmed to not less than seven feet above a sidewalk in residential areas or ten feet in commercial areas, the Park Director may cause the same or such part or parts thereof as dead, liable to fall, dangerous, or an obstruction to such public travel, or is not so trimmed, to be cut down, and if in the street, to be removed there from; provided that, except in case of manifest public danger and immediate necessity, no such trees or shrubs standing on any private property shall be completely cut down or removed unless ten days' notice in writing be given by the Park Director to the owner or occupant of such property.

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### **5.30.070 Removal of Trees**

- A. Private Property: Any tree growing on private property which is endangering or, in the opinion of the Park Director, constitutes danger to public streets or public places, or which in any way endangers the usefulness of a public sewer or public utility, shall be removed or trimmed by the owner of the property within 14 days after receipt of such notice from the Park Director. In the event the property owner fails to remove or trim such trees within said time, the Park Director may then remove or trim said tree, and assess the cost thereof against the property owner, ten days prior notice of the hearing before the Council, subject to the right of the property owner to appeal the amount of said assessment to the Council within two days after notice thereof to the property owner. Such cost shall become a lien on the property and the resolution assessing such costs shall be recorded with the County Recorder's Office, or may be collected by court action.
- B. It shall be unlawful for any person, firm, partnership, corporation or other legal entity whatever, to remove, or cause to be removed, any tree from any undeveloped parcel of property without a permit, as provided herein.
- C. Streets and Public Places: No tree shall be removed from any public street or property owned or under the control of the City without the prior written consent of the Park Director. Such consent shall only be granted if the tree constitutes a hazard to property or persons using the adjoining streets, if its roots are causing excessive damage to the curb, gutters or sidewalks, or if it unduly interferes with the sewer system and public utilities. Any tree being removed for the benefit of the property owner shall be removed and replaced with an approved tree at the owner's expense.
- D. Any tree planted by the City in the City right-of-way or required by the City in the public right-of-way after the effective date of this ordinance, that must be removed because of type, growth habits or disease that do not meet future City standards,

shall be removed at City expense and replaced at the Park Director's discretion, subject to the availability of City funds.

E. Acceptable reasons for City removal on streets and public places:

1. Dead trees;
2. Dying, decayed or hazardous trees;
3. Trees that must be removed for sidewalks or curb repair;
4. Trees diseased beyond reclamation;
5. Thinning to approved spacing.
6. Acceptable reasons for property owner removal:
7. Trees directly in the way of new sidewalks, curbs, or driveway approaches;
8. Trees in way of house moving (undesirable species only).

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### **5.30.080 Removal of Trees Prohibited Without a Permit**

It shall be unlawful for any person, firm, partnership, corporation or other legal entity whatever, to remove, or cause to be removed, any tree from any undeveloped parcel of property without a permit as provided herein.

A. **Permits.**

1. Any person, firm, partnership, corporation or other legal entity, or agent of any such person desiring to remove one or more trees on any undeveloped parcel in the City shall apply in writing to the Parks and Recreation Director for a permit. Said application shall contain the number and a plot plan showing the location of the trees to be cut or removed and a brief statement of the reason for removal, as well as any other pertinent information the Parks and Recreation Director may require. On receipt of such application, the Parks and Recreation Director will inspect the premises and determine which trees may be removed.
2. The determination of the Parks and Recreation Director shall be based upon the following criteria:
  - a. The condition of the trees with respect to disease, danger of falling, proximity to existing or proposed structures and interference with utility service;
  - b. Necessity to remove trees in order to construct proposed improvements to allow economic enjoyment of the property;
  - c. Topography of the land and the effect of tree removal on erosion, soil retention, and the diversion or increased flow of surface waters;
  - d. Number of trees existing in the neighborhood on improved property. The Parks and Recreation Director shall be guided by the standards established in the neighborhood;



- e. Good horticultural practices, i.e., the number of healthy trees that a given parcel of land will support.

The Parks and Recreation Director shall give priority of inspection to those requests based on hazard, danger or disease. The Parks and Recreation Director may also refer any request to another Department, Board, Commission, Council, or Committee for report or recommendation.

In case of emergency caused by the tree being in a hazardous or dangerous condition, such tree may be removed by order (direction) of the Public Works Department.

**B. Subdivisions.**

1. All subdivision maps for five or more lots filed for tentative approval shall designate clearly any trees upon the property. Any trees upon the property which are to be removed shall be clearly designated upon the tentative subdivision map. Tentative approval of the map by the Parks and Recreation Commission shall constitute a recommendation to the Council to permit removal of any trees so designated.

**C. Historic or heritage tree.**

1. Historic or heritage tree shall mean any tree existing within the City which has been found by the Parks and Recreation Commission to be a tree of notable historic interest or high value type, size or historic associations and has been designated by resolution of the Council, on advice of the Parks, Recreation and Beautification Commission, as an historic or heritage tree.

All persons owning property upon which trees so designated exist shall be informed as to the status of these trees and the restrictions related to their care and removal. No tree designated as an historical or heritage tree shall be removed from the site without the prior approval of the Parks and Recreation Commission. This shall include the site of a proposed subdivision or any undeveloped parcel.

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## **5.30.090 Subdivision Street Tree Planting**

The cost for planting and maintenance of street trees for one year in new subdivisions shall be borne by the subdivider as established in Subsection 5.30.050.C.

This cost shall be determined from the official fee schedule of the City. This fee shall be reviewed as necessary in order to adjust to planting and maintenance cost.

The Parks and Recreation Commission shall, as soon as the basic subdivision improvements are approved, determine the species of tree, the specific locations and any other pertinent information that may be required before the trees are planted. The trees shall be planted after these determinations are made.

The subdivider shall be held responsible for any damage that occurs to any tree on the site where his construction is taking place during the period of time between planting of

the street tree and final acceptance of the structure by the Community Development Department. Any damage to the trees shall be charged to the subdivider. Any tree that is destroyed in the process of construction shall be replaced with a tree of the same species and of the same size at the time the tree was destroyed. The subdivider shall be responsible for all costs.

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### **5.30.100 Control of Trees on Easements**

All existing trees located within public easements shall be so maintained by the owner of the property so as to prevent the roots from interfering with public pipelines and the limbs and branches from interfering with utility lines.

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### **5.30.110 Property Owner Requests**

- A. A majority of the abutting property owners in a given block, street, or area of the City where tree planting is required may petition for the uniform planting of a tree variety of their own choice. Such petition shall be approved by the Parks and Recreation Director, provided the tree selection is made from the Official Street Tree List and the selection does not conflict with the standards above.
- B. A petition bearing the signatures of not less than all of the property owners of any one block may be filed with the Parks and Recreation Director, requesting a change in the variety of trees in the planting strip adjacent to their properties. Such petition shall be approved by the Parks and Recreation Director providing the selection does not conflict with the standards above. The work may be done upon City force account or a City contract upon public bids, provided that the estimated cost thereof has been previously paid by the property owners. The work may also be done upon a private contract made by the property owners, the terms of which have been previously approved by the Parks and Recreation Director. All work is to be under the supervision of the Parks and Recreation Director.

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### **5.30.120 Protection of Street Trees. Prohibitions.**

- A. When determined by the Parks and Recreation Director that private plantings or installations in planting strips are a hazard to the public or conflict with the approved tree planting plan, the Parks and Recreation Director shall have full authority to cause such hazard or detriment to be removed or eliminated.
- B. No person shall, without a written permit from the Parks and Recreation Director, plant, remove, trim, prune, or cut any tree upon the streets, planting easements, or between the property line and the curb. Upon permission being granted to any person for the purpose of planting, trimming, pruning, cutting or removal same shall be done under the general supervision of the Parks and Recreation Director. All stumps of such trees including underground portions to a depth to be specified by the Parks and Recreation Director shall be removed during such operations.

- C. No person shall interfere, or cause or permit any person to interfere with employees of the City who are engaged in the planting or maintenance, treating, or removing of any tree or plant in the streets or planting easements or in the removing of any stone, cement, or any substance in any such street, sidewalk, planting strip, alley, or other public place.
- D. Willful injury to or disfigurement or destruction of any shade tree or ornamental plant growing within the City, whether situated upon private ground within the front setback or on any street, sidewalk, or public park or place, is a violation of this ordinance.
- E. No person shall:
  - 1. Construct a concrete, asphalt, brick, or gravel sidewalk or otherwise fill up the ground area around any tree so as to shut off air, light, or water from the roots except under written authority from the Public Works Department,
  - 2. Pile building material, equipment or other substance around any tree so as to cause injury thereto,
  - 3. Apply any deleterious matter on or around any tree, or on the ground around it or on any planting strip, lawn or sidewalk,
  - 4. Post any sign on any tree, tree-stake, or guard, or fasten any guy wire, cable, or rope to any tree, tree-stake, or guard.
- F. Tree-stakes or guards may be placed around trees by property owners provided the same are placed near a tree for the purpose of protecting or training such trees under the direction of the Parks and Recreation Director.
- G. No person shall plant any tree on any street of the City, the planting of which is contrary to a street plan established pursuant to this Section or previous ordinances or code Sections.
- H. All damage caused to street trees by house moving shall be paid by the mover in an amount equal to the value of the tree according to tree evaluation standards of the International Shade Tree Conference. Any tree removed shall be replaced at the mover's expense.

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**5.30.130 Public Utilities.**

Any person doing business as a public utility subject to the jurisdiction of the Public Utilities Commission of the State of California, and any duly constituted public agency authorized to provide and providing utility service, shall be given a permit from the Park Director valid for one year from the date of issuance, permitting such person to trim, brace, remove, or perform such other acts with respect to trees growing adjacent to the public streets of the City or which grow upon private property to the extent that they encroach upon such public streets as may be necessary to comply with the safety regulations of said commission and as may be necessary to maintain the safe operation of its business.

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**5.30.140 Sidewalk, Curb and Gutter Determinations.**

In all cases where root damage from City planted trees occurs to City sidewalk, curbs or gutters, the City shall remove or root prune the trees and replace the damaged concrete.

It shall be the responsibility of a property owner to remove, at his own expense, trees directly in the way of new sidewalks, curbs, or driveway approaches. Any tree so removed shall be replaced, at the discretion of the Park Director, with an acceptable tree from the Master Tree List at the property owner's expense.

The installation of both integral and detached sidewalks within the same block will be allowed when upon determination by the Park Director and Public Works Director that the change within the block is necessary to preserve a desirable tree that is at least four inches in diameter, a distance of two feet above ground level, provided a minimum sidewalk width of four feet can be constructed.

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**5.30.150 Appeals**

Any person aggrieved by any act or determination of the Park Director in the exercise of the authority herein granted shall have the right to appeal to the Council. An appeal shall be in writing, stating the decision appealed and reasons for the appeal.

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**5.30.160 Non-liability of City**

Nothing in this article shall be deemed to impose any liability upon the City, or upon any of its officers or employees, nor to relieve the owner and occupant of any private property from the duty to keep trees and shrubs upon private property, or under his control, or upon sidewalks and parking strips in front of such private property in safe condition.

## 5.40 Utility Undergrounding

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### Sections:

- 5.40.010 - Applicability
- 5.40.020 - Exceptions
- 5.40.030 - Timing
- 5.40.040 - City Council Authority

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### **5.40.010      Applicability**

- A. The requirements of this Section shall apply whenever a building permit is required for the construction of a new building or remodeling of or additions to an existing building, unless exempted by Section 5.40.020.
  - 1. All existing and proposed utilities, including but not limited to, electric lines, communications lines, cable television lines, gas lines, and appurtenances thereto, shall be placed underground except those facilities exempted by Public Utilities Commission regulations and Section 5.40.020. All utility facilities, including service laterals, shall be installed in the ground and pressure tested prior to paving of streets.
  - 2. Certain utility appurtenances including, but not limited to, transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts used in connection with underground facilities may be placed on the surface of the ground.
  - 3. A site utility plan shall be required as part of a building permit application for a development that is required to underground utilities. All necessary arrangements for the installation of utilities shall be made with the operator of each proposed utility system.
- B. This Section shall apply in all areas and zones of the City where a building permit is required for new construction, remodeling, or additions as provided below:
  - 1. New construction where a building permit is required.
  - 2. New construction, remodeling or additions to commercial, industrial or multi-family residential buildings, structures, or additions where a building permit is required.

---

### **5.40.020      Exceptions**

- A. This Section shall not apply to new construction, remodeling or additions to single-family dwelling as provided below:
  - 1. One new single-family dwelling constructed on one independent lot where the lot was not created as part of a subdivision or parcel map that required the

installation of underground utilities and where no utility pole exists on the property.

2. Two new single-family dwelling constructed on one independent lot where the lot was not created as part of a subdivision or parcel map requiring undergrounding of utilities and where no utility pole exists on the property. The main utility lines are not required to be installed underground; however, all interior utility lines must be installed underground.
3. Second Residential Units as provided by Section 4.10.170 where the lot was not created as part of a subdivision or parcel map requiring undergrounding of utilities. The main lines are not required to be installed underground; however, all interior utility lines must be installed underground.

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#### **5.40.030      Timing**

In cases where this Section is applicable, the owner or person applying for such permit shall install utilities underground prior to the issuance of a certificate of final inspection on a building permit or other certificate of compliance with applicable permit conditions.

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#### **5.40.040      Council Authority**

- A. The following regulations shall be applicable to cases coming within the provisions of this Section:
  1. The Council may waive all or part of the requirements of this Section upon application for such waiver in cases where in the sole discretion of the Council the strict application of this Section would create substantial hardship, would be impractical, or would not be in the best interests of the City or the public.
  2. The Council may extend the time for compliance with the provisions of this Section and may require such cash or other bond as it deems suitable to guarantee compliance with this Section within such time limit as it may specify.
  3. Filing fee (Appeal Fee as established by the City Master Fee Schedule) shall be required for the application to the Council under this Section.
  4. No improvements referred to in this Section shall be constructed until undergrounding of utilities have been prepared by the applicant, reviewed and approved by the utility companies, and have been approved by the City.
  5. Each request for waiver of the requirements of this Section shall be acted upon independently by the Council based upon the particular facts involved.

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# CHAPTER 6. PROCEDURES

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## 6.10 Permit Application Filing and Processing

### Sections:

- 6.10.010 - Purpose
- 6.10.020 - Authority for Land Use and Zoning Decisions
- 6.10.030 - Application Preparation and Filing
- 6.10.040 - Application Review
- 6.10.050 - Development Evaluation and Staff Reports
- 6.10.060 - Application Fees
- 6.10.070 - Indemnification

### 6.10.010 Purpose

The purpose of this Section is to set forth permit procedures and requirements for the preparation, filing, and processing of development applications required by this Development Code. The development review process is designed to provide a consistent and efficient method for the City to implement its General Plan and other adopted goals, policies, and standards.

### 6.10.020 Authority for Land Use and Zoning Decisions

Table 6.1 (Review Authority), below, identifies the Review Authority responsible for reviewing and making decisions on each type of development application required by this Development Code.

Type of Action	Code Section	Review Authority		
		Director	Commission	Council
General Plan Amendment	7.30	Recommend	Recommend	Decision
Local Coastal Program Amendment	7.30	Recommend	Recommend	Decision <sup>1</sup>
Development Code Amendment	7.30	Recommend	Recommend	Decision
Coastal Development Permit	6.20.040	Recommend <sup>2</sup>	Decision	Appeal
Development Permit	6.20.060	Recommend	Decision	Appeal
Use Permit	6.20.090	Recommend	Decision	Appeal
Variance	6.20.100	Recommend	Decision	Appeal
Administrative Development Permit	6.20.020	Decision	Appeal	Appeal
Administrative Use Permit	6.20.030	Decision	Appeal	Appeal
Home Occupation Permit	6.20.070	Decision	Appeal	Appeal
Temporary Use Permit	6.20.080	Decision	Appeal	Appeal
Interpretations	1.10.050	Decision	Appeal	Appeal
Note: 1. The decision by the City Council does not take effect until it is certified by the California Coastal Commission. 2. The Director may approve a Coastal Development Permit in compliance with Section 6.20.040.				

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## 6.10.030 Application Preparation and Filing

### A. **Pre-application conference.**

1. An applicant is encouraged to request a pre-application conference with the Director before completing and filing a development application.
2. The purpose of this conference is to:
  - a. Inform the applicant of City standards as they apply to the proposed development;
  - b. Review the City's permit process, possible development alternatives, or modifications; and
  - c. Identify information and materials the City typically requires for similar applications, and any necessary technical studies and information relating to the environmental review of the development (if applicable).
3. Failure by City staff to identify all required studies or all applicable standards does not constitute a waiver of those studies or standards.
4. The pre-application conference shall not be construed as either a recommendation for approval or denial of the application by the City.

### B. **Application content.** All development applications shall be filed with the Department on a City application form, together with all required fees and/or deposits and all other information and materials specified in the Department's handouts and/or checklists submittal requirements for the specific type of application and any additional instructions provided by the Director. The Department will prepare required forms and checklists.

### C. **Eligibility.** An application may only be filed by the owner of the property, an authorized agent of the owner, a person acting in compliance with a purchase contract or other written consent, or the Director on behalf of the Council.

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## 6.10.040 Application Review

### A. **Determination of completeness.** The Director shall review each application for completeness and accuracy before it is considered officially filed. The Director's determination of completeness shall be based on the Department's submittal requirements and any additional instructions provided by the Director.

1. **Notification of Applicant.** As required by Government Code Section 65943, within 30 calendar days of application filing, the applicant shall be informed in writing that the application is complete and has been accepted for processing or that the application is incomplete and that additional information shall be provided to complete the application process.
2. **Appeal of determination.** Where the Director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that

the information requested by the Director is not required, the applicant may appeal the determination in compliance with Section 7.20 (Appeals).

3. Time for submittal of additional information. When an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur.
  4. Expiration of application. If an applicant fails to provide the additional information specified in the incompleteness letter within six months, the application shall expire and be deemed withdrawn. At which time, the Director may authorize a partial refund based upon the pro-rated costs to-date at the time of withdrawal. The Director may grant one six-month extension, if requested in writing by the applicant prior to the date of expiration. After the expiration of an application, development approval shall require the submittal of a new, complete application, together with all required deposits and/or fees.
  5. Environmental information. After an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the development.
- B. **Determination of Coastal Development Permit notice and hearing.** For developments proposed within the Coastal Zone (Section 6.20.040 Coastal Development Permits), the Director shall make the determination as to whether the development is categorically excluded, non-appealable, or appealable for the purposes of notice, hearing, and appeal procedures, at the same time that completeness review occurs in compliance with Subsection A.

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## 6.10.050 Development Evaluation and Staff Reports

- A. **Staff evaluation.** The Director shall review applications to determine whether they are consistent with the General Plan, this Development Code, and other City goals, policies, and standards, as applicable.
- B. **Referral of application.** At the discretion of the Director, or where otherwise required by this Development Code or State or Federal law, an application may be referred to any public agency that may be affected by or have an interest in the proposed development.
- C. **Concurrent applications.**
  1. Concurrent filing. An applicant for a development that requires the filing of more than one application (e.g., Tentative Subdivision Map, Use Permit, etc.), shall file all related applications concurrently, together with all application fees and/or deposits required by Section 6.10.060 (Application Fees).
  2. Concurrent processing. Multiple applications for the same development shall be processed concurrently and shall be reviewed and approved or denied by the highest Review Authority designated by this Development Code for any of the applications (e.g., a development for which applications for Development Code

Amendment and a Use Permit are filed shall have both applications decided by the Council, instead of the Commission acting upon the Use Permit as otherwise provided by Table 6-1).

- D. **Staff report.** Where appropriate, the Director shall provide a written recommendation to the applicable Review Authority on the disposition of the application.

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### 6.10.060 Application Fees

- A. **Fee schedule.** The Council shall establish a schedule of fees for the processing of the applications required by this Development Code, which shall be listed in the City's Master Fee Schedule. Fees are is intended to allow recovery of all costs incurred by the City in processing development applications.
- B. **Timing of payment.** The City will not process an application until all required fees or deposits have been paid. If at any time during the review process deposits are insufficient to cover the City's costs of processing the application, the City shall cease processing until additional funds are submitted.
- C. **Refunds and withdrawals.** Application fees cover City costs for public hearings, mailings, staff time, and the other activities involved in processing applications. Fees are not refundable in the event of denial by the Review Authority. In the case of a withdrawal, the Director may authorize a partial refund based upon the pro-rated costs to-date at the time of withdrawal.

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### 6.10.070 Indemnification

- A. **Applicant agreement.** At the time of submitting a development application, the applicant shall agree to defend, indemnify, and hold harmless the City and its agents, attorneys, employees, and officers, from any action, claim, loss, or proceeding brought against the City or its agents, employees, and officers to attack, set aside, void, or annul a discretionary land use approval of the City. The required indemnification shall include damages awarded against the City, if any, costs of suit, attorney's fees, and other costs and expenses incurred in connection with the action.
- B. **City notification of applicant.** In the event that an action, claim, or proceeding referred to in Subsection A. above is brought, the City shall promptly notify the applicant of the existence of the action, claim, or proceeding and shall cooperate fully in the defense of the action, claim, or proceeding.
- C. **City participation in defense.** Nothing in this Section shall prohibit the City from participating in the defense of any action, claim, or proceeding, if the City elects to bear its own attorney's fees and costs.

## 6.20 Permit Review and Decisions

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### Sections:

- 6.20.010 - Purpose
- 6.20.020 - Administrative Development Permit
- 6.20.030 - Administrative Use Permit
- 6.20.040 - Coastal Development Permit
- 6.20.050 - Emergency Coastal Development Permit
- 6.20.060 - Development Permit
- 6.20.070 - Home Occupation Permit
- 6.20.080 - Temporary Use Permit
- 6.20.090 - Use Permit
- 6.20.100 - Variance

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### 6.20.010 Purpose

This Section provides procedures for the review and approval or denial of development applications and other review requirements established by this Development Code. The procedures of this Section are carried out after those described in Section 6.10 (Permit Application Filing and Processing).

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### 6.20.020 Administrative Development Permit

- A. **Purpose.** This Section establishes procedures for Administrative Development Permits for minor additions and uses to ensure that development and design standards are met that may be needed to avoid or minimize potential negative impacts on the surrounding area.
- B. **Applicability**
  - 1. When required. An Administrative Development Permit is required to authorize land uses for the following types of projects:
    - a. Additions to existing multi-family dwellings.
    - b. Additions to non-residential buildings no greater than 1,000 square feet.
    - c. Alterations to non-residential building elevations that are visible from a public street.
    - d. Alterations to non-residential sites (e.g., landscaping, parking).
    - e. Conversion of a commercial unit to a residential dwelling.
    - f. Grading permits when not associated with a building permit or other development permits.
    - g. As required by other Sections of this Development Code.

2. Exceptions. The following are exempt from the requirements of an Administrative Development Permit:
  - a. Accessory structures, fences, and walls erected in compliance with this Development Code.
- C. **Review Authority.** The Director shall approve, conditionally approve, or deny an Administrative Development Permit application. The Director may also refer the application to the Commission.
- D. **Application requirements.** An application for an Administrative Development Permit shall be prepared, filed, and processed in compliance with Section 6.10 (Permit Application Filing and Processing).
- E. **Notice and hearing.** A public notice and hearing shall not be required for the Director's decision on an Administrative Development Permit application.
- F. **Findings.** The Director may approve an Administrative Development Permit only after making all of the following findings:
  1. The proposed development is consistent with the General Plan, this Development Code, and other City goals, policies, and standards, as applicable.
  2. The subject site is physically suitable in terms of design, location, operating characteristics, shape, size, and topography.
- G. **Conditions of Approval.** In approving an Administrative Development Permit, the Director may impose conditions of approval to ensure that the development will comply with the findings required by Subsection F (Findings).

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## 6.20.030 Administrative Use Permit

- A. **Purpose.** This Section establishes procedures for Administrative Use Permits for uses that may only be appropriate on particular sites and/or may need to be carefully designed to avoid or minimize potential negative impacts on the surrounding area.
- B. **Applicability.** An Administrative Use Permit is required to authorize land uses as specified in Chapter 2 (Zones and Allowable Land Uses) or as required by other Sections of this Development Code.
- C. **Review Authority.** The Director is authorized to approve, conditionally approve, or deny Administrative Use Permit applications.
- D. **Application requirements.** An application for an Administrative Use Permit shall be prepared, filed, and processed in compliance with Section 6.10 (Permit Application Filing and Processing).
- E. **Notice and hearing.** Notice of the public hearing shall be provided and the hearing shall be conducted in compliance with Section 7.10 (Public Hearings).
- F. **Findings.** The Director may approve an Administrative Use Permit only after making all of the following findings:

1. The proposed development is consistent with the General Plan, this Development Code, and other City goals, policies, and standards, as applicable.
  2. The subject site is physically suitable in terms of design, location, operating characteristics, shape, size, and topography.
- G. **Conditions of Approval.** In approving an Administrative Use Permit, the Director may impose conditions of approval to ensure that the development will comply with the findings required by Subsection E (Findings).

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## 6.20.040 Coastal Development Permit

- A. **Purpose.** This Section establishes the process for the review of all development that requires a Coastal Development Permit to ensure that it will be consistent with the provisions of the City's Local Coastal Program, the California Coastal Act and the California Code of Regulations Title 14 Division 5.5.
- B. **Applicability.**
1. Coastal Development Permit required. A Coastal Development Permit is required to authorize any development located in the Coastal Zone in accordance with the provisions of this Section, except as otherwise provided in Subsection 2 (Exemptions). "Development" for purposes of this Section is defined in Section 9.10.030 (Definitions). The requirements for obtaining a Coastal Development Permit shall be in addition to requirements to obtain any other permits required by this Development Code.
  2. Exemptions. The following projects shall not require a Coastal Development Permit.
    - a. Occupancy permits.
    - b. Development exempted by Public Resources Code Section 30106 and 30610, except as otherwise specified by the Coastal Commission in Title 14 of the California Code of Regulations, Chapter 6, Section 13250, 13252, and 13253 and any amendments thereafter adopted.
    - c. Harvesting of agricultural crops.
- C. **Review Authority.** The Commission is authorized to issue Coastal Development Permits for appealable and non-appealable projects that require a public hearing. The Director is authorized to issue Coastal Development Permits for non-appealable projects that do not require a public hearing.

The City does not have jurisdiction to issue Coastal Development Permits for the following:

1. Development projects located in tidelands, submerged lands, and public trust lands as described in Section 30519(b) of the Public Resources Code and described as areas of Coastal Commission Permit Jurisdiction illustrated on the

Local Coastal Program Post-Certification Permit and Jurisdiction Map as amended.

2. Coastal Development Permits issued by the Coastal Commission including condition compliance. Where either new development, or a modification to existing development, is proposed on a site where development was authorized in a Coastal Commission issued Coastal Development Permit either prior to certification of the LCP or through a de novo action on an appeal of a City approved Coastal Development Permit and the permit has not expired or been forfeited, the applicant shall apply to the City for the Coastal Development Permit except for:
  - a. Requests for extension, reconsideration and revocation of the Coastal Commission issued permits;
  - b. Development that would lessen or negate the purpose of any specific permit condition, any mitigation required by recorded documents, any recorded offer to dedicate or grant of easement or any restriction/limitation or other mitigation incorporated through the project description by the permittee of a Coastal Commission issued Coastal Development Permit.

In any of these circumstances, the applicant must seek to file an application with the Coastal Commission for an amendment to the Coastal Commission issued Coastal Development Permit and authorization for the proposed new development or modification to existing development. The Coastal Commission will determine whether the application for amendment shall be accepted for filing pursuant to the provisions of Title 14 California Code of Regulations, Section 13166.

- D. **Application Requirements.** An application for a Coastal Development Permit shall be prepared, filed, and processed in compliance with Section 6.10 (Permit Application Filing and Processing).
- E. **Determination of permit category.** The Director shall determine if the proposed project requires a Coastal Development Permit and, if so, determine whether the project is appealable to the Coastal Commission, and determine the applicable review procedures as established herein. This determination may be appealed in compliance with Subsection 1 (Appeal of permit category determination).
  1. Appeal of permit category determination. Where an applicant or interested person, including the City and the Coastal Commission staff have a question as to whether a development is exempted, excluded, non-appealable, or appealable, the following procedures shall establish whether a development is exempted, excluded, non-appealable or appealable:
    - a. The Director shall make a determination as to what type of development is being proposed (i.e. appealable, non-appealable) and shall inform the applicant of the notice and hearing requirements for that particular development.
    - b. If the determination of the Director is challenged by the applicant or an interested person, or if the City wishes to have a Coastal Commission



determination as to the appropriate designation, the Director shall notify the District Director of the Central Coast District Office of the Coastal Commission by telephone or in writing of the dispute/question and shall request the Executive Director's determination as to whether the development is categorically excluded, non-appealable or appealable.

- c. The Executive Director of the Coastal Commission shall, within two working days of the local government request (or upon completion of a site inspection where such inspection is warranted), transmit a determination as to whether the development is categorically excluded, non-appealable or appealable.
- d. Where, after the Executive Director's investigation, the Executive Director's determination is not in accordance with the City Director's determination, the Coastal Commission shall hold a hearing for purposes of determining the appropriate designation for the area. The Commission shall schedule the hearing on the determination for the next Commission meeting (in the appropriate geographic region of the state) following the Executive Director's determination.

F. **Public hearing.** At least one public hearing shall be held by the Commission on each application for appealable development as defined in Section 9.10 (Definitions) of this Development Code.

- 1. Such hearing shall occur no earlier than 10 calendar days following the mailing of the notice required in Subsection G. The public hearing may be conducted in accordance with existing City procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing.
- 2. If a decision on a Coastal Development Permit is continued by the City to a time which is neither (a) previously stated in the notice provided pursuant to Subsection G, nor (b) announced at the hearing as being continued to a time certain, the City shall provide notice of the further hearings (or action on the proposed development) in the same manner, and within the same time limits as established in Subsection G.
- 3. Any person may submit written comments to the Director on an application for a Coastal Development Permit, or on an appeal of a Coastal Development Permit, at any time prior to the close of the public hearing. If no public hearing is required, written comments may be submitted prior to the decision date specified in the public notice. The Director shall forward the written comments to the appropriate Review Authority and the applicant.

G. **Public notice.**

- 1. Notice of Appealable & Non-Appealable Developments – Public Hearing Required.
  - a. Notice of an application for a Coastal Development Permit that is appealable or non-appealable and requires a public hearing shall be provided at least 10

calendar days prior to the first public hearing on the development proposal as follows:

- i. Notice shall be published in a newspaper of general circulation;
    - ii. Notice by first class mail to any person who has filed a written request to be on the mailing list for that development project or for coastal decisions within the City; or any local, regional and state agencies known to be interested in the project;
    - iii. Notice by first class mail to all property owners within 300 feet and to all residents within 100 feet of the proposed project;
    - iv. Notice by first class mail to the Central Coast District of the Coastal Commission.
  - b. The notice shall contain the following information:
    - i. A statement that the development is within the Coastal Zone;
    - ii. The name of the applicant;
    - iii. The application number;
    - iv. A description of the development and its proposed location;
    - v. The date, time and place at which the application will be heard by the city Review Authority;
    - vi. A brief description of the general procedure concerning the conduct of hearing and local actions;
    - vii. The procedures for filing local and Coastal Commission appeals, if applicable, including any local fees required.
2. Notice of Non-Appealable Developments – No Public Hearing Required
- a. Notice of an application for a Coastal Development Permit that is not appealable and does not require a public hearing shall be provided at least 10 calendar days prior to the Director taking action on the development proposal as follows:
    - i. Notice by first class mail to all property owners and residents within 100 feet of the proposed project;
    - ii. Notice by first class mail to any person who has filed a written request to be on the mailing list for that development project or for coastal decisions within the City;
    - iii. Notice by first class mail to the Central Coast District of the Coastal Commission.
  - b. The notice shall contain the following information:
    - i. A statement that the development is within the Coastal Zone;
    - ii. The name of the applicant;

- iii. The application number;
- iv. A description of the development and its proposed location;
- v. The date the application will be acted upon by the Review Authority;
- vi. The general procedure for submitting comments prior to the Review Authority taking action on the proposed development;
- vii. A statement that any comments must be received within ten calendar days of the notice date.

**H. Required findings.** The approval shall require that the Review Authority make all of the following findings:

- a. The proposed development as modified by any conditions of approval, is in conformity with the City's certified Local Coastal Program and will not adversely affect coastal resources;
  - b. If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code);
  - c. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment;
  - d. The proposed use is consistent with the purposes of the zone in which the site is located;
  - e. The proposed development is in conformance with the City's General Plan;
  - f. The proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity; and
  - g. Public services are adequate to serve the proposed development.
2. Conditions of approval. The Review Authority may impose any reasonable conditions to ensure that the approval will comply with the findings required by Subsection H.

**I. Final City Action on a Coastal Development Permit.**

- 1. Finality of City action. The City's decision on an application for a Coastal Development Permit shall not be deemed final until:
  - a. The City's decision on the application has been made;
  - b. All required findings have been adopted that the proposed development is or is not in compliance with the certified Local Coastal Program and, where applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act; and

- c. All rights of local appeal identified in Section 7.020.040 (Appeals to the Coastal Commission) have been exhausted.
2. Notice procedures of Final City Action.
  - a. Final City action. Within seven calendar days of a final City action on a Coastal Development Permit application, the City shall provide notice of its action by first class mail to the Central Coast District office of the Coastal Commission and to any person who specifically requested this notice. The notice shall include the conditions of approval, written findings, and the procedures for appeal of the local decision to the Coastal Commission, if applicable.
  - b. Failure of City to act in a timely fashion. If the applicant believes that the City failed to act on an application within the time limits in Government Code Sections 65950 through 65957.1, which provide that permit applications are deemed approved if the permitting agency has not acted within specified deadlines, and which further provide that a project cannot be deemed approved without the public notice required by law, the applicant shall notify the City, all interested persons, and the Coastal Commission, in writing, of the claim that the development has been approved by operation of law. The notice shall specify the application that is claimed to be approved, the time, date, and place when the application was filed and deemed complete, and language stating the permit will be approved if the City does not act within 60 days.
  - c. Notice of City failure to act. When the City receives a notice that the time limits established in compliance with Government Code Sections 65950 through 65957.1 have expired, the City shall act on the application within 60 days of receipt of the notice required by law. If the City fails to act within 60 days of receipt of the notice required by law, the City shall notify the Commission and any person entitled to receive notice that the application has been locally approved by operation of law in compliance with Government Code Sections 65950 through 65957.1. The appeal period to the Coastal Commission for a project locally approved by operation of law shall begin to run only upon the receipt of the City notice in the Coastal Commission's office.
3. Effective date. The final action by the City on a Coastal Development Permit application for appealable development shall become effective after the 10 working day Coastal Commission appeal period, unless either of the following occur:
  - a. An appeal is filed in compliance with Section 7.20.040 (Appeals to the Coastal Commission);
  - b. The notice of final City action does not comply with the requirements of Subsection 2.a.

- c. When either of the circumstances in (a) or (b) occur, the Coastal Commission shall, within five calendar days of receiving notice of that circumstance, notify the City and the applicant that the effective date of the City action has been suspended.

**J. Waiver of Coastal Permit Public Hearing for Minor Development**

This Section provides for the waiver of a public hearing on a Coastal Development Permit for development that is appealable to the Coastal Commission, in compliance with Public Resources Code Section 30624.9. This Section shall not be used to waive the requirement for a public hearing on any other permit required by this Development Code to have a public hearing.

1. **Applicability.** The Director may waive the requirement for a public hearing on a Coastal Development Permit application for a minor development that is appealable to the Coastal Commission. For purposes of this section, "minor development" means a development which the City determines satisfies all of the following requirements:
  - a. Is consistent with the certified Local Coastal Program;
  - b. Requires no discretionary approval other than a Coastal Development Permit; and
  - c. Has no adverse effects, either individually or cumulatively, on coastal resources or public access to the shoreline or along the coast.
2. **Criteria for waiver.** A public hearing may be waived for minor development only if both of the following occur:
  - a. 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 7.10 (Public Hearings), as well as any other persons known to be interested in receiving notice; and
  - b. No request for public hearing is received by the City within 15 working days from the date of the City sending the notice required by paragraph (a). (Am. Ord. 14-04)
3. **Content of notice.** The notice required by Subsection 2.a shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the City on a development application.
4. **Second residential units** do not require a public hearing consistent with the applicable provisions of Government Code Section 65852.2

**K. Coastal Development Permit Amendments.** Upon application by the permittee, a Coastal Development Permit may be amended. Application for an amendment shall be accomplished in the same manner specified by this Section for the initial application of the Coastal Development Permit.

**L. Post approval procedures.** The procedures and requirements in Section 7.30 (Permit Implementation, Time Limits, Extensions, and Revocations), and those

related to appeals in Chapter 7 (Administration), shall apply following the decision on an application for a Coastal Development Permit.

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## 6.20.050 Emergency Coastal Development Permit

- A. **Purpose.** This Section provides procedures for the issuance of Emergency Coastal Development Permits deemed necessary to perform work to resolve problems resulting from a situation falling within the term “emergency” as defined in Section 9.10.030 (Definitions).
- B. **Applicability.** When immediate action by a person or public agency is required to resolve an emergency, requirements to obtain the otherwise appropriate development permit may be waived by the Director upon receiving notification of the emergency, identification of the type of work required to resolve the emergency, and the location of work to be performed.
  - 1. The Director shall not issue an Emergency Coastal Development Permit for any work to be conducted on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled. Requests for emergency work in these areas shall be referred directly to the Coastal Commission.
- C. **Review Authority.** The Director, Public Works Director or City Manager shall have the discretion to grant Emergency Coastal Development Permits in compliance with this Section.
- D. **Method and content of notification.** Notification of the emergency to the Director shall be by letter or facsimile, if time allows, or by telephone or personal contact, if time does not allow. The person notifying the Director shall report to their best knowledge:
  - 1. The nature and location of the emergency;
  - 2. The cause of the emergency, insofar as this can be established;
  - 3. The remedial, protective, or preventative work required to resolve the emergency;
  - 4. The circumstances during the emergency that appeared to justify the proposed courses of action; and
  - 5. The probable consequences of failing to take the actions necessary to resolve the emergency.
- E. **Verification.**
  - 1. The Director shall verify that an emergency does exist, insofar as time allows.
  - 2. The Director and the person or public agency that made the notification shall document the facts related to the emergency.

F. **Public notice.** The Director shall provide public notice of the proposed emergency actions as determined to be appropriate by the Director based on the nature of the emergency.

G. **Findings.**

1. Required findings. The Director may approve an Emergency Coastal Development Permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular Coastal Development Permit application later, if the Director finds that:
  - a. An emergency exists that requires action more quickly than allowed by City procedures customarily required for the processing of appropriate development permits and the development shall be completed within 30 days, unless otherwise specified in the terms of the permit (Am. Ord. 14-04);
  - b. Public comment has been considered regarding the emergency and the proposed actions, if time allows;
  - c. The work is consistent with the nature of the emergency, and the requirements of the certified Local Coastal Program; and
  - d. The work proposed is the minimum action necessary to address the emergency and, to the maximum extent feasible, is the least environmentally damaging temporary alternative for addressing the emergency.
2. Conditions of approval. If granted, an Emergency Coastal Development Permit shall be subject to reasonable and necessary terms and condition and shall be a written document that includes the following information:
  - a. Language clearly indicating that the work accomplished under an Emergency Coastal Development Permit is considered temporary until authorized by a follow-up regular Coastal Development Permit and that issuance of an Emergency Coastal Development Permit shall not constitute an entitlement to the erection of permanent development or structures;
  - b. The date of issuance and an expiration date for the Emergency Coastal Development Permit;
  - c. The scope of work to be performed;
  - d. Terms and conditions of the permit;
  - e. A provision stating that within 90 days of issuance of the Emergency Coastal Development Permit, a regular Coastal Development Permit application shall be submitted and properly filed consistent with the requirements of this Chapter; and
  - f. A provision that states that: The development authorized in the Emergency Coastal Development Permit must be removed unless a

complete application for a regular Coastal Development Permit is filed within 90 days of approval of the emergency permit and said regular permit is approved. If a regular Coastal Development Permit authorizing permanent retention of the development is denied, then the development that was authorized in the Emergency Coastal Development Permit, or the denied portion of the development, must be removed. The Emergency Coastal Development Permit may contain conditions for removal of development or structures if they are not authorized in a regular Coastal Development Permit, or the emergency permit may require that a subsequent permit must be obtained to authorize the removal.

The violation of any condition of approval shall constitute a violation of this Section and may constitute grounds for revocation of the permit.

**H. Reporting.**

1. The Director shall report, in writing or orally, to the Council at each regular meeting of the Council while an Emergency Permit is in effect. The report shall state the nature of the emergency, the progress of the work to resolve the emergency, and any other pertinent information.
2. The Director shall report, in writing, the issuance of Emergency Permits to the Coastal Commission within three days following the date of issuance.
3. Copies of any written report shall be available at the Council meetings and shall be mailed to all persons who have requested notification and associated reports in writing.

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## **6.20.060 Development Permit**

A. **Purpose.** This Section establishes procedures for Development Permits for new development and major additions to ensure that all development and design standards are met that may be appropriate on particular sites and/or may need to be carefully designed to avoid or minimize potential negative impacts on the surrounding area.

**B. Applicability**

1. When required. A Development Permit review is required to authorize land uses for the following types of projects:
  - a. New multi-family development
  - b. New non-residential development or redevelopment.
  - c. New construction or additions to single-family dwellings in single family residential zones located north of West Grand Avenue that exceed 15 feet in height as measured at the highest point of the lot at the buildings edge.
  - d. Additions to non-residential buildings greater than 1,000 square feet.



- e. Conversion of a residential dwelling to a commercial use.
  - f. As required by other Sections of this Development Code.
- 2. Exceptions. The following are exempt from the requirements of a Development Permit:
  - a. Accessory structures, fences, and walls erected in compliance with this Development Code.
- C. **Review Authority.** The Commission is authorized to approve, conditionally approve, or deny Development Permit applications.
- D. **Application requirements.** An application for a Development Permit shall be prepared, filed, and processed in compliance with Section 6.10 (Permit Application Filing and Processing).
- E. **Notice and hearing.** Notice of the public hearing shall be provided and the hearing shall be conducted in compliance with Section 7.10 (Public Hearings).
- F. **Findings.** The Commission may approve a Development Permit application only after making all of the following findings:
  - 1. The proposed development is consistent with the General Plan, this Development Code, and other City goals, policies, and standards, as applicable.
  - 2. The subject site is physically suitable in terms of design, location, operating characteristics, shape, size, and topography.
  - 3. The site's suitability ensures that the type, density, and intensity of use being proposed will not constitute a hazard to the public interest, health, safety, or welfare.
  - 4. For development in the R1, CR1, and CPR1 zones that exceed 15 feet in height, the proposed development will not substantially obstruct views from adjacent properties.
- G. **Conditions of Approval.** In approving a Development Permit, the Commission may impose conditions of approval to ensure that the development will comply with the findings required by Subsection F (Findings).

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## 6.20.070 Home Occupation Permit

- A. **Purpose.** This Section establishes procedures and standards for Home Occupation Permits for legal commercial enterprise conducted by an occupant(s) of a dwelling as specified in this Section. These activities may be acceptable if reviewed and appropriately conditioned in compliance with this Section.
- B. **Applicability.** The Home Occupation Permit is intended to permit and regulate home occupations that are conducted within a legally established dwelling. The Home Occupation Permit is only valid for the person to whom it is issued at the application address.

**C. Review Authority.**

1. The Director is authorized to issue Home Occupation Permits. The Director shall approve, conditionally approve, or deny Home Occupation Permits.
2. In conjunction with the Home Occupation Permit, the applicant shall obtain a Business Tax Certificate in compliance with Municipal Code Article X.

**D. Application requirements.** An application for a Home Occupation Permit shall be prepared, filed, and processed in compliance with Section 6.10 (Permit Application Filing and Processing). It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection I below.

**E. General standards.** Home occupations shall conform to the following standards:

1. The home occupation shall be clearly an accessory use to the full-time use of the property as a residence.
2. A home occupation may have a maximum of one employee on-site in addition to the full-time residents of the dwelling.
3. All home occupation activities shall not occupy more than 25 percent of the total floor area of the dwelling, or a maximum of 500 square feet, whichever is less. A garage may be used for home occupation purposes only if the required off-street parking spaces are continually maintained.
4. There shall be no signs posted on the property associated with the home occupation.
5. There shall be no window display or outdoor storage or display of equipment, materials, or supplies associated with the home occupation.
6. There shall be no motor vehicles used or kept on the premises, except residents' passenger vehicles and/or one commercial vehicle not exceeding an unladen weight of 4,500 pounds. The vehicle shall be parked on-site (i.e., the vehicle shall not be parked on the street) within an allowed parking area.
7. No home occupation activity shall create or cause dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances as determined by the Director.
8. Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the property. The use shall not employ the storage of explosive, flammable, or hazardous materials beyond those normally associated with a residential use.
9. The use shall not require any exterior modifications to the structure not customarily found in a dwelling, nor shall the home occupation activity be visible from a public street or surrounding properties.

**F. Permitted Uses.** The following uses shall be considered permitted:

1. Office-only uses (e.g., professional services, electronic commerce, etc.) where the business activity typically includes phone calls, use of computers, and paperwork.
2. Arts and crafts work (e.g., small handcrafted items, painting, photography, etc.).
3. Repair of small non-hazardous items (e.g., sewing, jewelry, clocks, computer repair, etc.) for mobile businesses where customers do not visit the dwelling.
4. Music, dance and educational instruction limited to five students or less and no more than three classes per day between the hours of 7:00 a.m. and 10:00 p.m.
5. Other uses similar to the above uses as determined by the Director.

G. **Prohibited Uses.** The following uses shall be prohibited:

1. On-site sales of products or services, unless otherwise specifically allowed in this Section.
2. Automotive and other vehicle repair (e.g., boats, motorcycles, trucks, etc.) and service (body or mechanical), detailing, painting, storage, or upholstery.
3. Welding and machine shop operations.
4. Personal services and personal services-restricted (as defined in Chapter 9 Definitions).
5. Uses that require explosives, highly combustible materials, or toxic materials.
6. Carpenter, wood working, or cabinet making.
7. Wood cutting businesses.
8. Medical and dental offices.
9. Veterinary clinics, animal hospitals and animal boarding.
10. Construction contractor facilities and/or outside storage. An office only use is allowed in compliance with Subsection F.1.
11. Adult businesses.
12. Other uses determined by the Director to be similar to those listed above and/or not compatible with residential uses.

H. **Notice and hearing.** A public notice and hearing shall not be required for the Director's decision on a Home Occupation Permit.

I. **Findings.** The Director may approve a Home Occupation Permit subject to all of the following findings:

1. The proposed use is compatible with the surrounding residential uses.
2. The proposed use is clearly an accessory use to the primary use as a full-time residence.
3. The proposed use does not alter the residential character of the dwelling and property.

4. The proposed use will not constitute a hazard to the public, health, safety, or welfare.
- J. **Conditions of Approval.** In approving a Home Occupation Permit application, the Director may impose conditions or terms deemed reasonable and necessary to ensure that the approval would be in compliance with the purpose of this Section. If the Home Occupation Permit application is not operated consistent with the requirements of this Section, it may be revoked as specified in Section 6.30.080 (Permit Revocations).

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## 6.20.080 Temporary Use Permit

- A. **Purpose.** This Section establishes procedures and standards for Temporary Use Permits for the short-term activities specified in this Section. These are activities that may not comply with particular standards of the applicable zone, but may otherwise be acceptable because of their temporary nature, if reviewed and appropriately conditioned in compliance with this Section.
- B. **Applicability.** A Temporary Use Permit is required to permit the short-term activities specified in this Section.
- C. **Review Authority.** The Director is authorized to issue Temporary Use Permits. The Director shall approve, conditionally approve, or deny Temporary Use Permits.
- D. **Application requirements.** An application for a Temporary Use Permit shall be prepared, filed, and processed in compliance with Section 6.10 (Permit Application Filing and Processing).
- E. **Exempt short-term activities.** The following activities are allowed without a Temporary Use Permit, but may require other permits as specified.
  1. Construction yards - On-site. On-site contractor's construction yard for an approved construction project including storage or cargo containers. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the project construction, whichever occurs first.
  2. Fund-raising events.
    - a. Fund raising events (e.g., bake sales, yard sales, car washes, etc.) conducted on property within a non-residential zone, limited to a maximum of two days per month for each sponsoring organization.
    - b. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code.
  3. Garage sales. Garage sales may be held in compliance with Municipal Code Article X.

4. Public right-of-way. Activities conducted within the public right-of-way that are authorized by an Encroachment Permit.
5. Special Events. A Special Events Permit shall be required in compliance with Municipal Code Article III if an event is anticipated or planned to be attended by more than 500 people.
6. Meeting halls or public assembly facilities. Events that occur at permanent meeting halls or public assembly facilities, unless the activity involves resale goods as defined in Chapter 9 (Definitions), which shall require a Temporary Use Permit to comply with the requirements of Section 4.10.140 (Resale Stores).

**F. Allowed short-term activities.** A Temporary Use Permit may authorize the following short-term activities within the specified time limits, but in no event for more than 12 months. Other activities that are proposed to occur for no more than 12 months, but do not fall within the categories defined below shall instead comply with the development permit requirements and development standards that otherwise apply to the property.

1. Events. Art and craft exhibits, carnivals, circuses, fairs, farmer's markets, festivals, flea markets, food events, open-air theaters, outdoor entertainment/sporting events, promotional events, rummage sales, swap meets, and other special events.
2. Seasonal sales lots. Seasonal sales activities (e.g., Christmas tree lots, pumpkins, agricultural products grown on the premises, etc.) including temporary residence/security trailers.
3. Model homes & sales office. A model home(s) and/or sales office associated with a residential project.
4. Temporary structures. A temporary classroom, office, or similar structure (not for storage), including a manufactured or mobile unit, may be approved as an accessory use for a maximum of 12 months.
5. Temporary storage containers. A temporary storage or cargo container not associated with an active building permit may be approved for a maximum of 30 days. The storage container shall be located on-site.
6. Temporary office and living quarters. A trailer or mobile home used as a temporary work and/or living quarters when associated with an active construction site.
7. Construction yards - Off-site. Off-site contractors' construction yards, for an approved non-City construction project. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the project, whichever occurs first.
8. Similar short-term activities. A short-term activity that the Director determines is similar to the other activities listed in this Section, and compatible with the applicable zone and surrounding land uses.

- G. **Notice and hearing.** A public notice and hearing shall not be required for the Director's decision on a Temporary Use Permit.
- H. **Findings.** The Director may approve a Temporary Use Permit subject to making all of the following findings:
1. The location, operation and time period of the temporary use will not constitute a hazard to the public interest, health, safety, or general welfare.
  2. The operation of the temporary use will not be detrimental to adjoining properties through the creation of excessive dust, light, noise, odor, or other objectionable characteristics.
  3. The proposed lot is adequate in size and shape to accommodate the temporary use without detriment to the enjoyment of other properties located adjacent to and in the vicinity of the subject lot.
  4. The proposed lot is adequately and safely served by streets having sufficient capacity and improvements to accommodate the quantity of traffic that the temporary use will or could reasonably be expected to generate.
  5. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at an acceptable off-site location.
- I. **Conditions of Approval.** In approving a Temporary Use Permit application, the Director may impose conditions that are deemed reasonable and necessary to ensure that the permit would be in full compliance with the findings required by Subsection H. This may include conditions from other City departments (e.g., Police, Fire, and Public Works) that may have a direct affect on the operation of the temporary use. Conditions may address any pertinent factors affecting the operation of the temporary event, or use, and may include the following:
1. Regulating the length of time for operations, operating hours and days.
  2. Provision for adequate temporary pedestrian and vehicular circulation, and parking facilities.
  3. Regulation of nuisance factors including mitigation of glare or direct illumination, dirt, dust, noise, odors, smoke, trash, and vibration on adjacent lots.
  4. Regulation of temporary structures and facilities, including placement, height, size, and location of equipment.
  5. Provision to meet City building and fire code requirements.
  6. Provision for sanitary and medical facilities, as appropriate.
  7. Provision for solid, hazardous, and toxic waste collection, recycling, and/or disposal.
  8. Provision for police/security and safety measures, as appropriate.
  9. Regulation of signs.

10. Other conditions that would ensure that the operation of the proposed temporary use would be conducted in an orderly manner, and in full compliance with the purpose of this Section.

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## 6.20.090 Use Permit

- A. **Purpose.** This Section establishes procedures for Use Permits for developments and uses that may only be appropriate on particular sites and/or may need to be carefully designed to avoid or minimize potential negative impacts on the surrounding area.
- B. **Applicability.** A Use Permit is required to authorize land uses as specified in Chapter 2 (Zones and Allowable Land Uses) or as required by other Sections of this Development Code.
- C. **Review Authority.** The Commission is authorized to approve, conditionally approve, or deny Use Permit applications.
- D. **Application requirements.** An application for a Use Permit shall be prepared, filed, and processed in compliance with Section 6.10 (Permit Application Filing and Processing).
- E. **Notice and hearing.** Notice of the public hearing shall be provided and the hearing shall be conducted in compliance with Section 7.10 (Public Hearings).
- F. **Findings.** The Commission may approve a Use Permit only after making all of the following findings:
  1. The proposed development is consistent with the General Plan, this Development Code, and other City goals, policies, and standards, as applicable.
  2. The subject site is physically suitable in terms of design, location, operating characteristics, shape, size, and topography.
  3. The type, density, and intensity of use being proposed will not constitute a hazard to the public interest, health, safety, or welfare.
- G. **Conditions of Approval.** In approving a Use Permit, the Review Authority may impose conditions of approval to ensure that the development will comply with the findings required by Subsection F (Findings).

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## 6.20.100 Variance

- A. **Purpose.** This Section establishes procedures for a Variance to waive or modify standards of this Development Code when the strict application of the development standards would deny the applicant privileges enjoyed by other applicants in the vicinity and in the same zone because of special circumstances of the subject property including location, shape, size, surroundings, topography, or other physical features.

- B. **Applicability.** A Variance may be granted to waive or modify any requirement of this Development Code except: allowed land uses, residential density, specific prohibitions (for example, prohibited signs), the application of hazard or ESHA setback requirements, or procedural requirements. (Am. Ord. 14-04)
- C. **Review Authority.** The Commission is authorized to approve, conditionally approve, or deny Variance applications.
- D. **Application requirements.** An application for a Variance shall be prepared, filed, and processed in compliance with Section 6.10 (Permit Application Filing and Processing).
- E. **Notice and hearing.** Notice of the public hearing shall be provided and the hearing shall be conducted in compliance with Section 7.10 (Public Hearings).
- F. **Findings.** The Commission may approve a Variance only after making all of the following findings in compliance with Government Code Section 65906.
  - 1. There are special circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features, etc.) that do not apply generally to other properties in the vicinity in the same zone.
  - 2. Strict compliance with Development Code standards would deprive the subject property of privileges enjoyed by other property in the vicinity and in the same zone.
  - 3. Approving the Variance would not constitute a granting of special privilege inconsistent with the limitations on other properties in the same vicinity and zone.
  - 4. The requested Variance would not allow a use or activity that is not otherwise expressly authorized by the regulations governing the subject parcel.
- G. **Conditions of Approval.** In approving a Variance, the Commission may impose conditions of approval to ensure that the development will comply with the findings required by Subsection F.



## 6.30 Permit Implementation, Time Limits, Extensions, and Revocations

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### Sections:

- 6.30.010 - Purpose
- 6.30.020 - Effective Date of Permits
- 6.30.030 - Applications Deemed Approved
- 6.30.040 - Permit to Run With the Land
- 6.30.050 - Performance Guarantees
- 6.30.060 - Time Limits and Extensions
- 6.30.070 - Changes to an Approved Development
- 6.30.080 - Permit Revocations

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### 6.30.010 Purpose

This Section provides requirements for the implementation of the development permits or approvals required by this Development Code, including time limits and procedures for approving extensions of time.

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### 6.30.020 Effective Date of Permits

- A. **Permits not within the coastal zone.** The approval of a development permit for a development shall become effective after the 10<sup>th</sup> working day following the date of application approval by the Review Authority, where no appeal of the Review Authority's action has been filed in compliance with Section 7.20 (Appeals).
- B. **Permits non-appealable to the Coastal Commission.** The approval of a development permit for a development that is not appealable to the Coastal Commission shall become effective after the 10<sup>th</sup> working day following the date of approval by the Review Authority, where no appeal of the Review Authority's action has been filed in compliance with Section 7.20 (Appeals).
- C. **Permits appealable to the Coastal Commission.** The approval of a development permit that is appealable to the Coastal Commission shall become effective upon the expiration of the Coastal Commission's 10 working day appeal period which begins the day after the receipt by the California Coastal Commission of notice of the City's final action, and where no appeal of the Review Authority's action has been filed by two Coastal Commissioners, the applicant, or any aggrieved person in compliance with the Coastal Act, but not if the notice of final local action does not meet the requirements of California Code of Regulations 13571. (Am. Ord. 14-04)

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### 6.30.030 Applications Deemed Approved

A development permit application deemed approved in compliance with Government Code Section 65956(b) shall be subject to all applicable provisions of the General Plan,

this Development Code, and other applicable City policies and standards before a building permit is issued or a land use not requiring a building permit is established.

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### **6.30.040 Permit to Run With the Land**

Unless otherwise specified, development permits and approvals granted in compliance with this Chapter shall run with the land, and shall continue to be valid upon a change of ownership of the site or structure to which it applies, with the exception of Home Occupation Permits.

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### **6.30.050 Performance Guarantees**

#### **A. Deposit of security**

1. The Review Authority or the Director may require the execution of a covenant or other agreement to deposit security in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval.
2. The security shall, as required by law or otherwise at the option of the City, be in a form which includes but is not limited to cash, a certified or cashier's check, letter of credit, or a performance bond executed by the applicant and a corporate surety authorized to do business in California and approved by the City.
3. The security shall remain in effect until all of the secured conditions have been performed to the satisfaction of the Director.
4. Security required in compliance with this Section shall be payable to the City.

**B. Release of security.** Upon satisfactory compliance with all applicable provisions of this Section, the security deposit shall be released.

#### **C. Failure to comply**

1. Upon failure to perform any secured condition(s), the City may perform the condition, or cause it to be done, and may collect from the obligor all costs incurred, including administrative, engineering, legal, and inspection costs.
2. Any unused portion of the security shall be refunded to the obligor after deduction of the cost of the work.

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### **6.30.060 Time Limits and Extensions**

#### **A. Time limits**

1. Unless a condition of approval or other provision of this Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with Subsection B.

2. If a development is to be constructed in approved phases, each subsequent phase shall be exercised within 24 months from the date that the previous phase was exercised, or the permit shall expire and become void, except where an extension of time is approved in compliance with Subsection B.
3. The permit shall not be deemed "exercised" until the applicant has substantially commenced the approved development or actually commenced the allowed use on the site in compliance with the conditions of approval.

**B. Extensions**

1. Filing and review of request
  - a. Time for filing. The Applicant shall file an application for an extension of time with the Director before the expiration of the permit, together with the filing fee required by the City's Master Fee Schedule.
  - b. Evidence to be provided. The Review Authority shall determine whether the applicant has made a good faith effort to exercise the permit. The burden of proof is on the applicant to establish that circumstances beyond the control of the applicant (e.g., demonstrated problems with completing the acquisition of the lot, poor weather during periods of planned construction, financial circumstances, etc.) have prevented exercising the permit.
  - c. Public hearing. If the original approval required a public hearing, the Review Authority shall hold a public hearing on a proposed extension of time, after providing notice of the public hearing in compliance with Section 7.10 (Public Hearings). If the original approval did not require a public hearing, the Director may approve the extension of time.
2. Action on extension request. A permit may be extended for three additional 12-month periods beyond the expiration of the original approval; provided, the Review Authority finds that there have been no changes in the conditions or circumstances of the site or development.

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## **6.30.070 Changes to an Approved Development**

**A. Application.**

1. A development or new land use allowed through a permit or approval granted in compliance with this Development Code shall be in substantial compliance with the approved drawings and plans, and any conditions of approval imposed by the Review Authority, except where changes to the development are approved in compliance with this Section.

2. An Applicant shall request desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request. Requested changes may involve changes to one or more conditions imposed by the Review Authority or actual changes to the development (e.g., hours of operation, expansion of a use, etc.) as originally proposed by the Applicant or approved by the Review Authority.
  3. Changes shall not be implemented until first approved by the applicable Review Authority, and may be requested either before or after construction or establishment and operation of the approved use.
- B. **Notice and hearing.** If the matter originally required a noticed public hearing, the Review Authority shall hold a public hearing in compliance with Section 7.10 (Public Hearings), except for the minor changes outlined in Subsection C. below.
- C. **Minor changes by Director.** The Director may authorize minor changes to an approved development permit or other approval only if the changes:
1. Are consistent with all applicable provisions of this Development Code and the spirit and intent of the original approval; and
  2. Do not involve a feature of the development that was:
    - a. A basis for findings in a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report for the development;
    - b. A basis for conditions of approval for the development; or
    - c. A specific consideration by the Review Authority (e.g., the Director, Commission, or Council) in approving the permit; and
  3. Do not involve any expansion of the use of more than 10 percent, if located east of Highway 1, and do not involve expansion of the use by any amount, if located west of Highway 1. (Am. Ord. 14-04)

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## 6.30.080 Permit Revocations

- A. **Permit Revocations.** The City's action to revoke a permit or approval shall have the effect of terminating the permit or approval and denying the privileges granted by the original approval.
- B. **Hearing and notice required.** The Commission shall hold a public hearing to revoke a permit or approval granted in compliance with the provisions of this Development Code. The hearing shall be noticed and conducted in compliance with Section 7.10 (Public Hearings).
1. Ten days before the public hearing, notice shall be mailed or delivered to the applicant being considered for revocation and the property owner of the site.

2. The only exception to the 10-day notice provision shall be for Temporary Use Permits, which shall only require a 24-hour notice, because of their short-term nature.

**C. Findings**

1. Permits. A Use Permit or other development permit or approval (except a Variance, see Subsection 2., below) may be revoked by the Commission, if it makes any one of the following findings:
  - a. Circumstances under which the permit or approval was granted have been changed by the applicant to an extent that one or more of the findings that justified the original approval can no longer be made, and the public health, safety, and welfare require revocation.
  - b. The permit or other approval was granted, in whole or in part, on the basis of a fraud, misrepresentation, or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit or approval.
  - c. One or more of the conditions of the original permit or approval have not been substantially fulfilled or have been violated.
  - d. The approved use or structure has ceased to exist or has been suspended for a period in excess of 12 months.
  - e. An improvement authorized in compliance with the permit or approval is in violation of any applicable code, law, ordinance, regulation, or statute.
  - f. The improvement/use allowed by the permit or approval has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a nuisance.
2. Variances. A Variance may be revoked by the Commission, if the Commission makes any one of the following findings, in addition to any one of the findings specified in Subsection 1, above:
  - a. Circumstances under which the original approval was granted have been changed by the applicant to a degree that one or more of the findings contained in the original approval can no longer be made in a positive manner, and the grantee has not substantially exercised the rights granted by the Variance.
  - b. One or more of the conditions of the Variance have not been met, or have been violated, and the grantee has not substantially exercised the rights granted by the Variance.

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# CHAPTER 7. ADMINISTRATION

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## 7.10 Public Hearings

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### Sections:

- 7.10.010 - Purpose
- 7.10.020 - Notice of Hearing
- 7.10.030 - Scheduling Hearing
- 7.10.040 - Hearing Procedures
- 7.10.050 - Notice of Decisions

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### 7.10.010 Purpose

This Section provides procedures for public hearings required by this Development Code. When a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted, in compliance with this Government Code Section 65090 et seq and the standards of this Section.

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### 7.10.020 Notice of Hearing

- A. A public hearing notice shall be published in at least one newspaper of general circulation at least 10 calendar days prior to the hearing.
- B. The public hearing notice must include, at a minimum, the date, time, and place of the hearing, the hearing body, an explanation of the matter to be considered, and a general description of the location of the property that is the subject of the hearing.
- C. In addition, a notice of hearing it must be mailed or delivered at least 10 calendar days prior to the hearing:
  - 1. To the property owner or the owner's agent and the project applicant.
  - 2. To each local agency providing water, sewer, streets, roads, schools or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.
  - 3. To all owners of property within 300 feet of the exterior boundary of the subject property. Alternatively, if the mailed notice would be to more than 1,000 property owners, the City may provide notice through a one-eighth page advertisement in at least one newspaper of general circulation.
- D. Public hearing notices shall be posted in compliance with Municipal Code Section 2700.

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### 7.10.030 Scheduling Hearing

After the completion of any environmental document required by the California Environmental Quality Act (CEQA), a public hearing shall be scheduled, if required, in compliance with the minimum noticing periods established by State law and the Permit Streamlining Act (§65920 et. seq).



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### 7.10.040 Hearing Procedures

- A. **Time and place of hearing.** A hearing shall be held at the date, time, and place for which notice was given.
- B. **Continued hearing.** Any hearing may be continued from time to time without further notice; provided, the chair of the hearing body announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.
- C. **Deferral of final decision.** The Review Authority may announce a tentative decision, and defer their action on a final decision until appropriate findings and/or conditions have been prepared.

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### 7.10.050 Notice of Decisions

Following a hearing, the City shall mail a notice of the decision and any findings and conditions of approval to the applicant at the address shown on the application.

## 7.20 Appeals

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### Sections:

- 7.20.010 - Purpose
- 7.20.020 - Appeal Jurisdiction
- 7.20.030 - Filing and Processing of Appeals
- 7.20.040 - Appeals to the Coastal Commission

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### 7.20.010 Purpose

This Section establishes procedures for the appeal of determinations by the Director or the Commission.

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### 7.20.020 Appeal Jurisdiction

- A. **Director decision.** A determination by the Director may be appealed to the Commission.
- B. **Commission decision.** A decision by the Commission may be appealed to the Council.

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### 7.20.030 Filing and Processing of Appeals

- A. **Eligibility.**
  - 1. An appeal may be filed by any aggrieved person, except in the case of a decision on a requiring a public hearing, an appeal may only be filed by any aggrieved person who, in person or through a representative, appeared at the 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.** An appeal shall be submitted in writing and filed within 10 working days following the date of the decision and shall specifically state the pertinent facts and the basis for the appeal. The appeal shall include the required filing fee.
  - 1. Appeals addressed to the Commission shall be filed with the Department.
  - 2. Appeals addressed to the Council shall be filed with the City Clerk.
  - 3. Once an appeal is filed, any action on the associated development is suspended until the appeal is processed and the applicable Review Authority renders a final decision.

- C. **Scope of appeals.** An appeal of a decision on a development permit shall be limited to issues raised at the public hearing, issues submitted in writing before or at the hearing, or other information that was not known at the time of the decision.
- D. **Report and scheduling of hearing.**
  - 1. When an appeal has been filed, the Director shall prepare a report on the matter, including all of the application materials in question, and schedule the matter for a public hearing by the appropriate Review Authority, identified in Section 7.20.020 (Appeal Jurisdiction).
  - 2. Notice of the hearing shall be provided, and the hearing shall be conducted, in compliance with Section 7.10 (Public Hearings).
- E. **Decision.** Following the final decision on an application for a development permit or other approval required by this Development Code, the City shall provide notice of its final decision to the appellant, applicant (if not the appellant), and to any person who specifically requested notice of the City's final action.
- F. **Effective date of appeal decisions**

A decision of the Review Authority is final and effective after 5:00 p.m. on the 10<sup>th</sup> working day following the date of the decision, when no appeal to the decision has been filed in compliance with this Section.
- G. **Notice of final action on appeals in the Coastal Zone.** Where an appeal has been filed and decided on an application that is appealable to the Coastal Commission (in compliance with Section 7.20.040 (Appeals to the Coastal Commission)), the City shall provide notice of the final action in compliance with Section 6.20.040 (Coastal Development Permit).

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## 7.20.040 Appeals to the Coastal Commission

- A. **Applicability**

A final action taken by the City on a Coastal Development Permit application for appealable development as defined in Subsection C. may be appealed to the Coastal Commission in compliance with this Section.
- B. **Status of Appellant.**

An appeal may be filed by an applicant, any aggrieved person (as defined in Section 9.10.030), or two members of the Coastal Commission in compliance with State law (Public Resources Code Section 30625).
- C. **Exhaustion of City appeals required.** An applicant or other aggrieved person may appeal a City decision on a development permit to the Coastal Commission only after all appeals to the Commission and Council have been exhausted in compliance with this Section. This limitation shall not apply to any circumstance identified in California Code of Regulations Section 13573, including:

1. An appellant was denied the right of appeal in compliance with this Section because City notice and hearing procedures did not comply with 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. (Notice of a Coastal Commissioner's appeal shall be transmitted to the Council in compliance with California Code of Regulations Section 13573(b). The appeal shall be suspended where the City decision has been appealed to the Council. If the Council modifies or reverses the previous decision, the Coastal Commissioners shall be required to file a new appeal of that decision.)
3. Where an appellant is charged a fee by the City for the processing or filing of an appeal. (Am. Ord. 14-04)

**D. Appealable development - Public Resources Code Section 30603(a).** A decision by the City on a Coastal Development Permit for any of the following developments 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 located on public trust lands, submerged lands, tidelands, or within 100 feet of any estuary, stream, or wetland; and
3. Public works/energy facility. Any development that constitutes a major public works project or energy facility.

**E. Grounds for appeal to Coastal Commission - Public Resources Code Section 30603.** The grounds for an appeal to the Coastal Commission of a City decision are as follows:

1. For approval of development as described in Subsection C. 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; or
2. For disapproval of development described in Subsection C 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.

**F. Time limit for filing an appeal to the Coastal Commission.** An appeal of a City decision on an appealable development shall be filed with the Coastal Commission within 10 working days of the receipt by the Coastal Commission of adequate notice of final City action, in compliance with this Section and the Coastal Act.

**G. 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 by State law (California Code of Regulations Section 13111.)

## 7.30 Amendments

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### Sections:

- 7.30.010 - Purpose
- 7.30.020 - Initiation of Amendment
- 7.30.030 - Notice and Hearings
- 7.30.040 - Commission Action
- 7.30.050 - Council Action
- 7.30.060 - Findings and Decisions
- 7.30.070 - Effective Dates
- 7.30.080 - Amendment to the Local Coastal Program

---

### 7.30.010 Purpose

This Section provides procedures for the amendment of the General Plan, this Development Code, and other adopted City goals, policies, and standards. See Section 7.30.080 for amendments to the LCP.

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### 7.30.020 Initiation of Amendment

- A. **Applicant.** Applications, including applicable fees, may be filed by an applicant, or an agent authorized in writing, for a General Plan, Development Code, Local Coastal Program, or Zoning Map amendment.
- B. **Council, Commission, or Director.** An amendment may be initiated by the Council or proposed by the Commission or the Director. The Council may also adopt an urgency measure as an interim ordinance in compliance with State law (Government Code Section 65858).

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### 7.30.030 Notice and Hearings

Notice of public hearing shall be given as required by Section 7.10.020 (Notice of Hearing) and as provided by State law.

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### 7.30.040 Commission Action

The Commission shall forward a recommendation to the Council to approve, modify, or deny the proposed amendment based on the findings in Section 7.30.060.

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### 7.30.050 Council Action

- A. **Approve or deny.** Upon receipt of the Commission's recommendation, the Council shall conduct a public hearing and either approve, modify, or deny the proposed amendment based on the findings in Section 7.30.060.
- B. **Refer to Commission**
  - 1. If the Council proposes to adopt a substantial modification(s) to the amendment not previously considered by the Commission, the proposed modification shall be first referred to the Commission for its recommendation, in compliance with Government Code Sections 65356 (General Plan amendments) and 65857 (Zoning Code or Zoning Map amendments).
  - 2. Failure of the Commission to report back to the Council within the time limits specified in Government Code Sections 65356 and 65857 the referral shall be deemed approval by the Commission of the proposed modification(s).

---

### 7.30.060 Findings and Decisions

An amendment to the General Plan, this Development Code, or other adopted goals, policies, and standards may be approved only if all of the following findings are first made, as applicable to the type of amendment:

#### A. Required Findings.

- 1. Findings required for General Plan Amendments.
  - a. The amendment is internally consistent with all other provisions of the General Plan.
- 2. Findings required for all Development Code Amendments
  - a. The proposed amendment is consistent with the General Plan; and
  - b. The proposed amendment is internally consistent with other applicable provisions of this Development Code.
- 3. The proposed amendment will not be detrimental to the public health, safety, or welfare of the City; and
- 4. For General Plan Map and Zoning Map amendments, the affected site is physically suitable in terms of design, location, shape, size, operating characteristics, the provision of public and emergency vehicle access, and public services and utilities for the anticipated land uses.

---

**7.30.070 Effective Dates**

- A. **Resolutions.** Council actions made by resolutions, such as a General Plan amendment, shall become effective 30 days after adopted by resolution and the period for referendum has elapsed.
- B. **Ordinance.** Council actions made by ordinances, such as a Development Code amendment, shall become effective 30 days after the adoption of an ordinance by the Council.

---

**7.30.080 Amendment to the Local Coastal Program**

- A. **Council Action.** The certified Local Coastal Program (LCP) or any portion thereof (land use plan or relevant provisions of this Development Code) may be amended by the Council in compliance with the provisions of this Section.
- B. **Coastal Commission Certification.** Amendments to the LCP or any portion thereof approved by the Council shall be prepared for submittal, filed with the Coastal Commission, processed and certified by the Coastal Commission in compliance with the Coastal Act.

## 7.40 Nonconforming Uses, Structures, and Lots

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### Sections:

- 7.40.010 - Purpose
- 7.40.020 - Nonconforming Uses
- 7.40.030 - Nonconforming Structures
- 7.40.040 - Nonconforming Lots
- 7.40.050 - Loss of Nonconforming Status
- 7.40.060 - Nonconforming Due to Lack of Permit
- 7.40.070 - Exemptions

---

### 7.40.010 Purpose

- A. The provisions of this Section shall apply to land uses, structures, and lots that were lawful before the adoption, or amendment of the Development Code, but which would be prohibited, regulated, or restricted differently in compliance with the current terms of the Development Code. These situations are deemed to have legal nonconforming status.
- B. It is the intent of the Development Code to allow nonconforming uses to exist in compliance with the limited conditions outlined in this Section, but to discourage the long-term continuance of nonconformities.
- C. This Section does not regulate nonconforming signs, which are subject to the standards of Section 3.60 (Signs), or nonconforming parking, which is subject to the standards of Section 3.50.020 (Parking Regulations).

---

### 7.40.020 Nonconforming Uses

- A. **General.** A nonconforming use may be continued, including through a transfer of ownership; provided that the use shall not be enlarged or increased, nor be extended to occupy a greater area of land or structure than it occupied before becoming nonconforming, except as provided in Subsections B, C, and D below and in Section 7.40.070 (Exemptions). If the nonconforming use was approved with a Use Permit or other development permit, the use shall operate in compliance with all conditions (e.g., hours of operation).
- B. **Nonconforming use.** A nonconforming use may be replaced with a similar use subject to approval of a Use Permit (Section 6.20.090). The Review Authority shall find that the proposed use has similar or reduced impacts on surrounding properties and the same level of intensity or less intensive in terms of noise, traffic, parking demand, hours of operation, or other objectionable characteristics. If a nonconforming use is changed to a conforming use, no nonconforming use may be established thereafter.



**C. Expansion or Enlargement of Use**

1. Expansion or enlargement of a conforming use shall not require that other nonconforming uses on the subject lot be brought into conformance with the standards of that zone.
2. A nonconforming use may be expanded one time by up to 25 percent (measured in gross square footage occupied) through approval of a Use Permit (Section 6.20.090) provided the nonconforming use is not located west of Highway 1, that all off-site improvements, as identified by the City, are constructed by the applicant, in compliance with all City standards and the expansion is otherwise consistent with the Local Coastal Program. A nonconforming use shall not otherwise be expanded or enlarged unless required by law or by ordinance. (Am. Ord. 14-04)

- D. Alterations.** A conforming structure used for a nonconforming use may be reconstructed or structurally altered up to 50 percent of its replacement cost. However, if a finding can be made that the reconstruction or alteration would be an economic development benefit to the City, the Commission may approve a Use Permit for more than 50 percent of its replacement cost.

---

**7.40.030 Nonconforming Structures**

- A. Uses Allowed.** A nonconforming structure may be used for any allowed or legal nonconforming use.

**B. Expansion or Enlargement of Structure**

1. Additions. Additions to nonconforming structures are allowed, as long as the addition complies with all development standards of the zone (see Chapter 2).
2. Single-family dwelling. A single-family dwelling, including its attached garage that is nonconforming with respect to setback standards, height limits, or other development standards may undergo interior modifications. Exterior modifications that go beyond the prior structure footprint may be allowed as follows:
  - a. The Director may approve an addition to a nonconforming single-family dwelling where the addition complies with all development standards for the zone (see Chapter 2) and nonconforming parking in compliance with Subsection 3.50.020.C.
  - b. An addition that encroaches into a required setback no further than an existing nonconforming portion of the structure may be allowed with a Use Permit (Section 6.20.090); provided that the addition is less than 25 percent of the total floor area of the existing structure, the property is not located west of Highway 1, and the Commission makes the following findings: (Am. Ord. 14-04)

- (1) The proposed addition is compatible with neighboring uses and would not adversely impact neighboring properties.
  - (2) The proposed addition meets all City Building and Fire Codes.
- C. **Maintenance and repair.** Any nonconforming structure or portion thereof may undergo ordinary maintenance and repair involving: cleaning; interior and exterior painting; re-roofing; the patching of cracks, holes, and other damage to interior and exterior walls; and, the replacement or repair of electrical or plumbing fixtures and lines.

---

## 7.40.040 Nonconforming Lots

- A. **Legal building site.** A nonconforming lot that does not comply with the applicable area, width, or depth standards of the Development Code shall be considered a legal building site if it meets at least one of the following criteria, as documented to the satisfaction of the Director:
1. Approved subdivision. The lot was created by a recorded subdivision;
  2. Individual lot legally created by deed. The lot is under one ownership, was legally created by a recorded deed before the effective date of the amendment that made the lot nonconforming; or
- B. **Nonconforming residential lots**
1. 5,000 square foot lots. In any residential zone, lots legally created with minimum areas of 5,000 square feet, minimum widths of 50 feet, and minimum depths of 100 feet shall be considered "developable" lots requiring no additional permits other than required by this Development Code.
    - a. Lots less than 5,000 square feet. In any residential zone, lots legally created with a minimum width of 25 feet and a minimum depth of 50 feet may be developed with a single-family dwelling, except that no Variances (Section 6.20.100) shall be approved.
  2. Contiguous Lot Merger Under Common Ownership. The merger of a lot with an adjacent lot under common ownership, where one or both lots are substandard, shall be required in compliance with Government Code Section 66451.11.

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## 7.40.050 Loss of Nonconforming Status

- A. **Termination by Abandonment.**
1. Nonconforming use. If a nonconforming use is discontinued for a continuous period of 180 days or more in any zone except the Coastal Commercial zone, all rights to legal nonconforming status shall terminate. If a nonconforming use is discontinued for a continuous period of one year or more in the Coastal Commercial zone, all rights to legal nonconforming status shall terminate. The

Director shall make a determination of discontinuance based on evidence such as the removal of equipment, furniture, machinery, inventory, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or lack of business records to document continued operation.

2. Extensions of nonconforming uses or structures. An applicant can file an application for a Use Permit (Section 6.20.090) before the expiration of the abandonment period to extend the life of the nonconforming use. The Commission may approve a Use Permit to allow an extension, if the Commission finds that circumstances of a significant or unusual nature prevent or have prevented the timely reestablishment of the use or structure.
  3. Termination. Once the rights to a legal nonconforming status have terminated, any further use of the site or structure shall comply with the current standards of the applicable zone and all other applicable provisions of the Development Code.
- B. **Termination by destruction.** Except as provided in Subsection 7.40.070.B (Reconstruction or replacement), nonconforming status shall terminate if more than 50 percent of the appraised value of the structure or use is destroyed. In such case, the structure or use shall be rebuilt, restored, reestablished or reoccupied in conformance with the standards of the zone in which it is located, or be removed completely within 30 days of the occurrence of the damage or destruction.

---

## 7.40.060 Nonconforming Due to Lack of Permit

A use lawfully existing without the approval of a Use Permit or other discretionary development permit that would now otherwise be required in the zone shall be deemed conforming only to the extent of its previous lawful use (e.g., maintaining the same site area boundaries, hours of operation, etc.).

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## 7.40.070 Exceptions

- A. **Interpretation.** Applications for exceptions from the strict interpretation of this Section may be made to the Commission. The Commission shall hold a public hearing to consider the application for the exception and shall either approve the application with any appropriate conditions or deny the application.
- B. **Reconstruction or replacement.** A nonconforming structure involuntarily damaged or destroyed as a result of an accident or by an event outside of human control, such as an earthquake, fire, or flood, may be reconstructed or replaced with a new structure with the same footprint, height, and/or number of dwelling units with Use Permit approval and in compliance with current Building and Fire Code standards.
- C. **Findings.** The Commission may make exceptions in compliance with this Section only after making the following findings:

1. That the structure was erected in compliance with the existing codes of the City which were in effect at the time that the structure was erected; and
2. That the granting of an exception will not substantially alter the intention of the existing zoning standards for the zone within which the structure is located.

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# CHAPTER 8. SUBDIVISION REGULATIONS

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## 8.10 General Provisions

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### Sections:

- 8.10.010 - Title
- 8.10.020 - Purpose
- 8.10.030 - Adoption Authority – Conformance with other regulations
- 8.10.040 - Interpretation and application
- 8.10.050 - Conflict with public provisions
- 8.10.060 - Conflict with private provisions
- 8.10.070 - Actions by persons with interest
- 8.10.080 - Severability

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### 8.10.010 Title

This Chapter shall be known and cited as the “Grover Beach Subdivision Ordinance.”

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### 8.10.020 Purpose

The regulations codified in this Title are adopted for the following purposes:

- A. To protect and provide for the public health, safety and general welfare;
- B. To guide the development of the City in accordance with the general plan and specific plans;
- C. To ensure that real property which is to be divided can be used without danger to inhabitants or property due to fire, flood, soil instability, noise or other hazard;
- D. To ensure that proper provision will be made for traffic circulation, public utilities, facilities, and other improvements within the subdivided land and within the City as a whole;
- E. To protect and enhance the value of land and improvements and to minimize conflicts among the uses of land and buildings;
- F. To protect potential buyers and inhabitants by establishing standards of design, and by establishing procedures which ensure proper legal description and monumenting of subdivided land;
- G. To protect the natural resources of the community, including topographic and geologic features, solar exposure, water courses, wildlife habitats and scenic vistas, and to increase reasonable public access to such resources;
- H. To enable innovations in subdivision procedures which facilitate development that will best reflect the capability of the land to support a desirable living environment.

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### 8.10.030 Adoption Authority – Conformance with Other Regulations

- A. These regulations are adopted pursuant to the Subdivision Map Act, as a "local

ordinance" as that term is used in that act, and to supplement the provisions of that act. All provisions of the Subdivision Map Act and future amendments thereto not incorporated in these regulations shall apply to all subdivisions, subdivision maps and proceedings under these regulations.

- B. Nothing in this Section shall be read to limit the rights of the City to enact additional provisions concerning the division of land as are deemed necessary to protect the public health, safety and general welfare.
- C. Approval or conditional approval of a subdivision map shall not excuse compliance with other applicable provisions of this code or other applicable ordinances, rules, regulations and policies adopted by the City.
- D. Notwithstanding anything to the contrary included in this chapter, all land divisions, lot line adjustments and mergers within the Coastal Zone shall require a Coastal Development Permit. For the purposes of this section, land divisions include: subdivisions through a parcel map, tract map, grant deed, or any other method; lot splits; redivisions of land; and issuance of a certificate of compliance, unless the certificate of compliance is issued for a land division that occurred prior to the effective date of the Coastal Act and complied with all State laws and local ordinances in effect at the time. (Am. Ord. 14-04)

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#### **8.10.040 Interpretation and Application**

In their interpretation and application, these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

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#### **8.10.050 Conflict with Public Provisions**

These regulations are not intended to annul any other law or regulation. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other regulation or law, whichever provisions are more restrictive or impose higher standards shall control.

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#### **8.10.060 Conflict with Private Provisions**

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easements, covenants, or any other private agreement or restriction, the requirements of these regulations shall govern. When the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations or the determinations of the advisory agency or council in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations there under, then such private provisions shall be operative and supplemental to these

regulations and determinations made there under.

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**8.10.070 Actions by Persons with Interest**

When any provisions of the Subdivision Map Act or of these regulations require the execution of any certificate or affidavit or the performance of any act of a person in his official capacity who is also a subdivider or an agent or employee thereof, such certificate or affidavit shall be executed or such act shall be performed by some other person duly qualified therefore and designated so to act by the Council.

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**8.10.080 Severability**

If any part or provisions of these regulations or application thereof to any person or circumstances are adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The council declares that it would have enacted the remainder of these regulations even without any such part, provision or application.

## 8.20 General Requirements

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### Sections:

- 8.20.010 - Tract Maps
- 8.20.020 - Parcel Maps
- 8.20.030 - Exclusions and exceptions
- 8.20.040 - Lot line adjustment
- 8.20.050 - Correcting or amending maps
- 8.20.060 - Lot merger
- 8.20.070 - Expansion of condominium projects

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### 8.20.010 Tract Maps

Except as provided in Section 8.20.030, the division of real property into five or more parcels or creation of five or more condominiums or a stock cooperative or community apartment project having five or more parcels or units requires the filing, approval and recording of tentative and final tract maps as provided in these regulations and the Subdivision Map Act.

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### 8.20.020 Parcel Maps

Except as provided in Section 8.20.030, the division of real property into four or fewer parcels, or creation of four or fewer condominiums or a stock cooperative or community apartment project having four or fewer parcels or units requires the filing, approval and recording of tentative and final parcel maps as provided in these regulations and the Subdivision Map Act.

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### 8.20.030 Exclusions and Exceptions

- A. No maps shall be required for divisions of property which are excepted from the definition of subdivision within the Subdivision Map Act.
- B. Parcel maps, but not tentative and final tract maps, shall be required for those land divisions enumerated under Section 66426 of the Subdivision Map Act.
- C. No maps shall be required for:
  - 1. The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks or trailer parks;
  - 2. Mineral, oil or gas leases;
  - 3. Land dedicated for cemetery purposes under the Health and Safety Code of the State;
  - 4. Boundary line or exchange agreements to which the State Land Commission or a

local agency holding a trust grant of tide and submerged lands is a party;

5. Any separate assessment under Section 2188.7 of the Revenue and Taxation Code;
  6. The financing or leasing of any parcel of land, or portion of parcel, in conjunction with the construction of commercial or industrial buildings on a single parcel, when the project is subject to a development permit approval pursuant to this Development Code;
  7. The financing or leasing of existing separate commercial or industrial buildings on a single parcel.
- D. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for the purpose of determining the number of parcels within a subdivision.
- E. In spite of the requirements in Section 8.20.020, the Council may waive the requirement for a parcel map. To waive the parcel map requirement, the Council must find that the proposed land division complies with all standards established by the City for design and improvements, utilities and environmental protection. (See Section 8.100, Subdivision Exceptions).
- F. Parcel maps shall not be required for those conveyances involving government agencies or public utilities, as provided in the Subdivision Map Act (Section 66428).

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### **8.20.040 Lot Line Adjustment**

The adjustment of a boundary line between four or fewer existing adjacent parcels, which does not result in a greater number of buildable parcels than originally existed, does not require a tract or parcel map. However, the Public Works Director must approve the lot line adjustment as provided in Section 8.60. (Am. Ord. 14-04)

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### **8.20.050 Correcting or Amending Maps**

Recorded final tract maps and recorded final parcel maps may be amended, corrected or modified, as provided in the Subdivision Map Act (Sections 66469 through 66472.1). Approved lot line adjustments may be amended as provided for tract and parcel maps, with amending or correcting documents to be filed with the Public Works Department and the County Recorder.

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### **8.20.060 Lot Merger**

Contiguous parcels under common ownership may be merged (interior lot lines may be removed) by approval of a lot line adjustment, as provided in Section 8.20.040, together with recordation of a certificate of compliance for the new parcel, and compliance with Section 8.120 if deemed necessary by the Public Works Director.

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**8.20.070 Expansion of Condominium Projects**

Notwithstanding Section 8.20.040, the addition of floor area to a condominium project shall require approval of the type of map previously approved. If the Public Works Director finds such a map is not necessary for the purposes of these regulations, the Public Works Director may waive the requirement for such a map.

## 8.30 Tract Maps, Vesting Tentative Maps, and Parcel Maps: Procedures

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### Sections:

- 8.30.010 - Tentative and Final Tract Maps
- 8.30.020 - Vesting Tentative Maps
- 8.30.030 - Parcel Maps

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### 8.30.010 Tentative and Final Tract Maps

- A. **Preliminary plans.** Subdividers are encouraged to consult with the Community Development and Public Works Departments (See Subsection 6.10.030.A).
- B. **Identification of tentative tract map.** Before submitting a tentative tract map, the person preparing the map shall obtain a tract number from the San Luis Obispo County Surveyor. The number shall be placed upon each copy of the tentative tract map.
- C. **Filing of tentative tract map – application.** The tentative tract map application shall be filed with the Community Development Department and shall be prepared in accordance with the provisions of Chapter 6 (Procedures).
- D. **Examination of application.** Community Development and Engineering Department staff shall examine the map application upon presentation and shall not accept it unless it is a complete application in compliance with the Subdivision Map Act and these regulations.
- E. **Notice of Commission hearing on tentative tract map.** Notice of the public hearing shall be provided in compliance with Section 7.10 (Public Hearings).
- F. **Commission action on tentative tract map.** Within 50 days of the filing thereof, the Commission shall, after a hearing and consideration of the tentative tract map, accompanying reports of applicant and staff, and public testimony, approve, conditionally approve, or disapprove the map. Said fifty-day period shall commence after certification of the EIR, adoption of a negative declaration or an exemption determination.
- G. **Withdrawal of tentative tract map.** Once a date for Commission consideration of the tentative tract map has been set, requests for withdrawal shall be submitted to the Commission in writing, or orally if made at the meeting when the map is being considered. No refund of the filing fee shall be made. Withdrawal of the map shall be an effective denial of the application.
- H. **Minor modification of tentative tract map after approval.** Minor modifications of an approved or conditionally approved tentative tract map may be made. However, they must be approved by the Public Works Director before the final map is submitted.



- I. **Extension of time to act.** Any of the time limits for acting on tentative tract maps specified in these regulations may be extended by mutual consent of the subdivider and the Commission or Council, as the case may be. To do so, the subdivider must expressly waive, in writing or in the record at a public hearing, his right to have the map considered within those time limits.
- J. **Application after denial.** When any application for a tentative tract map filed pursuant to this Chapter has been denied, no new application which is substantially the same shall be filed within one year of the date of denial unless the facts upon which the decision was made, have changed. The Community Development Director shall determine whether facts have changed or when an application is substantially the same as the previous application.
- K. **Filing of final tract map.** Within 24 months of the date of approval or conditional approval of the tentative tract map, the subdivider may cause the boundary of the proposed subdivision or any part thereof to be surveyed and the required final tract map to be prepared and filed in accordance with these regulations and the Subdivision Map Act. When the final map is filed, either all survey markers shall be in place, or a bond shall be posted guaranteeing that all survey corners shall be placed prior to the acceptance of the public improvements by the Council.
- L. **Termination of proceedings.** Failure to file a final tract map within 24 months of the date of approval or conditional approval of a tentative tract map, or within any extended period of time granted in accordance with Section 6.30.060, immediately following, shall terminate all proceedings. Before a final map may thereafter be filed, a new tentative tract map shall be submitted and approved hereunder.
- M. **Time extension.**
  - 1. The Commission may extend the time for filing the final tract map for a period or periods not exceeding a total of three years.
  - 2. Applications for extensions shall be made in writing prior to the date of tentative tract map expiration. Time extension may be granted subject to the condition that the final map shall be prepared and improvements shall be constructed and installed in compliance with requirements in effect at the time the request for extension is considered. Any other conditions may be imposed which may have been imposed at the time of tentative map approval and existing conditions may be revised or deleted or new conditions added.
- N. **Final tract map compliance.** Final tract maps shall be prepared in accordance with the approved tentative tract map.
- O. **Submission of final tract map.** When all the certificates appearing on the final tract map, except the approval certificates of the City Clerk, City Engineer, Community Development Director, the County Recorder's certificate, have been signed, and where necessary, acknowledged, the final tract map, along with copies of reference maps and other supporting data necessary to verify the survey, may be submitted to the City for examination and presentation to the Council for final approval, provided it complies with all other provisions of these regulations. The map shall be

accompanied by as many prints as the Community Development Director shall require.

**P. Action of City Engineer and Community Development Director.**

1. Upon receipt of a final tract map and accompanying documents, fees and materials for filing, the City Engineer and Community Development Director shall determine if they are in substantial conformity with the approved or conditionally approved tentative tract map and modifications and conditions made or required. If they are found to be complete and in conformance with these and other applicable regulations, the Community Development Director shall transmit the map to the City Engineer who shall transmit the map to the City Clerk after certification. No map shall be certified until the required improvements have been installed or an agreement or bond for installation has been secured in accordance with these regulations.
2. Should the map or accompanying documents, fees or materials be found to be incomplete or incorrect in any respect, the City Engineer or Community Development Director shall advise the subdivider by mail of the changes or additions that must be made before the map may be certified.
3. If the City Engineer or Community Development Director determines circumstances concerning the design and improvement of the subdivision in relation to the public health, safety and welfare have materially changed since the approval of the tentative tract map, they need not certify the final map. In such instances, the City Engineer and Community Development Director shall return the map to the Council for further consideration.
4. The final tract map shall not be considered filed for action by the Council until the City Engineer and Community Development Director have completed the actions required in Subsections 1, 2 and 3 above.

**Q. Council action on final map.**

1. At the meeting at which it receives the map, or at the first regular meeting thereafter, the Council shall approve the map if it conforms with the approved tentative map and meets the requirements of the Subdivision Map Act, these regulations, and any rulings made pursuant to them. If the map does not conform, the Council shall disapprove it.
2. If the Council fails to act within the prescribed time, the final map shall be deemed approved to the extent it meets the requirements enumerated above. Upon approval by either action or inaction, the City Clerk shall certify approval of the final map.

**R. Council acceptance or rejection of offers of dedication.** Subject to exceptions in the Subdivision Map Act, at the time the Council approves a final tract map, it shall also accept, accept subject to improvement, reject without prejudice, or reject all offers of dedication. This action shall be certified on the map by the City Clerk.

**S. Disposition after approval.** After the Council approves a final tract map, the City Clerk shall transmit the map to the County Recorder.

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## 8.30.020 Vesting Tentative Maps

### A. Application.

1. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Subdivision Ordinance, requires the filing of a tentative tract map or tentative parcel map, a vesting tentative map may instead be filed, in accordance with the provisions hereof.
2. If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

### B. Filing and processing. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports, and shall be processed in the same manner as set forth in the subdivision ordinance for a tentative map except as provided in Section 8.40.030.

### C. Council action on tentative tract map. Within thirty days of its receipt of the Commission's report, the Council shall consider and approve, conditionally approve, or disapprove the tentative tract map. If the map is disapproved, the grounds for disapproval shall be stated.

### D. Vesting on approval of vesting tentative map.

1. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Government Code Section 66474.2. However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.
2. Notwithstanding Subsection 1, a permit, approval, extension or entitlement may be made conditional or denied if any of the following are determined:
  - a. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
  - b. The condition or denial is required, in order to comply with state or federal law.
3. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Subsection G. If the final map is approved, these rights shall last for the following periods of time:
  - a. An initial time period of one year. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase

is recorded.

- b. The initial time period set forth in Subsection (a) shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds 30 days, from the date a complete application is filed.
- c. A subdivider may apply to the Community Development Director for a one year extension at any time before the initial time period set forth in Subsection (a) expires. If the extension is denied, the subdivider may appeal that denial in compliance with Section 7.20 (Appeals).
- d. If the subdivider submits a complete application for a building permit during the periods of time specified in this Subsection, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

**E. Development inconsistent with zoning - denial or conditional approval.**

- 1. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with this Development Code in existence at that time, that inconsistency shall be noted on the map. The City shall deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change to this Development Code to eliminate the inconsistency. If the change to this Development Code is obtained, the conditionally approved vesting tentative map shall, notwithstanding Subsection 8.30.020.D, confer the vested right to proceed with the development in substantial compliance with the change to this Development Code and the map, as approved.
- 2. The rights conferred by this Section shall be for the time periods set forth in Subsection 8.30.020.D.3.

**F. Applications inconsistent with current policy.** Notwithstanding any provision of this ordinance, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in Subsections 8.30.020.D and E, and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

**G. Expiration.** The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by Subsection 8.30.010.M for the expiration of the approval or conditional approval of a tentative map.

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## 8.30.030 Parcel Maps

**Filing - Processing - Appeals - Dedication acceptance.** The procedures for filing, processing, public notice and actions on tentative and final parcel maps shall be the same as provided in these regulations for tentative and final tract maps.

## 8.40 Tentative Tract, Tentative Parcel, and Vesting Tentative Map: Preparation, Form, and Other Requirements

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### Sections:

- 8.40.010 - Preparation and form of tentative map
- 8.40.020 - Information on tentative map
- 8.40.030 - Additional information on vesting tentative maps
- 8.40.040 - Other material to accompany tentative map
- 8.40.050 - Application requirement

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### 8.40.010 Preparation and Form of Tentative Map

- A. The tentative map shall be clearly and legibly drawn to an engineer's scale of not less than one inch equals one hundred feet. If necessary to provide the proper scale, more than one sheet may be used, but the relation of the several sheets shall be clearly shown on each. Each sheet shall be no larger than twenty-four inches by thirty-six inches. Sheets no larger than thirty-six inches by forty-two inches may be submitted with the prior approval of the Public Works Director.
- B. Tentative tract maps shall be prepared by or under the supervision of a registered civil engineer, licensed land surveyor or architect. Tentative parcel maps may be prepared by anyone.

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### 8.40.020 Information on Tentative Map

The tentative map shall contain the following information, in addition to any other information which may be required by the Subdivision Map Act:

- A. The map number, name if any, date of preparation, north point, scale, and if based on a survey, the date and official record of the survey;
- B. Name and address of the person or entity which prepared the map and the applicable registration or license number and expiration date thereof;
- C. Names and addresses of the subdivider and all parties having a record title interest in the property being subdivided;
- D. The boundaries of the subdivision, defined by legal description, with sufficient information to locate the property and to determine its position with respect to adjacent named or numbered subdivisions, if any;
- E. Topographic information with a reference to the source of the information. Contour lines shall have the following intervals:
  - 1. Two-foot contour interval for undeveloped areas and two-foot intervals for building sites within the Urban Services Line;
  - 2. Ten-foot contour interval for undeveloped areas and two-foot intervals for

building sites and paved or graded areas outside the Urban Services Line. Contours of adjacent land shall also be shown whenever the surface features of such land affect the design or development of the proposed subdivision;

- F. The approximate location and general description of any oak two inches d.b.h. or greater or other native trees four inches d.b.h. or greater - or the general canopy cover of clusters of trees - with notations as to their proposed retention or destruction; notations as to general type of vegetation in areas not occupied by trees;
- G. The location and outline to scale of all structures which are to be retained within the subdivision and all structures outside the subdivision and within ten feet of the boundary lines; the distances between structures to be retained, and existing or proposed street and lot lines, notations concerning all structures which are to be removed;
- H. The locations, widths and purposes of all existing and proposed easements for utilities, drainage and other public purposes shown by dashed lines, within and adjacent to the subdivision (including proposed building setback lines, if known); all existing and proposed utilities including size of water lines and size and grade of sewer lines, locations of manholes, fire hydrants, street trees and street lights;
- I. The location, width and directions of flow of all water courses and flood control areas within and adjacent to the property involved; the proposed method of providing storm water drainage and erosion control;
- J. The location of all potentially dangerous areas, including areas subject to inundation, landslide, or settlement, or excessive noise, and the means of mitigating the hazards;
- K. The locations, widths and names or designations of all existing or proposed streets, alleys, paths and other rights-of-way, whether public or private; private easements within and adjacent to the subdivision; the radius of each centerline curve; a cross section of each street; any planned line for street widening or for any other public project in and adjacent to the subdivision; private streets shall be clearly indicated;
- L. The lines and approximate dimensions of all lots, and the number assigned to each lot; the total number of lots; the approximate areas of each lot; lots shall be numbered consecutively;
- M. The boundaries, acreage and use of existing and proposed public areas in and adjacent to the subdivision. If land is to be offered for dedication for park or recreation purposes or for purpose of providing public access to any public waterway, river or stream, it shall be so designated;
- N. Any exception being requested in accordance with the requirements of Section 8.100 (Subdivision Exceptions) of these regulations shall be clearly labeled and identified as to nature and purpose;
- O. The location of all railroad rights-of-way and grade crossings;
- P. The locations of any existing or abandoned wells, septic leaching fields, springs, water impoundment's and similar features to the extent they affect the proposed use of the property;

- Q. When it is known that separate final maps are to be filed on portions of the property shown on the tentative map, the subdivision boundaries which will appear on the final maps and the sequence in which the final maps will be filed;
- R. Maps for condominium projects shall indicate the address of the property and the number, size and location of proposed dwelling units, parking spaces and private or public open spaces. For all condominium projects, the floor area of each floor shall be shown in proper scale and location together with the plan view of each ownership unit.
- S. The location of proposed building sites and septic system leach fields shall be shown for any proposed lot having an average cross slope of 10% or greater.

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#### **8.40.030 Additional Information on Vesting Tentative Maps**

- A. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map".
- B. At the time a vesting tentative map is filed, a subdivider shall also supply the following information:
  - 1. Site plans for each lot or parcel indicating proposed locations for all improvements (e.g., utilities, structures, septic systems, driveways, etc.)
  - 2. Preliminary floor plans for all structural uses;
  - 3. Architectural elevations of all structures identifying all exterior finish and roofing materials;
  - 4. Septic system design details including design of a replacement leach field located in the 100% expansion area;
  - 5. Detailed grading plans for each lot or parcel as provided in Article VIII Chapter 4 of the Municipal Code.
  - 6. Road improvement plans for all adjacent and interior roads.

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#### **8.40.040 Other Material to Accompany Tentative Map**

The following supplementary material shall be filed with the tentative map:

- A. A vicinity map of appropriate scale showing sufficient adjoining territory to clearly indicate surrounding streets, other land in the subdivider's ownership, and other features which have a bearing on the proposed subdivision;
- B. A statement of existing and proposed zoning and land use;
- C. A statement of proposed improvements and landscape modifications, including the estimated time of completion in relation to subdivision of the property;
- D. A description of proposed public or commonly held areas and draft open space easement agreements, if applicable;

- E. Draft covenants, conditions and restrictions if they are integral to the development concept or proposed atypical requirements;
- F. A description of requested exceptions from the subdivision design standards for such items as dimensions, street sections or utility easements;
- G. Proposed building setbacks and yards if different from those in the zoning regulations;
- H. If required by the Public Works Director, a preliminary grading plan as provided in the grading ordinance as codified in Article VIII, Chapter 4 of the Municipal Code;
- I. An engineering geology report, prepared by a register geologist, may be required in areas of moderate, high and very high landslide risks, and in areas of high and high+ liquefaction potential and subsidence potential as noted in the General Plan Safety Element. The engineering geology report shall include definite statements, conclusions and recommendations concerning the following, as applicable:
  - 1. Location of major geologic features;
  - 2. Topography and drainage in the subject areas;
  - 3. Distribution and general nature of rock and soils;
  - 4. A reasonable evaluation and prediction of the performance of any proposed cut or fill in relation to geologic conditions;
  - 5. An evaluation of existing and anticipated surface and subsurface water in relation to proposed development;
  - 6. Recommendations concerning future detailed subsurface sampling and testing that may be required prior to building;
  - 7. Capability of soils and substrata to support structures;
- J. A soils engineering report, prepared by a civil engineer registered in the state and based upon adequate test borings, may be required for every subdivision. The City Engineer may determine that, due to existing information available on the soils of the subdivision, no analysis is necessary. If the soils engineering report indicates soil problems which, if not corrected, could lead to structural defects, a soils investigation of each lot in the subdivision may be required. The soils engineering report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, when necessary, and opinions and recommendations covering adequacy of sites for development;
 

A subdivision where soil or geologic problems exist may be approved if the City determines recommended corrective measures are sufficient to prevent damage to structures or public improvements within or adjacent to the area to be subdivided. Recommended corrective measures may be required conditions of improvement plans and building permits.
- K. In potential noise problem areas identified in the Noise Element of the General Plan, specific site analysis by an acoustical engineer or other approved professional with



qualifications in acoustic design may be required by the Community Development Director. Such study shall define the noise exposure problems, conclusions and recommendations for corrective or mitigating measures, when necessary, and opinions and recommendations covering the suitability of the site for development,

- L. Preliminary title report (current within six months);
- M. An authorization consenting to the proposed subdivision signed by all parties having a fee title interest in the property to be subdivided;
- N. In areas where septic systems will be utilized for waste disposal, a representative set of percolation test(s) shall be required.
- O. Any other information which the Community Development or Public Works Director determines is necessary for full evaluation of the proposed subdivision.

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#### **8.40.050 Application Requirements**

The subdivider shall provide the Community Development Department with as many copies of the tentative map and supplementary material as requested by the Community Development Director.

## 8.50 Final Map Form, Preparation, and Other Requirements

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### Sections:

- 8.50.010 - General preparation requirements
- 8.50.020 - Form and contents
- 8.50.030 - Title sheet of final tract map
- 8.50.040 - Statements, documents and other data to accompany final tract map
- 8.50.050 - Separated property
- 8.50.060 - Final parcel maps - Preparation

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### 8.50.010 General Preparation Requirements

Final tract maps shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall be based on survey, and shall substantially conform to the approved or conditionally approved tentative tract map. They shall be prepared in accordance with the Subdivision Map Act and the provisions set forth in this Section.

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### 8.50.020 Form and Contents

- A. The final tract map shall be legibly drawn, printed or reproduced by a process assuring a permanent record in black on durable, transparent material. All lines, letters, figures, certificates, affidavits and acknowledgments shall be legibly stamped or printed upon the map with waterproof opaque ink. If ink is used on polyester base film, the ink surface shall be in such condition when filed so that legible prints may be made from it.
- B. Each sheet of the final tract map shall be eighteen inches by twenty-six inches, with a marginal line drawn on all sides, leaving a one-inch blank margin. The map shall be to a minimum scale of one inch equals one hundred feet unless otherwise approved by the City Engineer. Drafting symbols shall be as shown in the standard details adopted by the City.
- C. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. A map containing more than four (4) sheets shall have a key map.
- D. Each sheet of the final tract map shall state the number and name, if any, of the tract, the scale and north point.
- E. The map shall show all survey data necessary to locate all monuments and to locate or retrace all interior and exterior boundary lines, lot lines, and block lines appearing on the final tract map, including bearings and distances, to the nearest one-hundredth foot, of straight lines, and radii and arc length or chord bearings and length for all curves, and such information as may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish subdivision boundaries. When bearings or lengths of lot lines in any series of lots are the same,

those bearings or lengths may be omitted from each interior parallel lot line of the series. Any non-tangent curve shall have either a bearing on the radial at the beginning of curve or end of curve or on the true tangent. Each required bearing and length shall be shown in full; no ditto marks or other designation of repetition shall be used.

- F. The final tract map shall show monuments found or set in the manner described in Subsection E of this Section. If monument setting has been deferred, the map shall note which monuments are in place and which are to be set noting a specific date. Securities shall be posted with the City Engineer insuring the monuments will be set.
- G. The final tract map shall show the definite location of the subdivision, particularly in relation to surrounding surveys.
- H. Lots shall be numbered consecutively beginning with the numeral "1" and continuing without omission or duplication throughout the entire subdivision. No prefix or suffix or combination of letter and number shall be used. Each lot shall be shown entirely on one sheet.
- I. Blocks shall not be designated by number or letter.
- J. The area of each lot containing one acre or more shall be shown to the nearest one-hundredth acre; the area of each lot containing less than one acre shall be shown to the nearest square foot.
- K. The boundary lines of the subdivision shall be clearly identified. The tract boundary shall be based on record data on file at the office of the County Recorder and must be reestablished by methods commonly accepted in the field of surveying and in accordance with state law. The method of survey and basis of bearing shall be clearly indicated on the final map.
- L. The centerline or side lines of each easement to which the lots in the subdivision are subject shall be shown upon the final tract map. If such easement cannot be definitely located from the records, a statement showing the existence of such easement shall be placed on the title sheet of the final tract map and the approximate location shall be shown. All easements shall be designated on the final tract map by fine dashed lines. Distances and bearings on the side lines of lots which are cut by easements shall be so arrowed or shown that the final tract map will indicate clearly the actual length and bearing of each lot line. The width of such easement or the lengths and bearings of the side lines and sufficient ties thereto to locate it definitely with respect to the subdivision shall be shown. Each easement shall be clearly labeled, identified and marked as to nature and purpose, and if already of record, its record reference shall be shown, if not of record, a statement of such easement shall be placed on the title sheet of the final tract map. If such easement is being dedicated by the final tract map, it shall be properly set out in the owner's certificate and dedication on the title sheet of the map. All notes or figures pertaining to existing easements shall be smaller and lighter than those relating to the subdivision itself. Figures pertaining to easements shall be subordinated in form and appearance to those relating to the subdivision.

- M. Each street, or other public way or public utility right-of-way within the boundaries of the subdivision shall be shown on the final tract map. The centerline and width of each street shall be shown; and, in the case of a proposed street or way, the width of that portion to be dedicated, if any, shall also be shown. On each centerline, the bearing and length of each tangent and radius, central angle and length of each curve shall be indicated.
- N. In the event the City Engineer, State Highway Engineer, or County Engineer shall have established the centerline of any street in or adjoining the subdivision, such centerline shall be shown and the monuments which determine its position indicated with reference to a field book or map showing such centerline. If such position is determined by ties, that fact shall also be indicated on the map.
- O. The location, width and extent of future streets and alleys shall be shown on the final tract map and shall be offered for dedication as public streets by a dedicatory clause conforming to the requirements of the Subdivision Map Act.
- P. Any street or way which is intended to be kept physically closed to public travel or posted as a private street at all times may be shown as a private street. Sufficient data shall be shown on each private street to define its boundaries and to show clearly the portion of each lot within such street. In order to provide for utility service to individual lots, such streets may be offered and accepted as public utility easements.
- Q. The names of all streets and highways within and/or adjacent to the subdivision shall be shown on the final map, spelled out in full and including suffixes such as "road", "street", "avenue", "place", "court" or other designation.
- R. All watercourses, storm drains and areas subject to inundation during a one hundred year storm shall be outlined and marked on a separate document and be filed or recorded simultaneously with the final tract map and shall be covered by easements for access and maintenance. Elevations of floodwater based on City datum shall be noted on the separate document. All other natural watercourses or bodies of water shall also be delineated. The City Engineer may require that a benchmark monument or monuments be set and shown on the final map.
- S. All areas shown on the final tract map which do not constitute a part of the subdivision shall be labeled "not a part". All lines delineating those areas shall be dashed.
- T. Any City boundary crossing or adjoining the subdivision shall be shown on the final tract map.
- U. The total acreage within the subdivision shall be stated on the final tract map.
- V. When a subdivision is of a portion of any unit or units of improved or unimproved land, the map may designate as a remainder that portion which is not divided for the purpose of sale, lease or financing. Such designated remainder parcel need not be indicated as a manner of survey, but only by deed reference to existing boundaries of such remainder if such remainder has a gross area of five acres or more. If so designated, such remainder parcel shall be treated as set out in Section 66424.6 of

the California Government Code, or its successor Section, as it may be amended from time to time.

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### **8.50.030 Title Sheet of Final Tract Map**

The title sheet of each final tract map shall contain:

- A. A title consisting of the number and name of the tract, if any, and the words "in the City of Grover Beach";
- B. A description of all of the real property being subdivided, referring to such map(s) as have been previously recorded or filed with the County Recorder pursuant to a final judgment in any action in partition. When necessary for greater clarity or definiteness, supplemental reference may be made to any other map on file in the office of the County Recorder. Each reference to any tract or subdivision shall be so noted as to be a unique description and must show a complete reference to the book and page records of the county;
- C. A statement signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the final tract map, subject to the exceptions and under the conditions set out in Section 66436 of the California Government Code.
- D. In the case of final maps filed for reverting subdivided land to acreage, the title sheet shall carry a subtitle consisting of the words "a reversion to acreage of (description as required);"
- E. A basis of bearing shall be shown on every map containing a field survey. A basis of bearing is a line or record which has been reestablished based on points found on the line. The points shall be the same points used to identify the line on the map of record which shows the line's bearing;
- F. In case of dedication or offer of dedication, a statement signed and acknowledged by those parties having any record title interest in the real property subdivided, offering certain parcels of real property for dedication for certain specified public use, subject to such reservations as may be contained in any such offer, as required by the Subdivision Map Act. If the offer includes dedication for street or highway purposes, and the council has so required, the statement shall include a waiver of direct access rights from any property shown on the final map as abutting on the street or highway;

If any street shown on the final map is not offered for dedication, the map certificate shall contain a statement to that effect. If such a statement appears on a map approved by the Council, public use of such street shall be permissive only but shall include use by emergency vehicles. Map certificates shall state the extent to which any street not offered for dedication is offered as a public utility easement.

An offer of dedication for utility or street purposes shall be deemed not to include any public facilities located within the area being dedicated unless, and only to the extent, the intent to dedicate such facilities is expressly stated in the certificate;

G. The following certificates for execution as specified and as required by the State Subdivision Map Act.

1. CITY COUNCIL'S STATEMENT

I hereby certify that this subdivision was duly adopted and approved and (the dedication of all streets and easements shown hereon were accepted, accepted subject to improvement, rejected without prejudice) was accepted by the Council of the City of Grover Beach on \_\_\_\_\_, and that the City Clerk was duly authorized and directed to endorse hereon its approval of the same.

Dated: \_\_\_\_\_ City Clerk \_\_\_\_\_

2. CITY COMMISSION STATEMENT

This is to certify that I have examined this map and have determined that said map substantially conforms to the tentative map as approved \_\_\_\_\_, and the conditions thereon.

Dated: \_\_\_\_\_ Secretary of the Commission \_\_\_\_\_

3. TRACT MAP NO. \_\_\_\_\_/OR PARCEL MAP AT \_\_\_\_\_

Being a subdivision of (or: adjustment of the lines between) .... brief legal..... in the City of Grover Beach, County of San Luis Obispo, State of California.

4. OWNER'S STATEMENT

(I, We), the undersigned, hereby certify that (I, We) (are, am) (all) the owner(s) of, and all record holder(s) of security interest in, and all parties having any record title in the real property included within the subdivision and project shown on this map, and that each of us does hereby consent to the filing and/or recordation of this map. And we hereby (add dedications or easement reservations or relinquishment of access rights. Must be specific as to type of dedication/easement and whether public or private).

We hereby dedicate to the public for public use and the benefit of the several public utility companies which are authorized to serve in said subdivision, easements for public utility purposes, delineated on said map as "Public Utility Easement" or P.U.E. by the City of Grover Beach or imposed thereon.

\_\_\_\_\_  
(owner)

\_\_\_\_\_  
(owner)

Dated: \_\_\_\_\_

State \_\_\_\_\_

County of \_\_\_\_\_

On \_\_\_\_\_, \_\_\_\_\_, before me, the undersigned, a said state, personally appeared (owner's name(s)) personally known to me, or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) (is/are) subscribed to the within instrument and acknowledged to me that he, she, they) executed the same as owner (s). Witness my hand and official seal.

\_\_\_\_\_  
(notary signature) SEAL

#### 5. ENGINEERS/SURVEYORS STATEMENT

This map was prepared by me or under my direction (and is based upon a field survey) (and was compiled from record data) in conformance with the Subdivision Map Act and local ordinances, at the request of (name) on (date). I hereby state that it conforms to the approved or conditionally approved tentative map, if any.

\_\_\_\_\_  
(name) R.C.E. (or L.S.) (expiration date) SEAL

#### 6. MONUMENT STATEMENT

I, (engineer/surveyor's name) hereby state that all monuments are of the character and occupy the positions shown, (or that they will be set in such positions on or before date). The monuments shown hereon are (or will be) sufficient to enable the survey to be retraced.

\_\_\_\_\_  
Engineer/Surveyor signature SEAL

#### 7. COUNTY RECORDER'S STATEMENT

Filed this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ at \_\_\_\_\_. in Book \_\_\_\_ of (Parcel) \_\_\_\_ Maps, at page \_\_\_\_ at the request of \_\_\_\_\_. Document No.: \_\_\_\_\_

Fee: \_\_\_\_\_

By: \_\_\_\_\_

County Recorder Deputy

#### 8. UNPLOTTABLE EASEMENTS

There are certain unplottable easements affecting this property.

\_\_\_\_\_  
(name) \_\_\_\_\_ document #1

**9. CITY ENGINEER'S STATEMENT (TRACT MAPS ONLY)**

I hereby certify that I have examined this Subdivision Map, that the subdivision as shown hereon is substantially the same as it appeared on the tentative map, that all provisions of the Subdivision Map Act and the Subdivision Ordinance of the City of Grover Beach have been complied with and that I am satisfied that this map is technically correct.

Date \_\_\_\_\_

\_\_\_\_\_  
City Engineer R.C.E.

\_\_\_\_\_  
(expiration date)

**10. CITY ENGINEER'S STATEMENT (PARCEL MAPS)**

This map conforms to the requirements of the Subdivision Map Act and local ordinances.

Date \_\_\_\_\_

\_\_\_\_\_  
City Engineer R.C.E.

\_\_\_\_\_  
(expiration date)

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**8.50.040 Statements, Documents and Other Data to Accompany Final Tract Map**

- A. If any part of an area to be subdivided, lot or parcel, is subject to flood hazard, inundation, or geological hazard, it shall be clearly shown on a separate document to be filed or recorded simultaneously with the final tract map. Benchmark location shall be shown on the final map if required by the City Engineer.
- B. When a soils or geological report has been prepared, this fact shall be noted, together with the date of the report and the name and address of the soils engineer or geologist making the report and the name and address of the person making the report, on a separate document to be filed or recorded simultaneously with the final map. The note shall indicate any soil problems that exist.  
  
The City shall keep those reports on file for public inspection in the Public Works Department.
- C. If a noise analysis has been prepared, as provided in these regulations, this fact shall be noted on the final tract map, together with the date of the report. The City shall keep these reports on file for public inspection in the office of the City Engineer.
- D. A copy of the required covenants, conditions and restrictions shall be submitted with the final tract map.



- E. Copies of reference maps, deeds, traverses of the boundaries or of the parcels being created and whatever other information is required by the City Engineer to verify the accuracy of the survey.
- F. If all required improvements have not been accepted by the City prior to filing of the final map, an agreement and bond, as provided by these regulations, shall be submitted.
- G. No final tract map shall be accepted by the City Engineer unless it is accompanied by a certification of the county tax collector that there are no liens for unpaid state, county, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable, against any of the land to be subdivided.
- H. No final tract map shall be accepted unless it is accompanied by a preliminary title report issued by a title company authorized by the laws of the state to write such insurance, showing the names of all persons having any record title interest in the land to be subdivided and the nature of their respective interest. The title report shall be less than 10 days old.
- I. A non-refundable filing fee in the amount prescribed by resolution of the Council shall accompany the final tract map.

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#### **8.50.050 Separated Property**

When property is separated or divided by any parcel of land other than a public right-of-way and when the property is not contiguous (exclusive of such rights-of-way), each portion of the property so separated or divided shall be divided as a separate parcel and shall be shown on a separate map.

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#### **8.50.060 Final Parcel Maps - Preparation**

Final parcel maps shall be prepared by or under the direction of licensed land surveyor or registered civil engineer, shall substantially conform to the approved or conditionally approved tentative parcel map, shall be prepared in the manner required by the Subdivision Map Act and with the following exceptions, and shall comply with the requirements of this Section:

- A. Normally, a final parcel map shall be labeled by number(s) only,
- B. The certificate dedicating or offering dedication may be combined with the owner's certificate;
- C. There shall be a certificate for execution by the Public Works Director instead of those of the City Clerk and Commission certifying to the information of the sort contained in those certificates;
- D. The final parcel map shall be based upon a field survey made in conformity with the Land Surveyor's Act.

## 8.60 LOT LINE ADJUSTMENT

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### Sections:

- 8.60.010 - Application for lot line adjustment
- 8.60.020 - Criteria for lot line adjustment
- 8.60.030 - Procedures for lot line adjustment

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### 8.60.010 Application for Lot Line Adjustment

Application for lot line adjustment shall be in the same form as prescribed for tentative parcel maps (see Section 8.40.010).

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### 8.60.020 Criteria for Lot Line Adjustment

- A. The following criteria must be met for a lot line adjustment:
1. Adjustment must be made between four or fewer existing adjacent parcels,
  2. The land taken from one parcel is added to an adjacent parcel,
  3. A greater number of parcels than originally existed cannot be created,
  4. Lot line adjustment must be approved by the local agency or advisory agency.  
(Am. Ord. 14-04)

The local agency or advisory agency shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to local zoning and building ordinances. An advisory agency or local agency shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to local zoning and building ordinances, or except to facilitate the relocation of existing utilities, infrastructure or easements. No tentative map, parcel map, or final map shall be required as a condition to the approval of a lot line adjustment. The lot line adjustment shall be reflected in the deed, which shall be recorded. No record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code.

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### 8.60.030 Procedures for Lot Line Adjustment

- A. The procedures for review and action on lot line adjustments shall be as provided in Section 8.30 for tentative parcel maps. Action of lot line adjustments shall be administrative and shall not require Commission action except where existing nonconforming lots are proposed to be reduced in size.
- B. Upon a determination by the Community Development Director that the parcels resulting from the lot line adjustment will conform with this Development Code and the City's Building Codes, that the environmental protection measures established by the City will be complied with, and that the lot line adjustment will not result in a

greater number of buildable parcels than originally existed, the lot line adjustment shall be approved.

- C. Conditions or exaction's imposed on the approval of a lot line adjustment shall be limited to those necessary to insure conformance with this Development Code and the City's Building Codes, facilitate the relocation of existing utilities, infrastructure, and/or easements. Monuments shall be set at each new property corner.
- D. Upon acceptance of all statements, guarantees, and other documents which are required in conjunction with the lot line adjustment, the Public Works Director may file a certificate of compliance, which shall refer to the approved lot line adjustment map, for each parcel affected by the change and shall cause a record of survey, deed, or a final map to be recorded in the office of the County Recorder.
- E. The Public Works Director's action may be appealed as provided in Section 7.20 (Appeals).

## 8.70 Subdivision Design and Improvements

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### Sections:

- 8.70.010 - General considerations
- 8.70.020 - General requirements – Lots
- 8.70.030 - Lot dimensions
- 8.70.040 - Solar orientation
- 8.70.050 - Multiple frontages
- 8.70.060 - Depth-width relationship
- 8.70.070 - Lot lines
- 8.70.080 - Taxing district boundary
- 8.70.090 - Flag lots (deep lot subdivisions)
- 8.70.100 - General requirements – Streets
- 8.70.110 - Access restrictions
- 8.70.120 - Street names
- 8.70.130 - Slope easements
- 8.70.140 - Street types and requirements
- 8.70.150 - General requirement – Design Criteria and Improvement Standards
- 8.70.160 - Improvements

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### 8.70.010 General Considerations

The layout of streets and lots within a subdivision shall be consistent with the densities and types of uses authorized by the general plan, specific plans and zoning. The subdivision design shall also recognize the physical conditions of the site, such as slope, soil types, and adjacent land use, which may further limit uses of the property. The subdivider must simultaneously consider such factors as terrain, solar exposure, development objectives, and options available under these regulations in order to design a subdivision which best meets the needs of those who will occupy it as well as the community as a whole.

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### 8.70.020 General Requirements – Lots

The design of lots should be based on intended use, topography and access requirements. Lots which are impractical for intended uses due to terrain, location of natural features, inadequate access, frontage, or buildable area, or other physical limitations will not be approved.

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### 8.70.030 Lot Dimensions

Each lot shall have the minimum area and dimensions indicated in this Development Code for the zone in which it is located, unless otherwise increased by the provisions of this Chapter. Each lot shall front on a street, or approved ingress and egress easement.

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**8.70.040 Solar Orientation**

The longest dimension of each lot should be oriented within thirty degrees of south, unless the subdivider demonstrates that for certain lots:

- A. The lots are large enough to allow proper building orientation and maximum feasible control of solar exposure by the lot owner, regardless of lot orientation;
- B. Buildings will be constructed as part of the subdivision project (as in condominium or planned development), and the buildings themselves will be properly oriented, with adequate solar exposure;
- C. Topography makes variations from the prescribed orientation desirable to reduce grading or tree removal or to take advantage of a setting which favors early morning or late afternoon exposure, or where topographical conditions make solar energy unfeasible;
- D. The size of the subdivision in relation to surrounding streets and lots precludes desirable lot orientation.

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**8.70.050 Multiple Frontages**

Single family residential lots with frontage on more than one street are discouraged, except for corner lots or where topography makes a single frontage impractical. The City may require the release of access rights on one frontage which shall be noted on the subdivision map.

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**8.70.060 Depth-Width Relationship**

Lots with a ratio of depth to width greater than three shall not be permitted unless there is adequate assurance that deep lot subdivision will not occur or that deep lot subdivision and subsequent development will be accomplished without detriment to adjacent properties.

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**8.70.070 Lot Lines**

- A. Lot lines should be at the top of slope banks.
- B. Side lot lines should be perpendicular to the street on straight streets, or radial to the street on curved streets, unless another angle would provide better building orientation for solar exposure or more lot area to the south of the likely building site, or unless another lot configuration would better suit the site topography or planned design of the development.
- C. On corner lots, the intersection lot lines adjacent to streets shall be rounded with a twenty-foot radius.

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**8.70.080 Taxing District Boundary**

No lot shall be divided by a taxing district boundary.

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**8.70.090 Flag Lots (deep lot subdivisions)**

- A. Flag lots may be approved for subdividing deep lots subject to the following findings:
  - 1. the subdivision is consistent with the character of the immediate neighborhood;
  - 2. the installation of a standard street, either alone or in conjunction with neighboring properties is not feasible; and
  - 3. the flag lot is justified by topographical conditions.
- B. Such subdivisions shall conform with the following:
  - 1. The access way serving the flag lot(s) shall not be included in the determination of required lot area for any lot.
  - 2. The original lot shall have frontage on a dedicated street of at least the minimum length required by these regulations for the zone in which it is located, plus the access way required to potential rear lots.
  - 3. The access way to the rear shall be at least 20 feet wide (developed to City standards) for residential zones, except where the access way is more than 150 feet long, it shall be at least 24 feet wide with 20 feet of pavement. For all other zones, the access way shall be at least 30 feet wide with a paved roadway at least 24 feet wide.
  - 4. Each lot shall have yards as required by this Development Code, including a 10 foot setback along any access way, whether easement or lot line.
  - 5. The lot farthest from the street shall own the access way in fee. Other lots using the access way shall have an access and utility easement over it.
  - 6. Lots utilizing the access way of a flag lot may be required to enter into a road maintenance agreement to insure perpetual maintenance and repair of the access way.
  - 7. A reflectorized house number master sign shall be located at the intersection of the street and access way and individual reflectorized address signs shall be placed on the right hand side of the driveway to each individual lot.

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**8.70.100 General Requirements – Streets**

The design of a subdivision street system should result from an evaluation of topographical conditions, the traffic likely to be generated by the types and numbers of planned uses, and the purpose of each street. The street system must allow an acceptable pattern of lots.

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**8.70.110 Access Restrictions**

Reserve strips of land to control access from adjoining property to public streets may be required by the City. Such reserve strips shall be at least one foot wide. They shall be shown and clearly labeled on the final map. Access restrictions may also be incorporated by note on the map.

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**8.70.120 Street Names**

Streets which are continuations of existing streets shall have the same names. Streets which are not continuations or which have significantly changed alignments shall have names which do not duplicate or closely resemble any other street names. Names for proposed streets shall be submitted on the tentative map for approval by the City. Street names shall be of beach or resort origin or shall honor a non-living individual of historic significance to the community.

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**8.70.130 Slope Easements**

Where excavation or fill slopes extend beyond the street right-of-way, easements for the slopes may be required by the City.

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**8.70.140 Street Types and Requirements**

Requirements (i.e., travel lane width, right-of-way width, etc.) for various types of streets shall be as established by the City Engineer and Director of Public Works.

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**8.70.150 General Requirement – Design Criteria and Improvement Standards**

The design criteria for subdivisions and the required physical improvements for them shall be in compliance with this Development Code, the City's grading ordinance, and other applicable regulations or standards.

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**8.70.160 Improvements**

Improvement work, including grading, shall not be commenced until plans for all such work have been approved by the City Engineer. All improvements shall be constructed under the inspection of and to the satisfaction of the City. Improvements to be installed by the subdivider, in accordance with the subdivision standards established by the Public Works Department, include the following:

- A. Streets, curb, gutters, and sidewalks as required by the City Engineer.
- B. The subdivider shall make provisions for any railroad crossing necessary for the subdivision, including application to the California Public Utilities Commission.

- C. Separate bicycle paths or bicycle areas may be required.
- D. Storm drainage, erosion and flood-control facilities shall be constructed for the collection and transmission of storm water from the subdivision to the nearest point of disposal which is satisfactory to the City Engineer. The subdivider shall be responsible for proper drainage of all storm water which runs onto his property from adjacent properties.
- E. Durable boundary monuments shall be installed and shown on the final map.
- F. Street name signs and traffic control and warning signs shall be installed as specified by the City Engineer. Traffic signals and traffic signal control conduits may be required by the City Engineer.
- G. Utilities to be installed by the subdivider shall include those listed in this Subsection. The development of these facilities may require financial contribution for previous improvements to the systems, as provided in the most recent Council resolution on utility connection charges, or in any agreement affecting a particular portion of a system, or applicable easement.

1. Sanitary sewer laterals shall be stubbed to the front property line of each lot if sanitary sewers are available. All facilities for the transmission of sewage from each of the lots to the nearest adequate point of connection to the City's sewer system shall be installed as acceptable to the City Engineer.

Sewer lines need not be provided to lots which will be in perpetual open space use.

All sewer mains shall be located within a dedicated City street or alley or within a recorded easement. (The City may make available its powers of condemnation, if needed, to acquire a sewer easement for development of a subdivision. All costs shall be borne by the subdivider.) All manholes not within a street or paved drive shall be within an easement to the City and accessible by an all-weather dust-free road.

2. A water system for domestic service and fire protection shall be provided, including all facilities necessary for the transmission of water to each lot of the proposed subdivision from the nearest point of adequate supply, satisfactory to the City Engineer and Fire Department. Water service shall be stubbed to a meter vault at the front of each lot. Fire hydrants shall be installed according to the City's Fire Code and to the satisfaction of the Fire Chief and City Engineer. Water lines need not be provided to lots which will be in perpetual open space use and which will not require irrigation or fire suppression. The Fire Chief may determine, however, that fire hydrants are required.
3. Electric power, gas and telephone services shall be stubbed to each lot and all facilities to distribute such services shall be provided according to the requirements of the responsible utility companies.
4. Cable television service shall be provided.
5. Fire alarm conduit may be required by the Fire Chief.



- H. All new utility distribution facilities shall be placed underground, except accessory facilities such as terminal boxes, meter cabinets and transformers may be installed above ground. The subdivider shall make all necessary arrangements with the utility companies for these facilities. The subdivider shall carry out protective measures as required by the City to assure the proper functioning and maintenance of other required improvements and properties adjacent to the subdivision. Temporary protective improvements may be required prior to or concurrent with the construction of permanent improvements.

## 8.80 Dedications

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### Sections:

- 8.80.010 - General requirements
- 8.80.020 - Offer to dedicate easements to remain open
- 8.80.030 - Waiver of direct street access
- 8.80.040 - Title insurance for dedication

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### 8.80.010 General Requirements

All parcels of land intended or needed for public use shall be offered for dedication to the City before any subdivision is approved - typically, when the final map is filed. The subdivider shall grant whatever land or easements the City determines are necessary to fulfill the purposes of these regulations. Such dedication of parcels or easements and improvements may be required for the following uses:

- A. Streets and alleys, including future streets;
- B. Private streets (conditional dedication) for emergency services;
- C. Pedestrian and bicycle paths, or sidewalks;
- D. Bus stops;
- E. Public utilities;
- F. Natural watercourses, storm drains and flood-control channels;
- G. Public access, including access for maintenance or fire protection;
- H. Protection of scenic and environmentally sensitive lands;
- I. Street trees;
- J. Parks and recreation facilities;
- K. Protection of slope banks, areas subject to flooding, and other potentially hazardous areas;
- L. School sites as may be necessary in accordance with the Subdivision Map Act;
- M. Sites to be preserved for public use as provided in the Subdivision Map Act;
- N. Such other public purposes as the City may deem necessary, provided the amount of property required to be dedicated bears a reasonable relationship to the increased need for public facilities created by the subdivision.

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### 8.80.020 Offer to Dedicate Easements to Remain Open

If, at the time the final tract map or parcel map is approved, any of the easements set out in Section 66477.2 of the California Government Code are rejected, subject to California Code of Civil Procedure Section 771.010, the offers of dedication shall be irrevocable and

the Council may, by resolution at any later date and without further action by the subdivider, rescind its action and accept and open any of these easements for public use. The acceptance shall be recorded in the office of the County Recorder.

---

**8.80.030 Waiver of Direct Street Access**

The City may require that any dedication or offer of dedication of a street shall include a waiver of direct access rights to such street from any property shown on a final tract map or parcel map as abutting thereon, and that if the dedication is accepted, such waiver shall become effective in accordance with the provisions of the waiver of direct access.

---

**8.80.040 Title Insurance for Dedication**

Before a final map is recorded, or if dedication and offers of dedication are supplemented by separate instrument, before such instrument or instruments are recorded, a policy of title insurance shall be issued for the benefit and protection of the City. Any expense involved in complying with the provisions of this Section shall be borne by the subdivider.

## 8.90 Subdivision Improvement Requirements

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### Sections:

- 8.90.010 - General requirements
- 8.90.020 - Preparation and form of improvement plans
- 8.90.030 - Grading plan
- 8.90.040 - Plan check fees
- 8.90.050 - Commencement of improvement work
- 8.90.060 - Inspection of improvement work
- 8.90.070 - Coordination of improvement work
- 8.90.080 - Improvements deferred or waived
- 8.90.090 - Over sizing improvements reimbursements
- 8.90.100 - Improvement agreement
- 8.90.110 - Form. Filing and term of improvement agreement
- 8.90.120 - Minimum agreement provisions
- 8.90.130 - Additional agreement provisions
- 8.90.140 - Improvement security required
- 8.90.150 - Form. Filing and term of improvement security
- 8.90.160 - Labor and materials
- 8.90.170 - Liability for alterations or changes
- 8.90.180 - Release of improvement security – Assessment District proceedings
- 8.90.190 - Release of improvement security – Completion of work
- 8.90.200 - Withholding building permits
- 8.90.210 - Acceptance of improvements
- 8.90.220 - Deferral of improvements for parcel maps

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### 8.90.010 General Requirements

All improvements shall conform to these regulations and the subdivision standards. Improvement plans shall be completed by the subdivider's engineer prior to the acceptance of the final map for filing. Improvements not completed shall be guaranteed or bonded for, at the option of the City, prior to filing the final map.

---

### 8.90.020 Preparation and Form of Improvement Plans

- A. Improvement plans shall be prepared by a registered civil engineer and shall show full details of all improvements required to be installed by the provisions of these regulations, and of all other improvements proposed to be installed by the subdivider within any street, alley, pedestrian way, easement or other public area or right-of-way. Full details shall include cross sections, plans, profiles, estimated costs and specifications. Preliminary plans may be submitted prior to the final plans to allow time for checking and correction.
- B. The form, layout, scale and other particulars of the plans, and the number of copies to be provided, shall be in accordance with the requirements of the City Engineer.

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**8.90.030 Grading Plan**

A grading plan and specifications prepared substantially in accordance with the preliminary grading plan approved as part of the approved or conditionally approved tentative map shall be submitted as part of the improvement plans. A permit must be obtained in accordance with the provisions of the City's grading regulations.

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**8.90.040 Plan Check Fees**

At the time of the submission of the final improvement plans, the subdivider shall pay a fee for plan checking, in an amount established by the City's Master Fee Schedule.

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**8.90.050 Commencement of Improvement Work**

Prior to the commencement of construction or installation of any improvements within any street, alley, path, easement or other public area or right-of-way, improvement plans shall have been approved by the City Engineer and Encroachment Permits issued.

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**8.90.060 Inspection of Improvement Work**

All improvements shall be constructed under the inspection of the City Engineer and the subdivider shall cause all such improvement work to be inspected at all times as the City Engineer may establish. The subdivider shall obtain an encroachment permit, pay an inspection fee, in an amount established by resolution of the City Council, and enter into an Inspection Agreement, prior to the commencement of construction of the improvements as specified in the Encroachment Permit Ordinance.

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**8.90.070 Coordination of Improvement Work**

All work and improvements contemplated by and performed under the provisions of these regulations shall be accomplished so as to coordinate and minimize interference with other private or public development and to minimize its threat to public safety.

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**8.90.080 Improvements Deferred or Waived**

The Council may defer or waive all or a portion of the improvements which would otherwise be required if the subdivision map is for the purpose of consolidating existing lots and unsubdivided parcels, eliminating abandoned streets or alleys, or adjusting boundaries, when there is not public need for such improvements, or such improvements are not immediately necessary.

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**8.90.090 Over Sizing Improvements Reimbursements**

As a condition of approval of a tentative map, it may be required that improvements installed by the subdivider for the benefit of the subdivision be of a supplemental size, capacity or number for the benefit of property not within the subdivision, and that the improvement be dedicated to the public. If such condition is imposed, provision for reimbursement to the subdivider, in the manner provided by the Subdivision Map Act, shall be contained in the subdivision improvement agreement entered into pursuant to these regulations, prior to any work being undertaken.

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**8.90.100 Improvement Agreement**

If the required improvements are not satisfactorily completed before a final map is filed, the subdivider shall enter into an agreement with the City to make all improvements as may be required upon approval of such map.

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**8.90.110 Form. Filing and Term of Improvement Agreement**

- A. The improvement agreement shall be in writing, shall be approved as to form by the City Attorney, and shall be secured and conditioned as provided in this Chapter. The agreement shall be recorded prior to or simultaneously with the final map.
- B. The foregoing improvement agreement shall be complete and executed by the City Manager and on file with the city before the final map is filed for recording. The term of each improvement agreement filed pursuant to the provisions of this Section shall begin on the date of recording and end upon the date of completion and fulfillment of all terms and conditions contained therein, to the satisfaction of the Council.

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**8.90.120 Minimum Agreement Provisions**

The agreement shall include the following provisions as minimum terms and conditions:

- A. Mutually agreeable terms to complete all required improvements at the subdivider's expense;
- B. A provision that the subdivider shall comply with all requirements of these regulations, of this code, and of other applicable laws, and with all terms and conditions of required improvement permits;
- C. A statement indicating a period of time within which the subdivider shall complete all improvement work;
- D. A provision that, if the subdivider fails to complete the work within the specified period of time, or any extended period of time that may have lawfully been granted to the subdivider, the City may, at its option, complete the required improvement work and the subdivider and his surety shall be firmly bound, under a continuing obligation, for payment of the full cost and expense incurred or expended by the City in completing

such work;

- E. Provision for the repair and replacement of defective material and workmanship of the improvements by the subdivider for a period of twelve months after the improvements have been accepted by the Council;
- F. A provision guaranteeing payment to the City for all engineering and inspection costs and fees not previously paid and all other incidental costs incurred by the City in enforcing the agreement.

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### **8.90.130 Additional Agreement Provisions**

The foregoing improvement agreement may also include the following provisions and such other additional terms and conditions as may be required upon approval of the tentative map or as are determined necessary by the Council, the City Manager, or the Public Works Director to carry out the intent and purposes of these regulations:

- A. Provision for the repair, at the subdivider's expense, of any damage to public streets which may reasonably be expected to result from hauling operations necessary for subdivision improvements required by these regulations, including the importing or exporting of earth for grading purposes;
- B. Mutually agreeable terms to acquire public easements which are outside the boundaries of the subdivision, at the subdivider's expense;
- C. Mutually agreeable terms to improve, at some undetermined future date, easements offered and reserved for future public use at the subdivider's expense; and providing that such improvements shall be secured by separate security in the manner prescribed in Section 8.90.140, and further providing that the requirements of this provision shall not delay the release of any other improvement security provided pursuant to Section 8.90.140;
- D. Provision for reimbursement to be paid the subdivider under the provisions of the Subdivision Map Act;
- E. A provision that the subdivider shall provide to the City, prior to the filing of the final map, letters from each utility company indicating that such companies have agreed to install, and will so install, the public utilities necessary to serve the subdivision.

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### **8.90.140 Improvement Security Required**

The subdivider shall secure the foregoing improvement agreement in the amount of 100% of the amount determined by the City Engineer to be the total estimated cost of the improvements, including a factor for inflationary cost increases, and any additional act to be performed by the subdivider under the foregoing improvement agreement, including a factor for inflationary cost increases, plus such additional amounts as the City Manager may determine are necessary to cover costs, reasonable expenses and fees, including reasonable attorney's fees, which may be incurred by the City in successfully enforcing

the agreement. The requirement of the improvement security shall not be waived under any circumstances.

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**8.90.150 Form. Filing and Term of Improvement Security**

- A. The improvement security shall be conditioned upon the faithful performance of the improvement agreement and shall be in one of the forms provided in the Subdivision Map Act. The form shall be the choice of the City in each improvement agreement. (Improvement security for public utility improvements may be in the form of a letter of assurance from the utility.)
- B. Improvement security shall be filed with the City, together with the improvement agreement, before the City accepts the final map for filing. The form of the improvement security shall be subject to the approval of the City Attorney.
- C. The term of the improvement security, filed pursuant to the provisions of this Section to secure the faithful performance of the agreement, shall begin on the date of filing and end upon the date of completion or fulfillment of all terms and conditions of the improvement agreement, to the satisfaction of the Council.

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**8.90.160 Labor and Materials**

When the improvement security provided pursuant to Section 8.90.140 is a surety bond, it shall be accompanied by a bond for the security of laborers and materialmen in an amount to be determined by the City Manager, but not less than 50 percent of the City Engineer's estimated cost of the improvements. When the improvement security is a cash deposit or an instrument of credit, such security shall include an additional amount necessary for the protection of laborers and materialmen, but in no event less than 50 percent of the City Engineer's estimated cost of the improvements.

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**8.90.170 Liability for Alterations or Changes**

The liability upon the security given for the faithful performance of the agreement shall include the performance of any changes or alterations in the work; provided, however, that all such changes or alterations do not exceed ten percent of the original estimated cost of the improvement.

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**8.90.180 Release of Improvement Security – Assessment District Proceedings**

If the required subdivision improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing by the contractor of the faithful performance and payment bond required by the special assessment act being used, the improvement security to the subdivider may be reduced by the Council by an amount corresponding to the amount of such bonds furnished by the contractor.



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**8.90.190 Release of Improvement Security – Completion of Work**

- A. Improvement security may be released upon the final completion and acceptance of the work; provided, however, such release shall not apply to the amount of security deemed necessary by the City Engineer for the guarantee and warranty period, nor to costs and reasonable expense fees, including reasonable attorney's fees, incurred by the City in enforcing the improvement agreement.
- B. The Council shall, upon report by the City Engineer, accept and certify the satisfactory completion of improvement work prior to any release of improvement security covering such work.

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**8.90.200 Withholding Building Permits**

No building permit or similar entitlement of use shall be issued for the development of any lot within a subdivision until all required improvements are substantially completed or bonded for at the discretion of and to the satisfaction of the Public Works Director; provided, however, building permits and entitlement may be issued for the development of a lot designated as a model home site when the Public Works Director determines:

- A. The construction of all required improvements has progressed to the extent that completion of and acceptance of the work seems assured to occur within a reasonable period of time; and
- B. The development of the model home sites will not conflict with work in progress on the construction of the required improvements.

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**8.90.210 Acceptance of Improvements**

After the final parcel map or final tract map has been recorded, all subdivision improvements properly installed in accordance with previously approved plans and specifications shall be accepted by the Council and the subdivider and any other person having an interest in such completion shall be notified in writing by the City Clerk of acceptance by the Council. At the time of acceptance, the City shall assume maintenance of the improvements except as otherwise provided in this Chapter. Parcel map improvements may be accepted by the Public Works Director; tract map improvements will be accepted by the Council.

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**8.90.220 Deferral of Improvements for Parcel Maps**

Improvements required for parcel maps may be deferred until a building permit or other entitlement for development of the parcel(s) is granted by the City, unless the City Engineer and Community Development Director find that completion of improvements is necessary to protect the public health and safety or is a necessary prerequisite to the orderly development of the surrounding area. If these findings are made, the City may require completion of the improvement requirements within a reasonable time following

approval of the parcel map and prior to the issuance of permits for development.

## 8.100 Subdivision Exceptions

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### Sections:

- 8.100.010 - Exception authority
- 8.100.020 - Required findings and conditions
- 8.100.030 - Filing applications – Form and content
- 8.100.040 - Commission or Public Works Director action
- 8.100.050 - Council actions

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### 8.100.010 Exception Authority

Upon the recommendation of the Commission or Public Works Director, or upon its sole determination, the Council may authorize exceptions to the requirements or standards imposed by these regulations; provided, however, that no exceptions may be made to any requirements imposed by the Subdivision Map Act; and further provided that nothing in this Chapter shall be construed as altering or conflicting with the powers and duties of the City to approve variances from this Development Code.

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### 8.100.020 Required Findings and Conditions

- A. Before any exception is authorized, all of the following findings shall be made:
  1. That the Property to be divided is of such size or shape, or is affected by such topographic conditions, that it is impossible, impractical or undesirable, in the particular case, to conform to the strict application of the regulations codified in this title; and
  2. That the cost to the subdivider of strict or literal compliance with the regulations is not the sole reason for granting the modification;
  3. That the modification will not be detrimental to the public health, safety and welfare, or be injurious to other properties in the vicinity; and
  4. That granting the modification is in accord with the intent and purposes of these regulations, and is consistent with the General Plan and with all applicable specific plans or other plans of the City.
- B. In granting any exception, the Council shall impose such conditions as are necessary to protect the public health, safety and welfare, and assure compliance with the General Plan, with all applicable specific plans, and with the intent and purposes of these regulations.

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### 8.100.030 Filing Applications – Form and Content

- A. Applications for exceptions shall be filed, in writing, by the subdivider with the Community Development Director, upon a form and in the number of copies required

for that purpose.

- B. Each application shall state fully the nature and extent of the exception requested, the specific reasons for it, and the facts relied upon to reach those conclusions.

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**8.100.040 Commission or Public Works Director Action**

The Commission (tract map) or Public Works Director (parcel map) shall separately consider any request for an exception and shall recommend approval or conditional approval only after determining that findings can be made which substantiate the criteria set out in Section 8.70.010.

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**8.100.050 Council Action**

Within 30 days of its receipt of the Commission's recommendation, the City Council shall consider and approve, conditionally approve, or deny the request for exceptions.

## 8.110 Reversion to Acreage

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### Sections:

- 8.110.010 - Purpose
- 8.110.020 - Initiation of proceedings
- 8.110.030 - Public hearing
- 8.110.040 - Required findings
- 8.110.050 - Required conditions
- 8.110.060 - Delivery of reversion map to county recorder
- 8.110.070 - Effect of filing reversion map with the County Recorder
- 8.110.080 - Tax bond not required

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### 8.110.010 Purpose

This Section is intended to enable the aggregation of subdivided real property.

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### 8.110.020 Initiation of Proceedings

Proceedings for reversion to acreage may be initiated by the Council on its own motion or by petition of all of the owners of record of the real property within the area to be reverted. The petition shall contain the following:

- A. Adequate evidence of title to the real property within the subdivision;
- B. A statement outlining the use, non-use, viability or lack of-necessity for existing easements, offers of dedication or similar attachments which are to be vacated or abandoned or maintained;
- C. Sufficient data to enable the Council to make all of the determinations and findings required by this Chapter.
- D. A final map which delineates dedications which will not be vacated and dedications which are a condition to reversion, and the boundary of the area to be reverted to acreage.
- E. Any other pertinent information as may be required by the Public Works Director.

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### 8.110.030 Public Hearing

After giving notice as provided in Section 7.10 (Public Hearings), the Council shall hold a public hearing on the proposed reversion to acreage.

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### 8.110.040 Required Findings

Before approving the map, the Council shall find that:

- A. Dedications or offers of dedication to be vacated or abandoned by the reversion to

acreage are unnecessary to present or prospective public purposes; and

B. Either:

1. All owners having an interest in the real property to be reverted to acreage have consented to reversion; or
2. None of the improvements required to be made have been made within two years from the date the final tract or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or
3. No lots shown on the final tract or parcel map have been sold within five years from the date such map was filed for record.

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**8.110.050 Required Conditions**

As conditions of reversion, the Council shall require:

- A. Dedications or offers of dedication necessary for the purposes specified by the regulations set out in this title;
- B. Retention of all previously paid fees if necessary to accomplish the purposes of the regulations set out in this title;
- C. Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this Chapter.

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**8.110.060 Delivery of Reversion Map to County Recorder**

After the hearing and approval of the final reversion to acreage map by the Council, the City Clerk shall transmit the map to the County recorder for recordation.

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**8.110.070 Effect of Filing Reversion Map with the County Recorder**

- A. The filing of the map with the County Recorder shall constitute reversion to acreage of the real property affected, and thereupon all dedications and offers of dedication not shown thereon shall be of no further force or effect.
- B. When a reversion is effective, all fees and deposits shall be returned and all improvement security released, except those retained pursuant to Section 8.110.050.

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**8.110.080 Tax Bond Not Required**

A tax bond shall not be required in reversion proceedings.

## 8.120 Lot Merger

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### Sections:

- 8.120.010 - Purpose
- 8.120.020 - Application
- 8.120.030 - Procedures for lot merger

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### **8.120.010 Purpose**

This Section is intended to enable the merger of contiguous parcels where the Community Development Director and City Engineer have determined that requirements for on-site and off-site improvements have been satisfied or will be imposed as a condition of a future entitlement for use of the subject parcel(s).

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### **8.120.020 Application**

Application for lot merger shall be made in a form prescribed by the Community Development Director.

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### **8.120.030 Procedures for Lot Merger**

Upon a determination by the Community Development Director and City Engineer that the lots proposed for merger are legal lots, that the owners of the subject lots consent to the proposed merger, and that on-site and offsite improvements which were imposed as conditions of approval have either been installed and accepted or will be required as part of a future entitlement for use or development of the subject lot(s), a certificate of lot merger shall be prepared. Said certificate shall describe the new exterior boundary of the lot after merger and shall be recorded in the Office of the County Recorder.

## 8.130 Condominium Conversions

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### Sections:

- 8.130.010 - Purpose and intent
- 8.130.020 - Applicability of other laws
- 8.130.030 - Provisions to govern condominium conversion projects
- 8.130.040 - Application requirements

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### **8.130.010 Purpose and Intent**

Condominiums, community apartments and stock cooperatives provide for ownership of separate dwellings or equity coupled with a right of exclusive occupancy, as well as common areas within multiple-family housing normally managed and maintained by an owner's association. This mix of individual and common ownership and the potential problems of converting existing apartments make special regulations necessary.

The City has determined that condominiums differ from apartments in some respects and, for the benefit of public health, safety and welfare, the conversion of such projects should be treated differently from apartments.

These regulations are intended to:

- A. Establish requirements and procedures for the conversion of existing rental housing to residential condominiums and other forms of occupant housing.
- B. Provide for compliance with the Land Use Element and Housing Element of the City's General Plan.
- C. Assure purchasers of converted apartments are aware of the condition of the structure which is offered for purchase.
- D. Provide design and property improvement standards for condominium conversion projects.
- E. Maintain a healthy inventory of rental housing suitable for persons of low and moderate-income.

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### **8.130.020 Applicability of Other Laws**

All condominium projects shall be subject to all applicable provisions of the Subdivision Map Act and this Development Code, and all other applicable state and local laws and ordinances.

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### **8.130.030 Provisions to Govern Condominium Conversion Projects**

The procedures and standards contained in this Chapter shall govern condominium conversion projects.



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**8.130.040 Application Requirements**

The following shall be provided at the time of application for a condominium conversion:

- A. Property Condition Report. The application shall be accompanied by a Property Condition Report. This report shall be in addition to and shall not replace any public report required by Government Code Section 66427.1 (a) to be submitted to the Department of Real Estate. The Property Condition Report shall include at least the following:
  - 1. A report detailing the condition of all elements of the property including foundations, ventilation, utilities, walls, roofs, windows, mechanical equipment, appliances which will be sold with the units, common facilities and parking areas. The report shall state, to the best knowledge of the applicant, and for each element: the date of construction, the condition, the expected useful life, the cost of replacement, and any variation from the zoning regulations in effect when the last building permit was issued for the subject structures. The report shall include evidence that the internal walls would meet current sound attenuation standards and that all current energy conservation standards are met. In the event the noise and energy standards are not currently met, the report shall explain proposed corrective measures to be used. The report shall identify all defective or unsafe elements or those which may impair use and enjoyment of the property, and explain the proposed corrective measures to be used. The report shall be prepared by or under the supervision of a registered civil or structural engineer, licensed general contractor, or architect;
  - 2. A report from a licensed pest-control operator describing in detail the presence and effects of any wood destroying organisms;
  - 3. A report of any known soil or geological problems. Reference shall be made to any previous soil reports for the site.
- B. Site Plan. The application shall be accompanied by a site plan which shall include at least the following:
  - 1. The location, number of stories, number of dwellings, and proposed use of each structure to remain and for each proposed new structure;
  - 2. The location, use and type of surfacing for all open storage areas;
  - 3. The location and type of surfacing for all driveways, pedestrian ways, vehicle parking areas and curb cuts;
  - 4. The location and number of all covered and uncovered parking spaces;
  - 5. The location of all existing and proposed utility lines and meters;
  - 6. The location, height and type of materials for walls and fences;
  - 7. The location of all landscaped areas, the type of landscaping, method of irrigation, and a statement specifying private or common maintenance;
  - 8. The location and description of all recreational facilities;

## 8.140 Fees

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### Sections:

8.140.010 - Council Authority

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### **8.140.010 Council Authority**

The Council shall, by resolution, establish fees to be charged of subdividers, and procedures of collection and refunds for any activities authorized or required by this Chapter, including appeals and requests for continuance or time extension.

## 8.150 Enforcement

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### Sections:

- 8.150.010 - Generally
- 8.150.020 - Illegal subdivisions – Notification of Public Works Director required
- 8.150.030 - Certificate of compliance – Application – Fee
- 8.150.040 - Certificate of compliance – Application – Determination
- 8.150.050 - Certificate of compliance – Recordation
- 8.150.060 - Illegal subdivision – Permit issuance prohibited

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### **8.150.010 Generally**

Except as otherwise provided in this Chapter, the Public Works Director is authorized and directed to enforce the regulations set out in this Chapter and the Subdivision Map Act for subdivision within the City.

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### **8.150.020 Illegal Subdivisions – Notification of Public Works Director Required**

Any officer or employee of the City who has knowledge that real property has been divided in violation of the Subdivision Map Act or the regulations set out in this title, shall immediately so notify the Public Works Director. Upon receipt of the information, the Public Works Director shall file the notices required by the Subdivision Map Act.

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### **8.150.030 Certificate of Compliance – Application – Fee**

- A. Any person owning real property, or the agent or representative of such person, may file an application for a certificate of compliance to determine whether such real property complies with the provisions of the Subdivision Map Act and of this ordinance. Such applications shall be filed with the Public Works Director, who shall be responsible for the issuance and recordation of the same. The form of the application shall be prescribed by the Public Works Director.
- B. A non-refundable fee in an amount specified by resolution of the Council for each lot or parcel for which a certificate is sought, shall accompany the application.

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### **8.150.040 Certificate of Compliance – Application – Determination**

- A. Within fifteen days after the filing of the application for a certificate of compliance, the Public Works Director shall grant, conditionally grant, or deny such application.
- B. If at any time during the processing of the application for a certificate of compliance, the Public Works Director determines that additional information or data is required, the applicant shall be promptly advised in writing, by mail, of the additional material to be supplied before further action will be taken on the application.

- C. If the application for a certificate of compliance is to be conditionally granted, the Public Works Director shall impose all conditions reasonably necessary to protect the public health, safety and welfare.
- D. The applicant shall be notified, in writing, of the action taken on the application and of the findings of fact supporting the decision.

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**8.150.050 Certificate of Compliance – Recordation**

- A. The certificate of compliance shall be filed for recording with the County Recorder by the Public Works Director. Such certificate shall identify the real property and shall state that the configuration thereof complies with applicable provisions of these regulations and all other provisions of this Code regulating the division of land within the City.
- B. A certificate of compliance granted with conditions shall not be recorded until all conditions have been met, or until assurance that such conditions will be met, in a form approved by the City Attorney and accepted by the Public Works Director.
- C. If the application for a certificate of compliance is to be conditionally granted, the Public Works Director shall impose all conditions reasonably necessary to protect the public health, safety and welfare.
- D. The applicant shall be notified, in writing, of the action taken on the application and of the findings of fact supporting the decision.

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**8.150.060 Illegal Subdivision – Permit Issuance Prohibited**

No board, commission, officer or employee of the City shall issue any certificate or permit, or grant any approval necessary to develop any real property within the City which has been divided, or which resulted from a division, in violation of the provisions of the Subdivision Map Act or of this title.

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# CHAPTER 9. DEFINITIONS

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## 9.10 Definitions

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### Sections:

- 9.10.010 - Purpose
- 9.10.020 - Definitions of Specialized Terms and Phrases
- 9.10.030 - Coastal Act Definitions
- 9.10.040 - Adult Business Definitions

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### 9.10.010 Purpose

This Chapter provides definitions of terms and phrases used in this Development 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 Development Code. If a word is not defined in this Chapter, or in other provisions of the City of Grover Beach Municipal Code, the Director shall determine the definition.

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### 9.10.020 Definitions of Specialized Terms and Phrases

**Abut.** Having property lines, street lines, and/or zoning lines in common.

**Accessory or Incidental Use.** A use customarily incidental to, related and clearly subordinate to a primary use on the same lot, which does not alter the primary use nor serve property other than the lot where the primary use is located.

**Accessory Structure.** A structure that is attached or detached from, secondary and incidental to, and commonly associated with a primary structure on the same site. Examples include sheds, covered patios, workshops, and detached garages. Does not include "Second Residential Dwelling" or detached living areas. Also see "Residential Accessory Uses and Structures".

**Administrative Development Permit.** A discretionary permit issued by the Director for certain construction and development projects. See Section 6.20.020 (Administrative Development Permit).

**Administrative Use Permit.** A discretionary permit issued by the Director for certain land uses. See Section 6.20.030 (Administrative Use Permit).

**Agent.** A person authorized in writing by the property owner to represent and act for a property owner in contacts with City employees, Commissions, and the Council, regarding matters regulated by this Development Code.

**Aggrieved person.** Anyone who, in person or through an explicitly identified representative, 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 before a hearing, informed the City of the nature of their concerns, unless for good cause was unable to do either.

**Alcoholic Beverage Sales.** The retail sale of beer, wine, and/or distilled spirits for on-premise or off-premise consumption.

**Alley.** A public or private roadway that provides vehicle access to the rear or side of lots having other public street frontage, which is not intended for general traffic circulation.

**Allowed (Allowed Use).** A land use identified by Chapter 2 as a permitted or conditional use that may be established with a development permit and/or building permit approval, subject to compliance with all applicable provisions of this Development Code.

**Animal Boarding or Kennel.** A commercial facility for the overnight keeping or boarding of household pets. Does not include uses where overnight boarding is an accessory use such as “Animal Care Facilities” and pet stores.

**Animal Care Facility.** Office and indoor medical treatment facility used by veterinarians for the care of household pets, where boarding is incidental to the primary use. If boarding is the primary use, see “Animal Boarding”.

**Applicant.** Any individual, firm, or any other entity that applies to the City for the applicable permits to undertake any land use, construction or development project within the City.

**Approval.** Includes both approval and approval with conditions.

**Automobile Service Station.** A building and/or lot or use having pumps and storage tanks where motor vehicle fuels, lubricating oil, grease, or accessories for motor vehicles are dispensed, sold, or offered for sale at retail only. Car washing and repair services are incidental to the primary use.

**Automated Teller Machine (ATM).** A computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. The machines may be located at or within banks, or in other locations. Does not include drive-thru ATMs (drive-thru businesses are regulated separately).

**Bar/Tavern/Night Club.** A business which is not part of a larger restaurant where alcoholic beverages are sold for on-site consumption. Includes bars, taverns, pubs, and similar establishments. Food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery. Entertainment must be authorized as part of the required Use Permit.

**Bed and Breakfast Inn (B&B).** The use of a single residential structure with up to five bedrooms that is used for the purpose of lodging transient guests. No meals may be prepared or sold to persons other than overnight guests.

**Boarding House.** A dwelling or part of a dwelling where lodging is furnished for compensation to three or more persons living independently from each other. Meals may also be included. Does not include “Residential Care Facilities” or “High Occupancy Residential Use”.

**Building.** See “Structure”.

**Building and Landscape Materials Sales.** A retail establishment selling hardware, tools, appliances, lumber and other building materials, plants and other landscaping materials. Includes paint, wallpaper, flooring, glass, fixtures, and similar products.



Includes these types of stores selling to the general public, even if contractor sales account for a major proportion of total sales. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Wholesaling and Distribution." Establishments primarily selling plants are classified as a "Plant Nursery".

**Building Height.** See Section 3.10.030 (Height Limits and Exceptions).

**Business Support Service.** An establishment that provides services to other businesses. Examples of these services include: blueprinting; computer-related service (rental, repair); copying, duplicating, quick printing service; courier, messenger, and delivery service (small scale without fleet vehicle storage); mailing, telegram, and mail box service; outdoor advertising service; and security services.

**California Environmental Quality Act (CEQA).** The California Environmental Quality Act (CEQA) and its implementing guidelines.

**Caretaker Residence.** A permanent residence that is accessory to the primary use of the property, and used for housing a caretaker on the site of a non-residential use where needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

**Catering Service.** A business that prepares food for consumption on the premises of a client and/or at their place of business.

**Child Day Care.** Facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours. This land use includes the following types of facilities, all of which are required to be licensed by the California State Department of Social Services:

1. **Day Care Center.** Commercial or non-profit child day care facilities designed and approved to accommodate 15 or more children, or fewer than 15 children in a non-residential building. Includes infant centers, preschools, sick-child centers, child nurseries and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.
2. **Large Family Day Care Home.** A day care facility located in a single-family residence where an occupant of the residence provides care and supervision for seven to 14 children. Children under the age of 10 years who reside in the home count as children served by the day care facility.
3. **Small Family Day Care Home.** A day care facility located in a single-family residence where an occupant of the residence provides care and supervision for either six or fewer children, or eight or fewer children provided that no more than two of the children are under the age of two and at least two of the children are over the age of six. 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 Grover Beach.

**City Council.** The City of Grover Beach City Council referred to in this Development Code as the "Council."

**Coastal Act.** The California Coastal Act of 1976, California Public Resources Code Sections 33000 et seq., as amended.

**Coastal Commission.** The California Coastal Commission.

**Coastal Development Permit.** A discretionary permit issued by the Commission or Director for certain construction and development projects. See Section 6.20.040 (Coastal Development Permit).

**Commercial recreation facilities, Indoor.** Establishments that provide amusement and services for a fee or admission charge. May also include related commercial facilities, including bars and restaurants. Examples include bowling alleys, card rooms, coin-operated amusement arcades, electronic game arcades (video games, etc), pool and billiard rooms (as primary use), and theaters (performing or cinema).

**Commercial recreation facilities, Outdoor.** Establishments that provide outdoor amusement and entertainment services for a fee or admission charge. May also include related commercial facilities, including bars and restaurants, video game arcades, etc. Examples include miniature golf, swim clubs, and aquariums.

**Communication Facilities.** See “Telecommunications Facilities”.

**Community Development Director.** See “Director”.

**Community Gardens.** A site used for growing plants for food, fiber, herbs, flowers, and others, which is shared and maintained by community residents.

**Density.** The number of dwellings per gross acre, unless otherwise stated. The calculation of gross acreage in residential zones shall include the adjacent right of ways to centerline of the street.

**Density Bonus.** As defined by Government Code Section 65915 et seq.

**Department.** The City of Grover Beach Community Development Department.

**Development Permit.** A discretionary permit issued by the Commission for certain construction and development projects. See Section 6.20.060 (Development Permit).

**Development Permits.** Authority granted by the City to use a specified site for a particular purpose. “Development Permits” includes Home Occupation Permit, Temporary Use Permit, Administrative Development Permit, Administrative Use Permit, Use Permit, Development Permit, Coastal Development Permit, and Variance, as established by Article 6.20 (Permit Review and Decisions) of this Development Code.

**Director.** The City of Grover Beach Community Development Director or his/her designee. Referred to in this Development Code as the “Director”.

**Discretionary Permit.** A City land use review and entitlement process where the Review Authority exercises discretion in deciding to approve or disapprove the permit. Includes all “Development Permits” and Subdivision Maps.

**Drive-thru business.** Any business that either by design or operation provides services or products directly to occupants of a motor vehicle, except gasoline service stations.

**Dwelling, Dwelling Unit, or Unit.** A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

**Emergency Shelter.** A facility for the temporary overnight shelter of indigents operated by a public or non-profit agency.

**Equipment Rental.** A service establishment that may offer a wide variety of household and business equipment, furniture, and materials for rental. Does not include the rental of heavy construction equipment such as tractors. See "Wholesaling and Distribution".

**Extremely Low Income Household.** Extremely low income household as defined by State Health and Safety Code Section 50106 as 30% of county median income.

**Fence.** A constructed, un-roofed barrier of wood, metal, masonry, or other material as allowed by this Development Code, that is intended to enclose, separate, define, secure, protect, and/or screen one or more areas of a site.

1. Open Fencing. A barrier constructed of materials including rails, pickets, wrought iron, or wire, with the materials spaced to that leaves at least 90 percent of the surface area open, allowing visibility through the fence.
2. Razor or Concertina Wire. Sharp fencing materials that are designed to lacerate unauthorized persons attempting to climb or cross the fence through other than a gate.

**Financial Institutions.** Financial institutions including banks and trust companies, credit unions, and savings and loan. See also, "Automated Teller Machine." Does not include check cashing stores, which are defined under "Personal Services – Restricted".

**Finding.** A factual conclusion of the Review Authority based on the evidence presented during the approval process.

**Floor Area Ratio.** 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. The maximum floor area of all structures on a site shall be determined by multiplying the FAR by the total net area of the site.

**Freight Terminal.** A transportation facility furnishing services incidental to air, motor freight, and rail transportation. Examples include: freight forwarding services; packing, crating, inspection and weighing services; freight terminal facilities; postal service bulk mailing distribution centers; joint terminal and service facilities; transportation arrangement services; overnight mail processing facilities; and trucking facilities, including transfer and storage.

**Fuel Dealer.** A retail trade establishment that sells fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, to consumers.

**Garage or Carport.** Parking space and shelter for automobiles or other vehicles, where the size of the parking space complies with the provisions of Section 3.50 (Parking Regulations).

1. A garage is a completely enclosed attached or detached accessory structure, with an operational door.
2. A carport is an attached or detached accessory structure enclosed on no more than two sides.

**General Plan.** The City of Grover Beach General Plan, including all its elements and all amendments, as adopted by the City Council in compliance with Government Code Section 65300 et seq. and referred to in this Development Code as the “General Plan”.

**General Retail.** Stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include: art galleries; bicycle sales, service, and rental; bookstores (except adult bookstores); apparel and accessories; bakeries; food stores (including convenience markets); furniture, home furnishings and appliances sales, service, and rental; and miscellaneous retail (including candy or ice cream stores, computer stores, drug stores, hobby or craft shops, jewelry stores, newsstands, pet stores, specialty shops, variety stores, or vehicle part sales).

Does not include “Resale Stores” or “Thrift Stores”, which are separately defined.

**Gross Lot Area.** See “Lot Area”.

**Habitable Space.** Space within a dwelling unit for living, sleeping, eating, cooking, bathing.

**Health/Fitness Facility.** A fitness center, gymnasium, health and athletic club, which may include any of the following: sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, and other indoor sports activities.

**Height.** See Section 3.10.030 (Height Limits and Exceptions).

**High Occupancy Residential Use.** Any dwelling with an occupancy of six or more adults. Does not include “Residential Care Facilities”.

**High Technology Uses.** Uses that incorporate high technology related to engineering, design, research and development, photonics/optics, computer assisted design, robotics research, numerical control equipment (CAD/CAM), prototype development, biotechnology lasers, medical research, materials testing, telecommunications, and related storage with limited assembly operations associated with the principal use. All activities shall be within a building. More intensive operations shall be classified as “Light Manufacturing/Processing”.

**Home Occupation Permit.** A discretionary permit issued by the Director for home businesses located in a dwelling. See Section 6.20.070 (Home Occupation Permit).

**Hotel or Motel.** See “Lodging”.

**Kitchen.** A room or space within a building used or intended to be used for the cooking or preparation of food, which includes any of the following: stove, oven, range top, dishwasher, kitchen sink.

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

**Live/Work Unit:** An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes: Complete kitchen space and sanitary facilities in compliance with the City's Building Code; and working space reserved for and regularly used by one or more occupants of the unit.

**Live Entertainment.** See Section 4.10.080.

**Local Coastal Program (LCP).** The Local Coastal Program (LCP) specifies land use policies within the Coastal Zone.

**Lodging.** A facility with guest rooms or suites, with or without kitchen facilities, rented to the general public for transient lodging. Facilities include hotels, motels, and inns.

**Lot Area.**

1. **Gross area.** Gross lot area is the total area included within the lot lines of a lot, exclusive of adjacent dedicated street right of ways. For density calculations using gross acreage, see "Density".
2. **Net area.** Net lot area is the gross lot area, not including dedications for public right of ways.

**Lot or Parcel.** A recorded lot or parcel of real property under single ownership, lawfully created as required by applicable Subdivision Map Act and City ordinance requirements, including this Development Code. Types of lots include the following.

1. **Corner Lot.** A lot located at the intersection of two or more streets.
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. **Double frontage lot.** A lot with frontage on two generally parallel streets. The Review Authority shall determine which frontage is the front or the rear lot line.

**Lot Coverage or Building Coverage.** The portion of the lot that is covered by buildings or structures, excluding covered patio structures, covered entry ways or porches that are open on at least two sides, and swimming pools/hot tubs.

**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. The Director shall determine lot depth for lots 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:

1. **Front Lot Line.** On an interior lot, the property line separating the lot from the street. The front lot line on a corner lot is the line with the shortest frontage. If the street fronting lot lines of a corner lot are equal or the difference is no greater than five feet, the front lot line shall be determined by the Director.

2. **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.
3. **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. The Director shall determine lot width for lots of irregular shape.

**Lower Income Households.** Lower income households as defined by State Health and Safety Code Section 50079.5 as 80% of county median income.

**Maintenance Service – Client Site Services.** Base facilities for various businesses that provide services on the premises of their clients. Includes gardening, janitorial, pest control, water and smoke damage recovery, and similar services; and appliance, computer, electronics, elevator, equipment, HVAC, instrument, plumbing, security systems, and other maintenance and repair services not operating from a retail establishment that sells the products being maintained or repaired. When these services operate from a retail establishment that sells the products being maintained or repaired, they are instead considered part of the retail use.

**Manufacturing – Artisan.** An establishment that manufactures and/or assembles small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products. Also includes small scale wine production of less than 500 cases annually. Retail sales of the products are also allowed on-site.

**Manufacturing/Processing, Heavy.** The manufacturing, assembling, processing, storing, or packaging of products involving: 1) chemicals, petroleum, heavy agricultural products, or other hazardous materials; 2) vehicle-dismantling or scrap and waste yards; or 3) primary production of raw materials. Examples of heavy intensity manufacturing uses include the following.

1. **Chemical Product Manufacturing.** An establishment that produces or uses basic chemicals, and other establishments creating products predominantly by chemical processes. Examples of these products include: basic chemicals, including acids, alkalies, salts, and organic chemicals; chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and finished chemical products to be used for ultimate consumption, including drugs/pharmaceuticals, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above, except as part of retail trade.
2. **Glass Product Manufacturing.** An establishment that manufactures glass and/or glass products by melting silica sand or cullet, including the production of flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Artisan and craftsman type operations are instead “Manufacturing – Artisan”.
3. **Lumber and Wood Product Manufacturing.** Manufacturing, processing, and sales involving the milling of forest products to produce rough and finished lumber and

other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products: containers, pallets and skids trusses and structural beams manufactured and modular homes turning and shaping of wood products matches (wood) wholesaling of basic wood products milling operations wood product assembly.

4. **Paving and Roofing Materials Manufacturing.** The manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar.
5. **Plastics, other Synthetics, and Rubber Product Manufacturing.** The manufacture of rubber products including: tires, rubber footwear, mechanical rubber goods, heels and soles, flooring, and other rubber products from natural, synthetic, or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires; products from recycled or reclaimed plastics or Styrofoam; molding primary plastics for other manufacturers, manufacturing miscellaneous finished plastics products, fiberglass manufacturing, and fiberglass application services.
6. **Primary Metal Industries.** An establishment engaged in: the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; the rolling, drawing, and alloying of metals; the manufacture of castings, forgings, stampings, extrusions, and other basic metal products; and the manufacturing of nails, spikes, and insulated wire and cable. Also includes merchant blast furnaces and by-product or beehive coke ovens.
7. **Pulp and Pulp Product Manufacturing.** An establishment that manufactures pulp, paper, or paperboard. Includes pulp, paper, and paperboard mills. Does not include establishments primarily engaged in converting paper or paperboard without manufacturing the paper or paperboard, including envelope manufacturing, converted paper products, paper coating and glazing, paper bags, assembly of paperboard boxes, wallpaper which are classified as "Manufacturing/Processing – Light".
8. **Scrap or Dismantling Yard.** 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.
9. **Textile and Leather Product Manufacturing.** An establishment that converts basic fibers (natural or synthetic) into a product, including yarn or fabric, that can be further manufactured into usable items ("Manufacturing – Light – Clothing and Fabric Product Manufacturing"), and industries that transform hides into leather by tanning or curing. Includes: coating, waterproofing, or otherwise; treating fabric; manufacturing of woven fabric, carpets, and rugs from yarn; dressed and dyed furs preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage; dyeing and finishing fiber, yarn, fabric, and knit apparel; scouring and combing plants; leather-tanned, curried, and finished; upholstery manufacturing;

manufacture of knit apparel and other finished products from yarn; yarn and thread mills; manufacture of felt goods, lace goods, non- woven fabrics and miscellaneous textiles.

**Manufacturing/Processing, Light.** A facility accommodating manufacturing processes involving and/or producing: apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical instruments. Light manufacturing also includes other establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. Examples of light manufacturing/processing uses include the following.

1. **Clothing and Fabric Product Manufacturing.** An establishment that assembles clothing, draperies, and/or other products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics and furs. Does not include custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store (see "Personal Services"). See also, "Manufacturing/Processing, Heavy - Textile and Leather Product Manufacturing".
2. **Electronics, Equipment, and Appliance Manufacturing.** An establishment that manufactures equipment, apparatus, and/or 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; optical instruments and lenses; aviation instruments; photographic equipment; computers, computer components, peripherals; radio and television receiving equipment; electronic components and accessories; surgical, medical and dental instruments, equipment, and supplies; semiconductors, integrated circuits, related devices; storage media, blank and pre-recorded, including magnetic, magneto-optical, and optical products such as compact disks (CDs), computer electrical welding apparatus diskettes and hard drives, digital versatile disks (DVDs), magnetic tape products, phonograph records, etc.; lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting; surveying and drafting instruments; instruments for measurement, testing, analysis and control, associated sensors and accessories; switch gear and switchboards; miscellaneous electrical machinery, equipment and supplies such as x-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines; telephone and telegraph apparatus; motors and generators; watches and clocks. Does not include research and development facilities separate from manufacturing (see "High Technology").
3. **Furniture and Fixtures Manufacturing, Cabinet Shop.** A business that manufactures wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture, and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes furniture re-upholstering businesses, wood and cabinet shops.



4. **Laboratory - Medical, Analytical.** A facility for testing, analysis, and/or research. Examples of this use include medical labs, soils and materials testing labs, and forensic labs.
5. **Metal Products Fabrication, Machine or Welding Shop.** An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these uses include: blacksmith and welding shops; sheet metal shops; plating, stripping, and coating shops; and machine shops and boiler shops.
6. **Paper Product Manufacturing.** An establishment that converts pre-manufactured paper or paperboard into boxes, envelopes, paper bags, wallpaper, etc., and/or that coats or glazes premanufactured paper. Does not include the manufacturing of pulp, paper, or paperboard (see " Manufacturing/Processing, Heavy - Pulp and Pulp Product Manufacturing").
7. **Photo/Film Processing Lab.** A facility that provides high volume and/or custom processing services for photographic negative film, transparencies, and/or prints, where the processed products are delivered to off-site retail outlets for customer pick-up. Does not include small scale photo processing machines accessory to other retail businesses.
8. **Winemaking.** A facility engaged in the large scale production of wine involving more than 500 cases annually. For production of less than 500 cases annually, see "Manufacturing – Artisan".

**Manufacturing/Processing - Medium.** A facility accommodating manufacturing processes that involve and/or produce building materials, fabricated metal products, machinery, and/or transportation equipment, where the intensity and/or scale of operations is greater than those classified under "Manufacturing - Light," but where impacts on surrounding land uses or the community can typically be mitigated to acceptable levels. Examples of medium intensity manufacturing uses include the following.

1. **Food and Beverage Product Manufacturing.** Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Examples of these uses include: bottling plants; fats and oil product manufacturing (not animal rendering); breweries; fruit and vegetable canning; confectionery products; grain mill products and by-products; manufacturing; meat, poultry, and seafood canning, curing, byproduct processing; soft drink production; miscellaneous food item preparation from raw products; dairy products manufacturing. Does not include: bakeries or beer brewing as part of a brew pub, bar or restaurant.
2. **Laundry, Dry Cleaning Plant.** A service establishment engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry cleaning and garment pressing; commercial laundries; linen supply. These facilities may include accessory customer pick-up facilities. These

facilities do not include laundromats or dry cleaning/laundry pick-up stores with limited processing equipment, which are instead under "Personal Services".

3. **Machinery Manufacturing.** An establishment that makes or processes raw materials into finished machines or parts for machines. Does not include the manufacture of electronics, equipment, or appliances ("Manufacturing/Processing, Light - Electronics, Equipment, and Appliance Manufacturing").
4. **Motor Vehicles and Transportation Equipment.** Manufacturers of equipment for transporting passengers and cargo by land, air and water, including motor vehicles, aircraft, spacecraft, ships, boats, railroad and other vehicles such as motorcycles, bicycles and snowmobiles.
5. **Stone and Cut Stone Product Manufacturing.** An establishment that cuts, shapes, and/or finishes marble, granite, slate, and/or other stone for construction and miscellaneous uses.
6. **Structural Clay and Pottery Product Manufacturing.** An establishment that produces brick and structural clay products, including pipe, china plumbing fixtures, vitreous china articles, and/or fine earthenware and porcelain products. Does not include products made primarily by hand (see "Manufacturing – Artisan").

**Massage Establishment.** A massage establishment as defined in Section 3900 of the Grover Beach Municipal Code.

**Media Production.** Facilities for motion picture, television, video, sound, computer, and other communications media production.

**Medical Services – Clinic or Urgent Care.** A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include: medical offices with 5 or more licensed practitioners and/or medical specialists; out-patient care facilities; urgent care facilities; and other allied health services.

These facilities may also include incidental medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under "Office".

**Medical Services – Doctor's Office.** A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis. Includes dental, medical, optical, and x-ray lab offices. Counseling services by other than medical doctors or psychiatrists are included under "Office-Professional".

**Medical Services - Extended Care.** Residential facilities providing nursing and health-related care as a primary use with in-patient beds. Examples of these uses include: board and care homes; convalescent hospitals; congregate living health facilities; rest homes; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care" And "Residential Care for the Elderly".

**Meeting facility, public or private.** A facility for public or private meetings, including religious assembly facilities (e.g., churches, mosques, synagogues, etc.), auditoriums,

grange halls, union halls, and meeting halls for clubs and other membership organizations. Also includes functionally related internal facilities that are clearly incidental to the primary use such as kitchens, multi-purpose rooms, and storage. Related on-site facilities such as day care centers and schools are separately defined.

**Mixed Use Project:** A project that combines both residential and commercial uses on the same site. Does not include "Live/work Unit", which is separately defined.

**Mobile Home.** 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 Dwellings".

**Mobile Home Park.** Any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

**Moderate Income Household.** Moderate income household as defined by State Health and Safety Code Section 50093 as 120% of county median income.

**Mortuary, Funeral Home.** Funeral homes and parlors, where deceased are prepared for burial or cremation, and funeral services may be conducted. Does not include on-site cremation.

**Motel.** See "Lodging".

**Multi-family Dwelling.** A structure containing two or more dwelling units. Multi-unit dwellings include: duplexes, triplexes, fourplexes (buildings under one ownership with two, three or four dwelling units, respectively, in the same structure); apartments (five or more units under one ownership in a single building); townhouse and rowhouse development (three or more attached dwellings where no unit is located over another unit); and other building types containing multiple dwelling units (for example, condominiums, courtyard housing, stacked flats, etc.).

**Net Lot Area.** See "Lot Area".

**Nonconforming Lot.** A lot that was legally created before the adoption or amendment of this Development Code, but does not comply with the current area, width, depth, or other applicable requirements of this Development Code.

**Nonconforming Parking.** A parking arrangement (e.g., drive aisle widths) or the number of parking spaces that was legally constructed before the adoption or amendment of this Development Code, but does not comply with the current standards of Section 3.50 (Parking Regulations), or other applicable requirements of this Development Code or City Standards and Specifications.,

**Nonconforming Structure.** A structure that was legally constructed before the adoption or amendment of this Development Code, but does not comply with the current area, width, depth, or other applicable requirements of this Development Code.

**Nonconforming Use.** A use of land and/or a structure (either conforming or nonconforming) that was legally established and maintained before the adoption or amendment of this Development Code, but does not conform to the current Development Code requirements for allowable land uses within the applicable zone.

**Off-Site.** An activity or accessory use that is related to a specific primary use, but is not located on the same site as the primary use.

**Office.** This Development Code distinguishes between the following types of offices. These do not include medical offices (see "Medical Service – Clinic/Urgent Care," and "Medical Service - Doctor Office.").

1. **Accessory.** An office facility for business administration, and/or on-site business and operations management, which is incidental and accessory to another business, sales, and/or service activity on the same site that is the primary use. These are permitted in all zones.
2. **Business/Service.** An establishment providing direct services to consumers. Examples of this use include employment agencies, elected official satellite offices, insurance agent offices, real estate offices, travel agencies, utility company offices, vehicle rental/sale offices with no vehicles on site, etc. Does not include "Financial Institutions," which are separately defined.
3. **Processing.** An office-type facility characterized by high employee density, and occupied by businesses engaged in information processing, and other computer-dependent and/or telecommunications-based activities. Examples of these uses include: reservation centers, insurance claim processing, mail order and electronic commerce transaction processing, consumer credit reporting, data processing services, and telemarketing offices.
4. **Professional.** An office facility occupied by a business that provides professional services, administrative services, or is engaged in the production of intellectual property. Examples of this use include: accounting, auditing and bookkeeping services; advertising agencies; attorneys; business associations, chambers of commerce; construction contractors (office facilities only); counseling services (for medical doctors see "Medical Services- Doctor Offices"); design services including architecture, engineering, landscape architecture; educational, scientific and research organizations; financial management and investment counseling; management and public relations services; media post production services; photographers and photography studios; political campaign headquarters; psychologists; travel agencies; and, security and commodity brokers.

**On-Site.** An activity or accessory use that is related to a specific primary use, which is located on the same site as the primary use.

**Park, Playground.** A public outdoor recreation facility that may provide a variety of recreational opportunities including community center, playground equipment, open space areas for passive recreation and picnicking, and sport facilities.

**Parking Facility.** Private parking lots when contiguous to a non-residential zone.

**Pedestrian Orientation.** A physical structure or place with design qualities and elements that contribute to an active, inviting and pleasant place for pedestrians that typically includes most of the following elements:

1. Building facades that are highly articulated at the street level, with interesting uses of material, color, and architectural detailing, located directly behind the sidewalk;
2. Visibility into buildings at the street level;
3. A continuous sidewalk, with a minimum of intrusions into pedestrian right-of-way;
4. Continuity of building facades along the street with few interruptions in the progression of buildings and stores;
5. Signs oriented and scaled to the pedestrian rather than the motorist. Pedestrian orientation may also include: design amenities related to the street level, such as awnings, paseos, and arcades; landscaping and street furniture.

**Pedestrian Oriented Use.** A land use that is intended to encourage walk-in customers and that generally does not limit the number of customers by requiring appointments or otherwise excluding the general public. A pedestrian oriented use provides spontaneous draw from sidewalk and street due to visual interest, high customer turnover, and/or social interaction.

**Person.** Any individual, firm, 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.** Establishments providing non-medical services to individuals as a primary use. Examples of these uses include: barber and beauty shops; dressmaking and tailor shops; dry cleaning/laundry pick-up stores with limited equipment; laundromats (self-service laundries); locksmiths; pet grooming (no overnight boarding); computer and small electronic equipment repair; shoe repair shops; and tanning salons. These uses may also include accessory retail sales of products related to the services provided.

**Personal Services - Restricted.** Establishments providing non-medical services to individuals as a primary use. Examples of these uses include: bail bonds, check cashing services, drug paraphernalia business (as defined in Municipal Code Section 3220), hookah bars, fortune telling and related practices (reference Municipal Code Section 3600 for permit requirements), buying gold/precious metals as a primary use, pawn shops, and tattoo and/or piercing parlors.

**Planning Commission.** The City's Planning Commission, referred to in this Development Code as the Commission.

**Plant Nursery.** A commercial establishment engaged solely in the retail sale of ornamental plants and related products. Does not include the wholesale and/or retail establishments for the production and propagation of ornamental plants.

**Primary Structure.** A structure that accommodates the primary use of the site.

**Primary Use.** The main purpose for which a site is developed and occupied.

**Printing and Publishing.** An establishment engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as 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."

**Property Line.** See "Lot Line".

**Public and Quasi-Public.** Includes public, semi-public, and private schools; government, civic, and community buildings and uses; public utility buildings and uses; museums and libraries; and similar uses. Does not include "Specialized Education/Training".

**Recreational Vehicle (RV).** A motor home, travel trailer, truck camper, carryall, or camp trailer, house car, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which:

1. 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. Contains 400 square feet or less of gross area measured at maximum horizontal projections;
3. Is built on a single chassis; and
4. Is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

Also includes boats, boat trailers, other types of trailers, golf carts, and busses.

**Recreational Vehicle (RV) Park.** Any area or tract of land where one or more lots are rented for relatively short-term occupancy to owners or users of recreational vehicles or travel trailers. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

**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.

1. **Large Collection Facility.** Large collection facilities which occupy an area of more than 350 square feet and/or include permanent structures.
2. **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.
3. **Recycling or Recyclable Material.** Reusable domestic containers and other materials which can be reconstituted, re-manufactured, or reused in an altered form,

including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.

4. **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.
5. **Small Collection Facility.** A center where the public may donate, redeem or sell recyclable materials, which occupies an area of 350 square feet or less and may include a mobile unit or reverse vending machines, where allowed by the applicable zone.

**Remodel or Altered.** 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.

**Repair Service – Large Equipment.** A service facility where various types of electrical, electronic, and mechanical equipment, and home and business appliances are repaired and/or maintained away from the site of the equipment owner. Does not include "Vehicle Repair & Services", the repair of small electronic equipment, which is included under "Personnel Services", maintenance and repair activities that occur on the client's site, which are included under "Maintenance Service - Client Site Services", or repair services of small equipment, which are classified as "Repair Service – Small Equipment".

**Repair Service – Small Equipment.** A service facility where various types of small home appliances and household items are repaired at the business location. Examples include: vacuum and sewing machine repair, home electronics repair, and lawnmower repair.

**Resale Store.** A retail store that buys, sells, trades, accepts for sale on consignment, or accepts for auction (e.g., eBay) used products including clothing, collectibles (e.g., coins, stamps, baseball cards), household goods, jewelry, machinery and equipment, musical instruments, or any goods that have a resale market. The products or goods include tangible personal property as defined by the U.S. Department of Justice or other used goods. Does not include "Thrift Stores" and pawn shops (see "Personal Services - Restricted", which are defined separately).

**Residential Care.** A single dwelling or multi-unit facility licensed or supervised by a Federal, State, or local health/welfare agency that provides 24-hour nonmedical care of unrelated persons who are handicapped and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. This use includes transitional housing or supportive housing. Does not include day care facilities, which are separately defined.

**Residential Care Facility for the Elderly (RCFE).** A housing arrangement chosen voluntarily by the residents, or the residents' guardians, conservators or other responsible persons; where 75 percent of the residents are at least 62 years of age, or, if younger, have needs compatible with other residents; and where varying levels of care and

supervision are provided, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal (definition from California Code of Regulations Title 22, Division 6, Chapter 6, Residential Care Facilities for the Elderly). RCFE projects may include basic services and community space. RCFE projects include assisted living facilities, congregate housing, independent living centers/senior apartments, and life care facilities as defined below.

1. **Assisted Living Facility.** A residential building or buildings that also provide housing, personal and health care, as permitted by the Department of Social Services, designed to respond to the daily, individual needs of the residents. Assisted Living Facilities may include kitchenettes (small refrigerator, sink and/or microwave oven) within individual rooms. Assisted Living Facilities are required to be licensed by the California Department of Social Services, and do not include skilled nursing services.
2. **Independent Living Center/Senior Apartment.** Independent living centers and senior apartments and are multi-family residential projects reserved for senior citizens, where common facilities may be provided (for example, recreation areas), but where each dwelling unit has individual living, sleeping, bathing, and kitchen facilities.
3. **Life Care Facility.** Sometimes called Continuing Care Retirement Communities, or Senior Continuum of Care Complex, these facilities provide a wide range of care and supervision, and also provide health care (skilled nursing) so that residents can receive medical care without leaving the facility. Residents can expect to remain, even if they become physically incapacitated later in life. Life Care Facilities require multiple licensing from the State Department of Social Services, the State Department of Health Services, and the State Department of Insurance.

**Restaurant.** A retail business where the primary activity is selling food prepared on site for on- or off-premise consumption. These include eating establishments where customers are served from a walkup counter and establishments where customers are served food at their tables. Examples include: cafes, coffee shops, donut shops, ice cream parlors, delicatessens, etc. The sale of alcoholic beverages is allowed as an accessory use when the restaurant is a bona fide eating place which maintains a suitable kitchen facility and shall make actual and substantial sales of meals prepared for consumption on the premises. However, if the sale of alcoholic beverages becomes the primary use and/or the kitchen facilities are not suitable and/or meals prepared for consumption on the premises are not substantial, the use shall be classified as a "Bar/Tavern/Night Club".

**Review Authority.** The individual or official City body (Director, Planning Commission, or City Council) identified by this Development Code as having the responsibility and authority to review, and approve or disapprove the development permit applications described in Chapter 6 (Procedures).

**Second Hand Store.** See "Resale Store".

**Second Residential Dwelling.** A second permanent dwelling that is accessory to a primary dwelling on the same site. A second residential dwelling provides complete,



independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking. A carriage house is a second residential dwelling located on an upper floor above a detached garage.

**Second-Story Roof Deck.** A platform designed for use located at or above a second story of a two-story, single-family residential structure.

**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. The setback area is as follows:

1. **Front Setback.** An area extending across the full width of the lot between the front lot line and the applicable setback measurement.
2. **Rear Setback.** An area extending the full width of the lot between a rear lot line and the applicable setback measurement.
3. **Interior Side Setback.** An area between a side lot line and the applicable setback measurement extending between the front and rear setbacks.
4. **Street Side Setback.** An area between a side lot line adjacent to the street and the applicable setback measurement extending from the front setback line to the rear lot line.

**Single Family Dwelling.** 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 units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundation systems.

**Single Room Occupancy (SRO) Facility.** A structure with one room residential rental units often with cooking facilities. May have private or shared bathroom facilities.

**Site.** A lot or adjoining lots under single ownership or single control, considered a unit for the purposes of development or other use.

**Specialized Education/Training.** A school that provides education and/or training, including vocational training, in limited subjects. Examples of these schools include: establishments providing courses by mail, language school, business, secretarial, and vocational schools, computers and electronics schools, and religious/ ministry training facility.

**Specific Plan.** A detailed plan for the systematic implementation of the General Plan, for all or part of the area covered by the General Plan, as authorized by Government Code Sections 65450 et seq.

**Storage - Outdoor.** The storage of various materials outside of a structure either as an accessory or primary use.

**Storage – Personal Storage Facility.** A structure containing generally small, individual compartments, stalls or lockers rented as individual storage spaces and characterized by low parking demand.

**Storage - Vehicle.** A facility for the storage of operative cars and other fleet vehicles, trucks, buses, recreational vehicles, and other motor vehicles. Includes facilities for the

storage and/or servicing of fleet vehicles. Does not include commercial parking lots, or "Scrap or Dismantling Yards" (See Manufacturing/Processing - Heavy).

**Storage - Warehouse.** Facilities for the indoor storage of 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 ("Storage - Personal Storage Facility"); warehouse facilities primarily used for wholesaling and distribution (see "Wholesaling and Distribution"); or terminal facilities for handling freight (see "Freight Terminal").

**Story.**

1. The segment of a building between the following levels:
  - a. Upper surface of a floor.
  - b. Upper surface of the floor or roof directly above.
2. For floors other than the top floor, a story is measured in one of the following ways:
  - a. From top to top of successive tiers of beams.
  - b. From top to top of successive tiers of finished floor surfaces.
3. For the top floor, a story is measured as follows:
  - a. From top of finished floor to top of ceiling joints where there is a ceiling.
  - b. From top of finished floor to top of roof rafters where there is no ceiling.

**Street.** A public or private thoroughfare which affords principal means of access to abutting property, including avenue, street, place, way, court, drive, land, boulevard, highway, road, or any other thoroughfare except an alley as defined herein.

**Structure or building.** Anything constructed or erected, the use of which requires attachment to the ground, attachment to something located on the ground, or placement on the ground. For the purposes of this Development Code, the term "structure" includes "buildings,"

**Structure, Primary.** See "Primary Structure".

**Studio - Art, Dance, Martial Arts, etc.** Small scale facilities typically accommodating a few groups of students at a time. Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; yoga studios; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

**Studio Unit.** A residential unit where living and sleeping space is combined in a single room.

**Supportive Housing.** See "Transitional Housing".

**Tandem parking.** The arrangement of parking where no more than two cars are arranged in tandem, one in front of the other.

**Telecommunications Facilities.** Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections.

**Temporary Use Permit.** A discretionary permit issued by the Director, which allows the use of land that is properly designed, operated and occupies a site for a limited time. See Section 6.20.080 (Temporary Use Permit).

**Thrift Store.** A retail store devoted primarily to the sale of used goods normally consisting of household discards. Also see "Resale Stores".

**Transitional and Supportive Housing.** Transitional housing is defined in Section 50675.2 of the Health and Safety Code as rental housing for stays of at least six months but where the units are recirculated to another program recipient after a set period. Transitional housing may be designed for homeless individuals or family transitioning to permanent housing. Supportive housing is defined in Section 50675.14 of the Health and Safety Code and has no limit on the length of stay, is linked to onsite or offsite services, and is occupied by a target population as defined in the Health and Safety Code.

**Use Permit.** A discretionary permit issued by the Commission for certain land uses and/or construction and development projects. See Section 6.20.090 (Use Permit).

**Use, Primary.** See "Primary Use."

**Variance.** A discretionary permit issued by the Commission granting relief from the requirements of this Development Code that permits construction in a manner that would otherwise be prohibited by this Development Code. See Section 6.20.100 (Variance).

**Vehicle Rental.** A retail establishment renting automobiles, light trucks, boats, campers, and/or motorcycles where vehicles are kept on site.

**Vehicle Repair and Services.** The repair, servicing, alteration, restoration, towing, painting, cleaning, 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.

**Vehicle Sales.** A retail or wholesale establishment selling automobiles, light trucks, boats, campers, and/or motorcycles. Vehicles for sale may be displayed outdoors or indoors. May also include repair shops and the sales of parts and accessories, incidental to vehicle sales. Does not include the sale of auto parts/accessories separate from a vehicle dealership.

**Vehicle Storage.** See "Storage – Vehicle".

**Very Low Income Household.** Very low income household as defined by State Health and Safety Code Section 50105 as 50% of county median income.

**Warehouse.** See "Storage - Warehouse".

**Wholesaling and Distribution.** An establishment engaged in selling and/or renting merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or

professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include: agents, merchandise or commodity brokers, and commission merchants, merchant wholesalers, assemblers, buyers and associations engaged in the cooperative marketing of farm products, stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment. Also includes storage, processing, packaging, and shipping facilities for mail order and electronic-commerce retail establishments.

**Wine Tasting.** A retail sales facility where customers may taste and purchase wine and/or other food products.

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## 9.10.030 Coastal Act Definitions

Definitions of the terms used in the Coastal Act, which can be found in Section 30100 et. Seq. of the Public Resources Code of the State of California and apply to properties within the Coastal Zone, have been reprinted and are set forth as follows:

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

**Allowable Use.** Any use allowed by right which does not require a public hearing or any discretionary or non-discretionary permit of the approving authority.

**Appealable Development.** In accordance with Public Resources Code Section 30603 (2), any of the following:

1. Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extend of any beach or of the mean high tide line of the sea where there is no beach, whichever is greater distance.
2. Development approved by the local government not included within paragraph (a) of this section, located on tidelands, submerged lands, public trust lands, within one hundred (100) feet of any wetland, estuary, stream or within three hundred (300) feet of the top of the seaward face of any coastal bluff.
3. Any development which constitutes a major public works project or a major energy facility. The phrase "major public works project or a major energy facility" as used in Public Resources Code Section 30603 (a) (5) and these regulations shall mean any proposed public works project as defined by Section 13012 of the Coastal Commission Regulations (Title 14 California Administrative Code, Division 5.5) or energy facility as defined by Public Resources Code Section 30107.

**Appellant.** Any person who may file an appeal and includes an applicant or any aggrieved person.

**Applicant.** The person, partnership, corporation, state or local government agency applying for a coastal development permit.

**Approving Authority.** The City Officer, Planning Commission or Council approving a coastal development permit.

**Categorically Excluded Development.** A development (upon request of the city, public agency, or other person) by which the Coastal Commission has determined pursuant to Section 30610 (e) of the Public Resources Code to have no potential for significant adverse environmental effects and, therefore, has issued an exclusion in accordance with the applicable restrictions.

**Coastal Commission.** "Commission" means the California Coastal Commission. Whenever the term California Coastal Zone Conservation Commission appears in any law, it means the California Coastal Commission.

**Coastal-Dependent Development or Use:** Any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

**Coastal Development Permit.** A letter or certificate issued; by the City in accordance with the provisions of this chapter, after the applicant has submitted all necessary supplementary documentation required to satisfy the conditions precedent in the notice to issue a coastal development permit.

**Coastal Plan.** The California Coastal Zone Conservation Plan prepared and adopted by the California Coastal Zone Conservation Commission and submitted to the Governor and the Legislature on December 1, 1975, pursuant to the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000). Pursuant to Public Resources Code Section 30103, "Coastal Zone" means that land and water area of the State of California from the Oregon border to the border of the Republic of Mexico, specified in the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division, extending seaward to the state's outer limit of jurisdiction, including offshore islands, and extending inland generally 1,000 yards, from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards. The Coastal Zone does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control drainage channel flowing into such area.

**Coastal-Related Development.** Any use that is dependent on a coastal-dependent development or use.

**Coastal Resources.** Include, but are not limited to, public access and public access facilities and opportunities, recreation areas and recreational facilities and opportunities (including for recreational water-oriented activities), public views, natural landforms, marine resources, watercourses (e.g., rivers, streams, creeks, etc.) and their related corridors, waterbodies (e.g. wetlands, estuaries, lakes, etc.) and their related uplands, ground water resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources. (Am. Ord. 14-04)

**Conditional Use.** Any use which requires a public hearing.

**Development.** On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or 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, but not limited to subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of 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, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). As used in this section, "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.

**Energy Facility.** Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

**Environmentally Sensitive Habitat Area (ESHA).** Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. (Am. Ord. 14-04)

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

**Fill.** Earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area.

**Implementing Actions.** The ordinances, regulations, or programs which implement either the provisions of the certified Local Coastal Program or the policies of this division and which are submitted pursuant to Section 30502.

**Land Use Plan.** The relevant portion of a local government's general plan, or local coastal element which is sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resources protection and development policies and, where necessary, a listing of implementing actions.

**Local Coastal Element.** That portion of a general plan applicable to the coastal zone which may be prepared by local government pursuant to this division, or such additional elements of the local government's general plan prepared pursuant to subdivision (k) of Section 65303 of the Government Code, as such local government deems appropriate.

**Local Coastal Program.** The City's land use plan, zoning ordinances, zoning maps, and other implementing actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.

**Local Government.** Any chartered or general law city, chartered or general law county, or any city and county.

**Minor Development.** A development which a local government determines satisfies all of the following requirements:

1. Is consistent with the certified local coastal program, as defined in Public Resources Code Section 30108.6.
2. Requires no discretionary approvals other than a coastal development permit.
3. Has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

**Notice to Issue Coastal Development Permit.** A letter or certificate issued by the City in accordance with the provisions of this Chapter, approving a development subject to fulfillment of conditions prior to issuance of a coastal development permit, but if such conditions are fulfilled, as being in conformance with an adequate to carry out the Local Coastal Program

**Permit.** Any license, certificate, approval, or other entitlement for use granted or denied by any public agency which is subject to the provisions of this division.

**Permitted Use.** Any use allowed by right which does not require a public hearing, but does require a discretionary or non-discretionary permit (e.g. building permit) to be issued by the approving authority.

**Person.** Any individual, organization, partnership, or other business association or corporation including any utility, and any federal, state, local government, or special district or any agency thereof.

**Prime Agricultural Land.** Those lands defined in Section 51201 of the Government Code.

**Public Works.** All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. For purposes of this division, neither the Ports of Hueneme, Long Beach, Los Angeles, nor San Diego Unified Port District nor any of the developments within these ports, shall be considered public works. All publicly financed recreational facilities, or projects of the State Coastal Conservancy, and any development by a special district. All community college facilities.

**Sea.** The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels. "Sea" does not include the area of jurisdiction of the San Francisco

Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 666000) of the Government Code, including any river, stream, tributary, creek, or flood control or drainage channel flowing directly or indirectly into such area.

**Sensitive Coastal Resource Areas.** Those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:

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

**Special District.** Any public agency, other than a local government as defined in this chapter, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "Special District" includes, but is not limited to, a county service area, a maintenance district area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefitting that area.

**Special Treatment Area.** An identifiable and geographically bounded forested area within the coastal zone that constitute a significant habitat area, area of special scenic significance, and any land where logging activities could adversely affect a public recreation area or the biological productivity or any wetland, estuary, or stream especially valuable because of its role in a coastal ecosystem.

**Treatment Works.** Treatment works shall have the same meaning as set forth in the Federal Water Pollution Control Act (33 U.S.C. 1251, et. seq.) and any other federal act which amends or supplements the Federal Water Pollution Control Act.

**Wetland.** Lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

**Zoning Ordinance.** An ordinance authorized by Section 65850 of the Government Code or, in the case of a charter city, a similar ordinance enacted pursuant to the authority of its charter.



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**9.10.040 Adult Business Definitions**

Definitions of terms related to Adult Businesses in Section 4.20:

**Adult.** A person 18 years of age and older.

**Adult Bookstore.** Any establishment, which as a regular and substantial course of conduct, displays and/or distributes adult merchandise, books, periodicals, magazines, photographs, drawings, sculptures, motion pictures, videos, DVDs, CD ROMs, slides, films, or other written, oral or visual representations which are distinguished or characterized by an emphasis on a matter depicting, describing or relating to specified sexual activities or specified anatomical areas. (See “Adult Business” for definition of regular and substantial portion of its business.)

**Adult Cabaret.** A nightclub, bar, lounge, restaurant or similar establishment or concern which features as a regular and substantial course of conduct, any type of live entertainment, films, motion pictures, videos, slides, other photographic reproductions, or other oral, written, or visual representations which are characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

**Adult Entertainment Business.** Any business establishment or concern which as a regular and substantial course of conduct performs as an adult bookstore, adult theater, adult motion picture arcade, adult cabaret, stripper, adult model studio or adult hotel/motel (but not clothing optional hotel/motel); any business establishment or concern which as a regular and substantial course of conduct sells or distributes sexually oriented merchandise or sexually oriented material; or any other business establishment or concern which as a regular and substantial course of conduct offers to its patrons products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical parts. “Adult Entertainment Business” shall also include any business establishment or concern which, as a regular and substantial course of conduct provides or allows performers, models, actors, actresses, or employees to appear in any place in attire that does not opaquely cover specified anatomical areas. “Adult Entertainment Business” does not include those uses or activities, the regulation of which is preempted by state law.

**Adult Hotel or Motel.** A hotel or motel which, as a regular and substantial course of conduct provides to its patrons, through the provision of rooms equipped with closed-circuit television or other medium, material which is distinguished or characterized by the emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas and/or which rents, leases, or lets any room for less than a 12-hour period and/or rents, leases or lets any room more than once in a 24-hour period and/or which advertises the availability of any of the above. (Ord. 04-02)

**Adult Model Studio.** Any premises where there is furnished, provided or procured a figure model or models who pose in any manner which is characterized by its emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas where such model(s) is being observed or viewed by any person for the

purpose of being sketched, painted, drawn, sculptured, photographed, filmed, or videotaped for a fee, or any other thing of value, as a consideration, compensation, or gratuity for the right or opportunity to so observe the model or remain on the premises. "Adult Model Studio" shall not include any live art class or any studio or classroom which is operated by any public agency, or any private educational institution authorized to issue and confer a diploma or degree under Section 94300 et seq. of the Education Code of the State of California.

**Adult Motion Picture Arcade.** Any business establishment or concern containing currency, coin or slug operated or manually or electronically controlled still, motion picture or video machines, projectors, or other image producing devices that are maintained to display images to an individual in individual viewing areas when those images are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. **Adult Theatre.** A business establishment or concern which, as a regular and substantial course of conduct, presents live entertainment, motion pictures, videos, slide photographs, or other pictures or visual reproductions which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

**G-string.** An article of clothing that opaquely covers the buttocks at least one inch on either side of the natal cleft and covers the entirety of the genitalia and pubis.

**Individual Viewing Area.** Any area used for viewing live performances, pictures, movies, videos or other presentations which has a potential maximum occupancy of ten persons or less as determined by the Building Official under the adopted Uniform Building Code.

**Live Art Class.** Any premises on which all of the following occur:

1. There is conducted a program of instruction involving the drawing, photographing, or sculpting of live models exposing specified anatomical areas;
2. Instruction is offered in a series of at least two classes;
3. The instruction is offered indoors;
4. An instructor is present in the classroom while any participants are present ; and
5. Preregistration is required at least 24 hours in advance of participation in the class.

**Live Entertainment.** Any existent display by a human being which is characterized by an emphasis on specified anatomical areas or specified sexual activities.

**Nude, Nudity, or State of Nudity.** The showing of the human male or female genitals, pubic area, vulva, anus, or anal cleft with less than a fully opaque covering, the showing of the female breast with less than fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

**Pasties.** An article of clothing that opaquely covers the nipple and areola of the female breast.

**Performer.** Any dancer, entertainer, model, or other person who performs specified sexual activities or displays specified anatomical areas in an adult business.

**Religious Institution.** A building which is used primarily for religious worship and related religious activities.

**Residentially Zoned Properties.** Properties in the R-1, R-2, R-3, C-P-R-1, C-R-1, C-R-2, and C-R-3 zones (with or without planned development overlay).

**School.** An institution of learning for minors, whether public or private which is maintained pursuant to standards set by the State Board of Education and made applicable to the particular type of school (For example, it is recognized that curriculum standards that are applicable to public schools are not applicable to private schools. Accordingly, a private school is not disqualified from being considered a “school” simply because it does not comply with curriculum standards applicable to public schools.) This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school, or any special institution of learning under the jurisdiction of the State Department of Education, but does not include a vocational or professional institution or an institution of higher education including a community or junior college, college, or university.

**Sexually Oriented Material.** Any element of any merchandise, including but not limited to any book, periodical, magazine, photograph, slides, drawing, sculpture, motion picture film, videos, DVDs, CD ROMs, compact disks, other types of photographic reproductions, or other written, oral, or visual representation or presentation which, for purposes of sexual arousal, provides depictions which are characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

**Sexually Oriented Merchandise.** Sexually oriented implements and paraphernalia, including, but not limited to: dildos, auto sucks, sexually oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery-operated vaginas, and similar sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sadomasochistic activity.

**Specified Anatomical Area.**

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities.**

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of clothed or unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory function in the context of a sexual relationship, any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerastia; or
2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or

3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
4. Fondling or touching of clothed or unclothed human genitals, pubic region, buttocks or female breast; or
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
6. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation; or
8. The presence of any person who performs, or appears in attire where specified anatomical parts are either not opaquely covered or minimally covered with devices commonly referred to as pasties and g-strings or any other opaque covering over the nipple and areola of the female breast, and, while covering the cleft between the buttocks and pubic area, covers less than one inch on either side of the entire length of the cleft between the buttocks and two inches across the pubic area.

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# Appendix A – Planned Development Overlay Zones

**Planned Development Overlay Zone No. 1.** The Planned Development Overlay Zone No. 1 (PD#1) was adopted on December 5, 1988 (PC Res. No. 87-51, CC Res. No. 88-109) and is located between N. 13<sup>th</sup> Street and Atlantic City Avenue, N. 12<sup>th</sup> Street and El Camino Real, includes Balboa Street, Cabrillo Court, and San Diego Loop (Tract 1518 – Oak Meadow Heights).

1. Building setbacks shall be as follows:

Lots 1-8 & 37-39	
Front Setback	15' (20' at garage)
Side Setback	5'
Street Side Setback	15'
Rear Setback	10'
Lots 9-36	
Front Setback	20'
Side Setback	5'
Street Side Setback	20'
Rear Setback	10'

2. The gross building coverage shall not exceed 50% on lots 1-8 and 37-49. These lots shall have a minimum of 25% landscaping. Building coverage on lots 9-36 shall not exceed 35%. These lots shall have a minimum of 40% landscaping. Landscape coverage is exclusive of driveways, paved walkways, decks, patios, etc.
3. Two story houses shall have a second story that does not exceed 60% of the living area of the first story.
4. Roof slopes shall not exceed 5:12, while 3:12 and 4:12 are preferred.

**Planned Development Overlay No. 2.** The Planned Development Overlay Zone No. 2 (PD#2) was adopted on July 15, 1996 (Ord. No. 96-1) and is located at the southeast corner of North 4<sup>th</sup> Street and Brighton Avenue.

1. Uses are restricted to a residential neighborhood service or convenience store.
2. Building setbacks shall be as follows:

Front Setback	20'
Side Setback	5'
Street Side Setback	10'
Rear Setback	10'
Bordering a residential zone	10'

3. The maximum building height shall be 18 feet (one story).

**Planned Development Overlay Zone No. 3.** The Planned Development Overlay Zone No. 3 (PD#3) was adopted on August 5, 1996 (Ord. No. 96-3, PC Res. No. 96-026) and is located on Rose Court and La Selva Avenue, south of Farroll Road (Tract 2147).

1. Structures on lots 12, 13, 14, and 15 shall be single story.

**Planned Development Overlay Zone No. 4.** The Planned Development Overlay Zone No. 4 (PD#4) was adopted on May 7, 2001 (Ord. No. 01-04) and is generally located south of Farroll Road, west of Rose Court, north of Anita Avenue and east of Encinitas Court, includes Marbella Court, Loreto Court, and Marseille Court (Tract 2397 – La Serena).

1. Structures on lots 6, 8-19, 36, 37, 53-56, 73-77, 79, 80, 82, and 84 shall be single story.





Coastal Boundary

Coastal Area

Non-Coastal Area

- Private Streets and Cul-de-Sacs
- Private Streets
- |                     |                   |
|---------------------|-------------------|
| 1. Foremaster Lane  | 2. Sharon Lane    |
| 3. Capistrano Court | 4. La Jolla Court |
| 5. Solana Court     | 6. Carmel Court   |
| 7. San Castle Court |                   |
- Cul-de-Sacs
- |                   |                    |
|-------------------|--------------------|
| 10. Owens Court   | 11. Mono Court     |
| 12. Ritchie Court | 13. Cabrillo Court |
| 14. Norma Court   | 15. Alma Court     |
| 16. Moss Beach    | 17. Dover Court    |
| 18. Stinson Court | 19. Malibu Court   |
| 20. Jalama Court  | 21. Rincon Court   |
| 22. Redondo Court | 23. Hermosa Court  |

