CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV

W13a

LCP-2-PAC-20-0027-1 (ADUs/REASONABLE ACCOMMODATIONS)

JUNE 9, 2021

EXHIBITS

Table of Contents

EXHIBITS

Exhibit 1 – Proposed IP Amendment

Exhibit 2 – Coastal Access Parking Area Maps

Attachment A. Comprehensive Certified LCP

CHAPTER 4. ZONING

Article l. Title, Adoption, and Purpose

Sec. 9-4.101. Title.

This chapter shall be known and cited as "The City of Pacifica Zoning Regulations".
(§ 22.02, Ord. 363)

Sec. 9-4.102. Adoption.

There is hereby adopted a zoning plan for the City, said zoning plan being a districting plan as provided by law.
(§ 1.01, Ord. 363)

Sec. 9-4.103. Purpose.

The purpose of Ibis chapter is to promote the growth of the City in an orderly manner and to promote the public health, safety, comfort. and general welfare.

The zoning or districting plan effectuated by the provisions of this chapter is a specific plan based upon the general plan and consists of the establishment of various districts. including all the territory within the boundaries of the City, within which the· use of land and buildings, the space of buildings, and the height and bulk: of buildings are regulated.

No buildings or s1ructnres shall be erected, reconstructed, or structurally altered in any manner, nor shall any building or land be used for any purpose other than as permitted by, and in conformance with, the provisions of this Chapter and all other laws and maps referred to in this chapter.
(§§ 2.01, 2.02, and 2.03, Ord. 363)

Article 2. Definitions

Sec. 9-4.201. Scope.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as set forth in this article.
(§ 19.01, Ord. 363)

Sec. 9-4.201. Advertising structure.

(§ 19.02, Ord. 363; repealed by § I **(A),** Ord. 491-C.S.,
eff. October 28, 1987)

Sec. 9-4.201.1. Access.

“Access" shall me.an an opening in a fence, wall or structure or a walkway or driveway permitting pedestrian or vehicular approach to, or within, any structure or use.
(§ I (B), Ord. 491-C.S., eff. October 28, 1987)

Sec. 9-4.202.4. (Not used).

Sec. 9.4.201.5. Accessory use.

"Accessory use" shall mean a use of a building or site, or a portion of a building or site, which use is incidental or subordinate to the principal use conducted on or occupying a site.
(§ I (E), Ord. 491-C.S., eff. October 28, 1987)

Sec. 9-4.1,02.6. Adult business
"Adult business" shall mean any business which is conducted exclusively for the patronage of adults and from which minors are specifically excluded, such as adult book stores, adult motion pictures, theaters, adult entertainment, or similar adult activities, but not including bars or liquor stores.
(§ I (F), Ord. 491-C.S., eff. October 28, 1987)

Sec. 9-4.203. Aerial
"Aerial" shall mean a radio or television transmitting or receiving device consisting of one, or any combination, of the following elements:
(1) A tower (a vertical framework which supports either an antenna or a mast);
(2) A mast (a vertical element consisting of a tube or rod which supports an antenna);
(3) An antenna (a horizontal or vertical element or array attached to a mast or to a tower);
(4) Guy wires necessary to insure safety and stability; and
(5) A dish (a broadcast device which receives micro- wave signals from a satellite).
(§ I9.023, Ord. 363, as added by § 3, Ord. 463, as amended by § Il, Ord. 440-85, eff. March 13, 1985)

Sec. 9-4.204. Agriculture.
"Agriculture" shall mean the tilling of the soil, the raising of crops. horticulture. viticulture. small livestock. fanning, dairying, or animal husbandry.
(§ 19.03. Ord. 363)

Sec. 9-4.205. Alley.
"Alley" shall mean any public thoroughfare which affords only a secondary means of access to abutting property and which is not intended for general traffic circulation.
(§ 19.04. Ord. 363)

Sec. 9-4.206. Apartment.
"Apartment" shall mean a room or suite of two (2) or more rooms which room or suite is designed for, intended for. or occupied by one family for living or sleeping purposes and doing its cooking therein.
(§ 19.05, Ord. 363)

Sec. 9-4.207. Apartment house.
"Apartment house" shall mean any building. or portion thereof. which is designed, built, rented. 1 let. or hired out to be occupied, or which is occupied, as the home or residence of three (3) or more families living independently of each other and doing their own cooking in such building. This shall include flats and apartments. (Abo see "Dwelling. Multiple", Section 9-4.235 of this article.)
(§ 19.06, Ord. 363)

Sec. 9-4.208. Automobile court or motel.
"Automobile court or motel" shall mean a building, or group of two (2). or more detached or semidetached buildings, containing guest rooms or apartments with automobile storage space serving such rooms or apartments provided in connection therewith, which building or group of buildings is designed and used for the accommodation of transient automobile travelers.
(§ 19.07, Ord. 363)

Sec. 9-4.209. Basement.
"Basement" shall mean a story partly underground and having at least one-half (1h) of its

height above grade. A basement shall be counted as a story if the vertical distance from the grade to the ceiling is over five (5') feet. or if used for business purposes, or if used for dwelling purposed by other than a janitor or domestic servants employed in the same building, including the family of the same. A basement shall not be counted as a story or in the prescribed height limit when in an apartment house and the majority of its space is used for meeting the parking requirements of such building.
(§ 19.08, Ord. 363)

Sec. 9-4 209.1 Bay window.
"Bay Window" shall mean a window, or set of windows, which projects from the exterior wall of the building exclusive of floor area."

Sec. 9-4.210. Block.
"Block" shall mean that property abutting one side of a street and lying between the two (2) nearest intersecting streets or between the nearest intersecting street and railroad right--of-way. subdivided acreage, or a water- course.
(§ 19.09. Ord. 363)

Sec. 9-4.211. Boardinghouse.
"Boardinghouse" shall mean a dwelling other than a hotel where lodging and meals for five (5) or more per- sons are provided for compensation.
(§ 19.10, Ord. 363)

Sec. 9-4.212. Building.
"Building" shall mean any structure having a roof sup- ported by columns or by walls and designed for the shelter or housing of any person. animal, or chattel.
(§ 19.11. Oro. 363)

Sec. 9-4.213. Building, accessory.
"Accessory building" shall mean a subordinate build- ing the use of which is incidental to that of the main building on the same lot and/or building site.
(§ 19.12. Ord. 363)

Sec. 9-4.214. Building, conforming.
"Conforming building" shall mean a building which is designed. or which is adaptable without alteration, for a use allowable in the district in which the building is situated.
(§ 19.13, Ord. 363)

Sec. 9-4.215. Building coverage.
"Building coverage" shall mean all enclosed floor area which occupies a building site. This definition shall include second story cantilevered floor area Balconies, if not enclosed, roof overhangs, eaves, and similar architectural features shall not be included.
{§ 19.14, Ord. 363, as amended by § II, Ord. 440-85, eff. March 13. 1985)

Sec. 9-4.216. Building, main.
"Main building" shall mean a building in which is conducted the principal use of the lot and/or building site on which the building is situated.
(§ 19.15, Ord. 363)

Sec. 9-4.217. Building, nonconforming.
"Nonconforming building" shall mean a building which is designed or so arranged in such a manner that

it is not suited to a use allowable in the district in which the building is situated.
(§ 19.16, Ord. 363)

Sec. 9-4.218. Building site.
“Building site" shall mean a lot or parcel of land which meets all of the requirements of this chapter with respect to area and dimensions in the district in which such lot or parcel is located and having its principal frontage on a public street, road, highway, or private road approved by the City.
(§ 19.17, Ord. 363)

Sec. 9-4.219. Business, retail.
"Retail business" shall mean the retail sale of any article, substance, or commodity for profit or livelihood conducted within a building, but not including the sale of lumber or other building materials or the sale of used or secondhand goods or materials of any kind.
(§ 19.18, Ord. 363)

Sec. 9-4.220. Business, wholesale.
"Wholesale business" shall mean the wholesale handling of any article, substance, or commodity for profit or livelihood, but not including the handling of lumber or other building materials or the open storage or sale of any material or commodity, and not including the pro-cessing or manufacturing of any product or substance. (§ 19.19, Ord. 363)

Sec. 9-4.220.1. Camper.
(§ 2, Ord. 13-C.S., eff. April 16, 1971; repealed by§ 1,
Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.221. Carport.
"Carport" shall mean a covered structure open on one or more sides and used for the parking of one or more automobiles.
(§ 19.20, Ord. 363)

Sec. 9-4.222. Car wash, automatic.
"Automatic car wash" shall mean an area of land or structure with machinery and/or employee operated facili- ties used principally for the cleaning, washing, drying, polishing, or waxing of motor vehicles.
(§ 19.201, Ord. 363, as added by§ 3, Ord. 382)

Sec. 9-4.223. Car wash, self-service.
"Self-service car wash" shall mean an area of land structure maintained and operated for the use of private individuals to clean, wash, polish, and wax their own motor vehicles.
(§ 19.202, Ord. 363, as added by§ 3, Ord. 382)

Sec. 9-4.224. Car wash, self-service portable.
"Portable self-service car wash" shall mean removable car cleaning and waxing equipment which is physically located on service station property and is maintained and operated for the use of private individuals to clean, wash. polish, and wax their own motor vehicles.
(§ 19.203, Ord. 363, as added by § 3, Ord. 425)

Sec. 9-4.225. Child day care home.
"Child day care home" shall mean a private single-- family residence licensed by appropriate State or County agencies for the day care or instruction of children.
(§ 19.21, Ord 363, as amended by § 3, Ord. 453, § II, Ord. 440-85, eff. March 13, 1985, and§ I (G), Ord. 491-C.S., eff. October 28, 1987)

Sec. 94.226. Club.
"Club" shall mean premises occupied by a group of associated persons or an organization organized for social, charitable service, fraternal, professional, or trade purposes, except where the chief activity of which is a service customarily carried on as a business.
(§ 19.22, Ord. 363)

Sec. 9-4.227. Combining district.
"Combining district" shall mean any district which can be combined with another district pursuant to the provisions of this chapter for the purpose of adding additional special regulations or regulations in place of the normal regulations effective in said districts.
(§ 19.23, Ord. 363)

Sec. 9-4.228. Commission.
"Commission" shall mean the Planning Commission of the City.

Sec. 9-4.229. Communications equipment building.
“Communications equipment building" shall mean a structure housing operating electrical and mechanical equipment necessary for the conduct of a public utility communications business, with or without personnel.
(§ 19.24, Ord. 363)

Sec. 9-4.230. Condominium.
"Condominium" shall mean 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, industrial, or commercial building on such real property, such as an apartment house, office, or store. "Condominium" may include, in addition, a separate interest .in any o!her portion of such real property.
(§ 19.25, Ord. 363)

Sec. 9-4.231. Crop and tree farming.
"Crop and tree fanning" shall mean the raising of, but not the sale on the premises of, any form of vegetation for profit.
(§ 19.26, Ord. 363)

Sec. 9-4.231.1. Dimensional standards.
“Dimensional standards" shall mean all setbacks, height requirements, lot area requirements, and lot cover- age requirements specified in the applicable zoning district at the time of the adoption of this Code.
(Ord. 184-C.S., eff. November 11, 1976)

Sec. 9-4.232. District
"District" shall mean a portion of the City within which certain uses of land and buildings are permitted or prohibited, certain yards and other open spaces are required, certain height limits are established for buildings, and other regulations are set forth, all as specified in this chapter.
(§ 1927, Ord. 363) "

Sec. 9-4,233. Dwelling.
"Dwelling" shall mean a building, or portion thereof, used or designed and intended to be used for human habitation, including sleeping purposes.
(§ 19.28, Ord. 363)

Sec. 9-4.234. Dwelling group.
"Dwelling group" shall mean a group of two (2) or more detached single-family, two-family, or multiple-family dwellings occupying a parcel or parcels of land in one ownership and/or having any yard or court in com- mon.
(§ 19.31, Ord. 363, as amended by § 3, Ord. 585-C.S.,
eff. February 12, 1992)

Sec. 9-4.235. Dwelling, multiple.
"Dwelling, multiple" shall mean a building, or portion thereof, used and designed as a residence for three (3) or more families living independently of each other and doing their own cooking in such building, including apartment houses, apartment hotels, and flats, but not including automobile courts, motels, hotels, or boarding- houses.
(§ 19.30, Ord. 363)

Sec. 9-4.236. Dwelling, one-family.
(§ 19.29, Ord. 363; repealed by§ I (M), Ord. 491-C.S., eff. October 28,1987)

Sec. 9.4.237. Dwelling, single-family.
"Single-family dwelling" shall mean a building de- signed for, or used to house, not more than one family, including all necessary employees of such family.
(§ 19.32, Ord. 363)

Sec. 9-4.238. Dwelling unit.
"Dwelling unit" shall mean a room or suite of two (2) or more rooms which room or suite is designed for, intended for, or occupied by one family doing its own cooking therein and having only one kitchen.
(§ 19.33, Ord. 363)

Sec. 9-4.239. Family.
"Family" shall mean one or more persons occupying a premises and living as a single housekeeping unit. as distinguished from a group occupying a hotel, club, or
fraternity or sorority house. A family shall be deemed to include necessary servants.
(§ 19.34, Ord. 363)

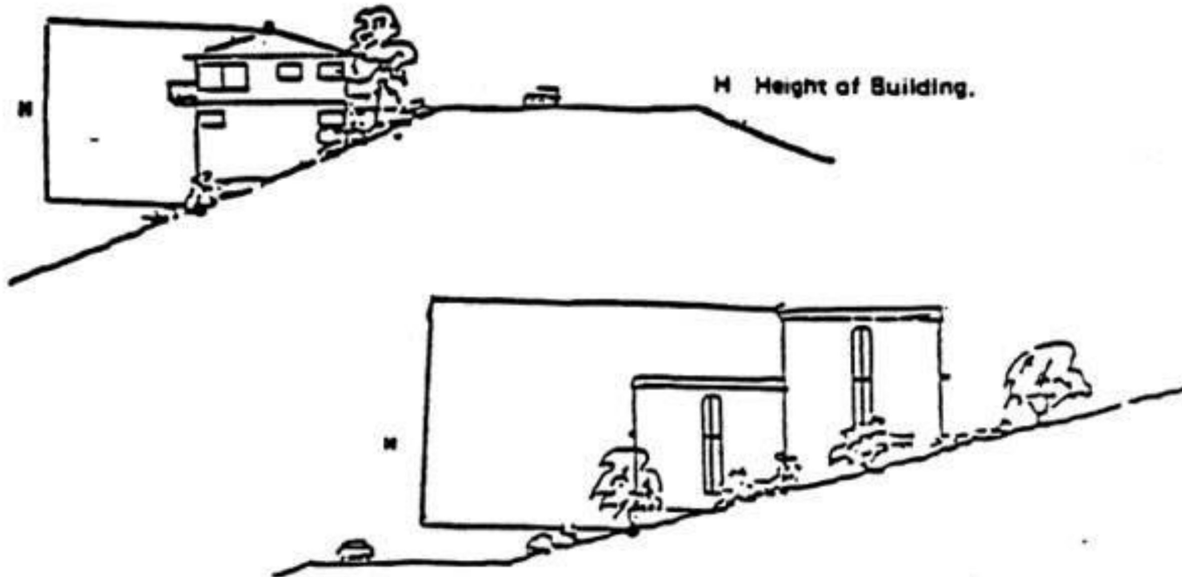
Sec. 9-4.239.1 Floor area.
"Floor area" shall mean the gross measurement of all enclosed floor area from outside wall to outside wall with the following exceptions:
(a) Garages;
(b) Areas where there is no floor (i.e. "open to below" areas);
(c) Outdoor decks and patios, whether covered or uncovered
(§ 1, Ord. 585-C.S., eff. February 12, 1992)

Sec. 9-4.240. Guest house.
"Guest house" shall mean an accessory building, with no cooking facilities, designed and/or used for overnight occupancy only and not as a living unit.
(§ 19.35, Ord. 363)

Sec. 9-4.241. Garage.
"Garage" shall mean an individually accessible and usable enclosed and covered space used for the parking of one or more automobiles.
(§ 19.36, Ord. 363)

Sec. 9-4.242. Garage, public.
“Public garage" shall mean any building or premises used for the storage and/or repair of self propelled vehicles.
(§ 19.37, Ord. 363)

Sec. 9-4.243. Height or buildings.
"Height of buildings" shall mean the maximum vertical distance, measured at the finished grade, between the lowest point on the site covered by any portion of a building to the topmost point of the roof.
(§ 19.38, Ord. 363, as amended by§ l, Ord. 451-85, eff. October 10, 1985)



Sec. 9-4 424.1 Greenhouse/solarium.
"Greenhouse/solarium" shall mean a glassed enclosure, either attached or detached to the main unit. If attached to the main unit, the structure shall be separated by walls and/or a door form the main unit."

Sec. 9-4.244. Home occupation.
"Home occupation" shall mean an occupation for compensation, which occupation is carried on by the occupants of a dwelling in accordance with the provisions of'
Article 31 of this chapter.
(§ 19.39, Ord. 363)

Sec. 9-4.245. Hotel
"Hotel” shall mean a building, or portion thereof, containing six (6) or more guest rooms used, designed, or intended to be used, let. or hired out to be occupied, or which are occupied, by six (6) or more individuals for compensation, whether the compensation for hire shall be paid directly or indirectly.
(§ 19.40, Ord. 363)

Sec. 9-4.245.1. House car.
(§ 2, Ord. 13-C.S., eff. April 16, 1971; repealed by § 1,
Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.246. Household appliance.

"Household appliance" shall mean and include articles normally found and/or associated with a household, such as a refrigerator or stove, which is operated by gas, electric, current, or a small motor. (§ 19.40.1, Ord. 363, as added by§ 3, Ord. 453)

Sec. 9-4.247. Household furniture and goods.
"Household furniture and goods" shall mean personal property normally associated with goods in a household. (§ 19.40.2, Ord. 363, as added by § 3, Ord. 453)

Sec. 9-4.248. Junk: yard.
"Junk yard" shall mean the use of more than 100 square feet of the area of any lot for the storage of junk, including scrap metals, salvage. or other scrap materials, or for the dismantling or wrecking of automobiles, or other vehicles, or machinery, whether for sale or storage. (§ 19.41, Ord. 363)

Sec. 9-4.249. Kennel.
"Kennel" shall mean a place, building, or area used to keep, board, or train animals for commercial purposes. (§ 19.42, Ord. 363, as amended by § I (N), Ord. 491- C.S., eff. October 28, 1987)

Sec. 9-4.250. · Kitchen.
"Kitchen" shall mean any room used, or intended or designed to be used. for cooking and preparing food. (§ 19.43, Ord. 363)

Sec. 9-4.251. Landscaping.
"Landscaping" shall mean plant and inorganic materi-
. als installed on the site to produce a pleasant aesthetic effect and to complement the structures constructed upon the site.
(§ 19.44, Ord. 363)

Sec. 9-4.252. Loading space.
"Loading space" shall mean an off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a com- mercial vehicle while loading or unloading merchandise or materials and which space or berth abuts upon a street. alley, or other appropriate means of access.
(§ 19.45, Ord. 363)

Sec. 9-4.253. Lot.
(See "Building site", Section 9-4.218 of this article.)
(§ 19.46, Ord. 363)

Sec. 9-4.254, Lot line, front. .
"Front lot line" shall mean, in the case of an interior lot, a line separating the lot from the street and, in the case of a comer lot, a line separating the narrowest lot frontage of the lot from the street.
(§ 19.47, Ord. 363)

Sec. 9-4.255. - Lot line, rear.
"Rear lot line" shall mean, ordinarily, that line of a lot which is generally opposite and most distant from the front line of such lot and, in the case of a triangular or gore-shaped lot, a line ten (10′) feet in length within the lot parallel to, and at the maximum distance from, the front line of the lot. In cases in which the provisions of this section are not applicable, the Zoning Administrator shall designate the rear lot line.
(§ 19.48, Ord. 363)

Sec. 9-4.256. - Lot line, side.
"Side lot line" shall mean any lot boundary not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a street side lot line.
(§ 19.49, Ord. 363)

Sec. 9-4.257. - Lot width.
"Lot width" shall mean the horizontal distance between the side lot lines measured at the required front setback line.
(§ 19.50, Ord. 363)

Sec. 9-4.257.1. - Lot depth.
"Lot depth" shall mean the horizontal length of a straight line connecting the midpoint of the front lot line and the midpoint of the rear lot line.
(§ I (R), Ord. 491-C.S., eff. October 28, 1987)

Sec. 9-4.258. - Mobile home park.
"Mobile home park" shall mean any place, area, or tract of land offered to the public for the accommodation of any trailer or any place, area, or tract of land used for the accommodation of two (2) or more trailers, whether or not offered to the public for such use, but excluding any place, area, or tract of land used for the accommodation of two (2) or more trailers for the purpose of their sale only.
(§ 19.51, Ord. 363)

Sec. 9-4.258.1. - Motor vehicle.
(§ 2, Ord. 13-C.S., eff. April 16, 1971; repealed by § 1, Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.259. - Nonconforming.
"Nonconforming" shall mean not meeting the standards of the current zoning regulations.

(a) "Nonconforming lot" shall mean a lot which does not meet the minimum lot area or dimensional standards of the zoning district in which such lot is located.
(b) "Nonconforming use of land" shall mean the operation taking place on the land which operation, if presently initiated, would not be allowed or would be permitted only with a use permit.
(c) "Nonconforming use of a conforming building" shall mean any use, as set forth in subsection (b) of this section, existing in a building which itself conforms to the current zoning requirements of the district.
(d) "Use of a nonconforming building" shall mean a use, either conforming or nonconforming, of a building which does not meet the current zoning district requirements.
(e) "Nonconforming structure" shall mean a structure, as defined in Section 9-4.278 of this article, which does not meet the setback or height standards, minimum dwelling space standards, or parking standards in force in the zoning district in which such structure is located.

(§ 19.52, Ord. 363, as amended by Ord. 184-C.S., eff. November 11, 1976, and § XI, Ord. 641-C.S., eff. May 8, 1996)

Sec. 9-4.260. - Open ground area.
"Open ground area" shall mean all landscaped and recreation areas, walks, and open patios but shall not include driveways or parking areas.
(§ 19.53, Ord. 363)

Sec. 9-4.260.1. - Open space, required.
"Required open space" shall mean a front, side, or rear yard provided on the same parcel as a building to meet the requirements of this chapter.

(§ 1, Ord. 23-C.S., eff. June 23, 1971)

Sec. 9-4.260.2. - Open space, usable.
"Usable open space" shall mean common or private outdoor living, recreation, domestic use, or landscaping. Such area may be on the ground or on a roof, porch, deck, court, or balcony. Off-street parking areas or driveway and/or exit corridors shall not be included as usable open space. Any separate area to qualify under this definition shall be a minimum of four (4′) feet by ten (10′) feet. Usable open space shall not have a slope of more than ten (10%) percent.
(§ 1, Ord. 23-C.S., eff. June 23, 1971, as amended by § I (S), Ord. 491-C.S., eff. October 28, 1987)

Sec. 9-4.260.3. - Organized off-road vehicle park.
"Organized off-road vehicle park" shall mean a special park established in accordance with Section 9-4.2306 of Article 23 of this chapter for off-road vehicle use by off-road vehicle organizations which have annual dues, regularly scheduled monthly or quarterly meetings, an elected body of officials, and an adopted set of bylaws.
(§ 1, Ord. 197-C.S., eff. April 13, 1977)

Sec. 9-4.260.4. - Outdoor common area.
"Outdoor common area" shall mean that area surrounding buildings which area is either held as a permanent common or a private outdoor area which use is intended for outdoor living or recreation or maintained in permanent landscaping. Such area shall be unoccupied or unobstructed by buildings or structures from the ground upward, except that recreational facilities, such as swimming pools and club or recreational buildings, may be included.
(§ 1, Ord. 23-C.S., eff. June 23, 1971, as renumbered by § 1, Ord. 197-C.S., eff. April 13, 1977)

Sec. 9-4.261. - Parking space.
"Parking space" shall mean an individually accessible and usable space used for the parking of one automobile and meeting the provisions of this chapter.
(§ 19.54, Ord. 363)

Sec. 9-4.262. - Paved area.
"Paved area" shall mean an area which is graded for proper drainage covered with a dustproof all-weather surfacing.
(§ 19.55, Ord. 363)

Sec. 9-4.263. - Personal appliance.
"Personal appliance" shall mean an item of personal property and intimate belonging related to or affecting a person, which appliance is of a mechanical nature.
(§ 19.55.1, Ord. 363, as added by § 3, Ord. 453)

Sec. 9-4.264. - Professional office.
"Professional office" shall mean an office for the conduct of any one of the following uses: accountant, architect, attorney, chiropractor, engineering, surveying, physician, dentist, photographer, real estate, insurance, collection agent, social work, private detective, medical or dental laboratory, city planning, prescription pharmacy, or mortician, but not including the following uses: barber or beauty shop, contractor (equipment involved or not), pest control, or drugstore.
(§ 19.56, Ord. 363)

Sec. 9-4.265. - Recreational facilities.
"Recreational facilities" shall mean facilities installed on the site, either inside or outside of structures, for the active and/or passive enjoyment of persons residing on or visiting the site.

(§ 19.57, Ord. 363)

Sec. 9-4.265.1 - Restaurant.
"Restaurant" shall mean an eating establishment that sells food primarily for consumption on-site and has more than one seat per one hundred fifty (150′) square feet gross leasable floor area. Such establishments serve food cooked-to-order and provide table service. Typical restaurants include, but are not limited to, diners and dinner houses.
(§ III, Ord. 641-C.S., eff. May 8, 1996)

Sec. 9-4.265.2 - Restaurant, fast food.
"Fast food restaurant" shall mean an eating establishment whose primary use is the quick selling of food in ready-to-consume individual servings. Such food is typically served over-the-counter in pre-packaged disposable containers. Fast food restaurants have more than one seat per one hundred fifty (150′) square feet gross leasable floor area.
(§ IV, Ord. 641-C.S., eff. May 8, 1996)

Sec. 9-4.265.3 - Restaurant, retail.
"Retail restaurant" shall mean an eating establishment that serves food primarily for consumption off-site, has less than or equal to one seat per one hundred fifty (150′) square feet gross leasable floor area, and is located in a commercial space having less than or equal to 2,000 square feet gross leasable floor area. Such establishments include, but are not limited to, bakeries, delicatessens, and take-out restaurants.
(§ V, Ord. 641-C.S., eff. May 8, 1996)

Sec. 9-4.266. - Rooming house.
(See "Boardinghouse", Section 9-4.211 of this article.)
(§ 19.58, Ord. 363)

Sec. 9-4.267. - School.
"School" shall mean a public, private, or parochial educational institution offering a full curriculum as required by State law.
(§ 19.59, Ord. 363)

Sec. 9-4.268. - Service station.
"Service station" shall mean an occupancy which provides for the retail sale of motor vehicle fuel. In addition to the retail sale of motor vehicle fuel, "service station" may also include the retail sale of petroleum products and automotive accessories; the servicing of motor vehicles and operations incidental thereto; automobile washing by hand or by portable car-washing equipment; waxing and polishing of automobiles; tire changing and repairing (excluding recapping); battery service, charging and replacement, not including repair and rebuilding; lubrication of motor vehicles; brake servicing (limited to the servicing and replacement of brake cylinders and brake shoes and drum turning); wheel balancing; and the testing, adjustment, and replacement of carburetors, coils, condensers, distributor caps, fan belts, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses and wiring.
(§ 19.60, Ord. 363, as amended by § 3, Ord. 425, § VI, Ord. 440-85, eff. March 13, 1985, and § 1, Ord. 538-C.S., eff. December 27, 1989)

Sec. 9-4.268.1. - Service station, full-service.
"Full-service service station" shall mean a service station where motor vehicle fuel dispensing is performed by an attendant.

(§ 2, Ord. 538-C.S., eff. December 27, 1989)

Sec. 9-4.268.2. - Service station, self-service.
"Self-service service station" shall mean a service station where customers must dispense motor vehicle fuel themselves. A service station with at least one island where motor vehicle fuel is dispensed by an attendant shall not be considered self-service.
(§ 2, Ord. 538-C.S., eff. December 27, 1989)

Sec. 9-4.269. - Setback, front.
"Front setback" shall mean a clear distance from the front of any lot within which no building or structure may be permitted, except as set forth in Article 27 of this chapter.
(§ 19.61, Ord. 363)

Sec. 9-4.270. - Setback, rear.
"Rear setback" shall mean a clear distance from the rear of any lot within which no building or structure may be permitted, except as set forth in Article 27 of this chapter; provided, however, nondwelling buildings may be permitted therein.
(§ 19.62, Ord. 363, as amended by § 10, Ord 538-C.S., eff. December 27, 1989)

Sec. 9-4.271. - Setback, side.
"Side setback" shall mean a clear distance from the side of any lot within which no building or structure may be permitted, except as set forth in Article 27 of this chapter; provided, however, accessory buildings named therein.
(§ 19.63, Ord. 363)

Sec. 9-4.271.1. - Shore line structure.
"Shore line structure" shall mean a man-made structure designed to protect bluffs and shore line from erosion.
(§ I(U), Ord. 491-C.S., eff. October 28, 1987)

Sec. 9-4.271.2. - Single housekeeping unit.
"Single housekeeping unit" shall mean a residential unit where residents share the same facilities and appliances for cooking and the preparation of food, including stoves and other cooking appliances, refrigeration, and the storage or cleaning of food items.
(§ I (V), Ord. 491-C.S., eff. October 28, 1987)

Sec. 9-4.272. - Small animal hospital or veterinary clinic.
"Small animal hospital" or "veterinary clinic" shall mean a place where small animals, such as dogs, cats, birds, and the like, are given medical or surgical treatment. Use as a kennel shall be incidental to short-term boarding and shall be only incidental to such hospital or clinic use.
(§ 19.64, Ord. 363)

Sec. 9-4.273. - Small livestock.
"Small livestock" shall mean and include chicken hens, pigeons, pheasant or similar fowl, rabbits, chinchillas, hamsters, guinea pigs, or similar animals.
(§ 19.65, Ord. 363)

Sec. 9-4.273.1. - Special care facility.
"Special care facility" shall mean a State-authorized certified or licensed family care home, foster home, or group home serving mentally disordered or otherwise handicapped persons, dependent and neglected children, or elderly persons on a twenty-four (24) hour-per-day basis. "Special care facility" shall also

include twenty four (24) hour shelters for victims of family violence, homeless persons, or other need categories.
(§ II, Ord. 440-85, eff. March 13, 1985, as amended by § I (W), Ord. 491-C.S., eff. October 28, 1987)

Sec. 9-4.274. - Story.
"Story" shall mean the space between a floor and the ceiling above it used for residential purposes, or as a garage or working space, or for the purpose of selling or exhibiting merchandise or services. The number of stories of a building shall be considered equal to the highest number of stories in any vertical section of the building. The restriction of the number of stories shall not exclude additional basement or attic space used exclusively for storage or for machinery servicing the building.
(§ 19.651, Ord. 363, as added by § 3, Ord. 463)

Sec. 9-4.275. - Street.
"Street" shall mean a public thoroughfare accepted by the City, which thoroughfare affords the principal means of access to abutting property, and shall include avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare, except an alley.
(§ 19.66, Ord. 363)

Sec. 9-4.276. - Street line.
"Street line" shall mean the boundary between a street and private property.
(§ 19.67, Ord. 363)

Sec. 9-4.277. - Structural alteration.
"Structural alteration" shall mean any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.
(§ 19.69, Ord. 363)

Sec. 9-4.278. - Structure.
"Structure" shall mean anything constructed or erected the use of which requires location on the ground or attachment to something having location on the ground.
(§ 19.68, Ord. 363)

Sec. 9-4.278.1. - Townhouse.
"Townhouse" shall mean an attached building containing a single dwelling unit having no other dwelling unit located above or below it.
(§ II, Ord. 440-85, eff. March 13, 1985)

Sec. 9-4.278.2. - Trailer.
(§ 2, Ord. 13-C.S., eff. April 16, 1971, as renumbered by § II, Ord. 440-85, eff. March 13, 1985; repealed by § 1, Ord. 497-C.S., eff. February 10, 1988)
Sec. 9-4.278.3. - Trailer coach.
(§ 2, Ord. 13-C.S., eff. April 16, 1971, as renumbered by § II, Ord. 440-85, eff. March 13, 1985; repealed by § 1, Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.279. - Trailer court.
(See "Mobile home park", Section 9-4.258 of this article.)
(§ 19.70 Ord. 363)

Sec. 9-4.280. - Usable open space.
(§ 19.72, Ord. 363; repealed by § I, Ord. 440-85, eff. March 13, 1985)

Sec. 9-4.281. - Use.
"Use" shall mean the purpose for which land or premises of a building thereon is designed, arranged, or intended or for which it is, or may be, occupied or maintained.
(§ 19.71, Ord. 363)

Sec. 9-4.282. - Use, accessory.
"Accessory use" shall mean a use incidental and accessory to the principal use of a lot or a building located on the same lot.
(§ 19.73, Ord. 363)

Sec. 9-4.282.1. - Vehicle.
"Vehicle" shall mean a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails.
(§ 2, Ord. 13-C.S., eff. April 16, 1971)

Sec. 9-4.283. - Yard.
"Yard" shall mean an open space, other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward, except as set forth in Article 27 of this chapter, and except that there shall be no parking of vehicles or trailers except in a garage or on driveway aprons constructed in such yard.
(§ 19.74, Ord. 363)

Sec. 9-4.284. - Yard, front.
"Front yard" shall mean a yard extending across the full width of the lot, the depth of which is measured from the street line to the foundation line of the main building; provided, however, if any Official Plan Line has been established for such street, then such yard shall be measured from the Official Plan Line to the foundation line of the main building.
(§ 19.75, Ord. 363)

Sec. 9-4.285. - Yard, rear.
"Rear yard" shall mean a yard extending across the full width of the lot measured between the rear line of the lot and the foundation line of the main building.
(§ 19.76, Ord. 363)

Sec. 9-4.286. - Yard, side.
"Side yard" shall mean a yard between the side line of a lot and the foundation line of the building and extending from the front yard to the rear yard.
(§ 19.77, Ord. 363)

Sec. 9-4.287. - Zoning plot.
"Zoning plot" shall mean building site. (See "Building site", Section 9-4.218 of this article.)
(§ 19.78, Ord. 363, as added by § 3, Ord. 419)

Article 3. Establishment of Districts
Sec. 9-4.301. Established.
The districts established by the provisions of this chapter are hereby designated as follows:
(a) Single-Family Residential District (R-1);
(b) Two-Family Residential District (R-2);
(c) Multiple-Family Residential District (R-3);
(d) Multiple-Family Residential District (R-3.l);
(e) Multiple-Family Residential Garden District (R-3-G);

(f) High Rise Apartment District (R-5);
(g) Neighborhood Commercial District (C-1);
(h) Commercial Apartment District (C-1-A);
(i) Community Commercial District (C-2);
(j) Service Commercial District (C-3);
(k) Professional Office District (O);
(l) Commercial Recreation District (C-R);
(m) Controlled Manufacturing District (M-1);
(n) Industrial District (M-2);
(o) Parking District (P);
(p) Agricultural District (A);
(q) Lot Size Overlay District (B-);
(r) Public Facilities District (P.F);
(s) Planned Development District (P-D);
(t) Resource Management District (R-M);
(u) Open Space District (O-S);
(v) Multiple-Family/Low Density Residential District (R-3/L.D.) and;
(w) Single-Family Residential Hillside District (R-1-H).
(x) Coastal Zone Combining District CZ
(y) Special Area Combining District SA
(z) Cannabis Operation Overlay District (CO).

(§ 3.01, Ord. 363, as amended by § I, Ord. 412-C.S., eff. July 25, 1984, § 11, Ord. 538-C.S., eff. December 12, 1989, § 2, Ord. 541-C.S., eff. January 10, 1990, § 2, Ord. 582-C.S., eff. January 8, 1992 and § 11(A), Ord. 610-C.S., eff. March 16, 1994; § 2, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Sec. 9-4.302. Zoning map.

The designations, locations, and boundaries of the districts established are delineated upon the zoning map of the City of Pacifica, California, as amended, which map and all notations and information thereon are hereby made a part of this chapter. Any land within the City limits, now or in the future, not designated or indicated as any district on the zoning map shall be immediately zoned pursuant to the Land Use Plan of the City.

The zoning map, for convenience, may be divided into section maps, and each such section map may be separately referred to or amended for the purposes of amending the zoning map. The zoning map and each of its section maps, and the notations, references, and other information shown thereon, shall be as much a part of this chapter as if the matters and information set forth by such maps were all fully described in this chapter. (§ 3.03, Ord. 363)

Sec. 9-4.303. Unclassified land.

Any land within the City limits, now or in the future, not otherwise classified on the zoning map shall be in the Unclassified or U District
(§ 3.02, Ord. 363)

Article 4. R-1 Single-Family Residential District

Sec. 9-4.401. Permitted and conditional uses.

(a) *Permitted uses.* The following uses shall be per- mitted in the R-1 District:
 (1) One single-family dwelling per lot;
 (2) Accessory buildings and uses;
 (3) Child day care homes for twelve (12) children or less;
 (4) Special care facilities for six (6) or fewer persons; and

(5) Manufactured homes consistent with Chapter 14 of Title 8 of this Code.
(6) Indoor or outdoor cultivation of cannabis for personal use as an accessory use to a primary dwelling unit, subject to the standards contained in Article 48 of this chapter; and

(7) Accessory dwelling units and junior accessory dwelling units, subject to the standards of Article 4.5.

(b) *Conditional uses.* Conditional uses allowed in the **R-1** District, subject to obtaining a use permit, shall be as follows:
(1) Churches and schools;
(2) Parks and playgrounds;
(3) Landscaped public or private parking lots when adjacent lo any C District;
(4) Crop and tree farming;
(5) Mobile home parks;
(6) ~~Second dwelling units pursuant to Article 4.5 of this chapter~~;
(7) Bed and breakfast inns with no more than three (3) guest rooms; and
(8) Clustered housing pursuant to Article 2 of this chapter.
(9) Special care facilities for more than (6) persons consistent with the use criteria described in Section 9-4.2315

Sec. 9-4.402. Development regulations.
Development regulations in the R-1 District shall be as follows:
(a) Minimum building site area: 5,000 square feet;
(b) Minimum lot area per dwelling unit: 5,000 square feet;
(c) Minimum lot width: fifty (50') feet;
(d) Minimum front yard setback: fifteen (15') feet; however, the minimum front setback to a garage entrance shall be twenty (20′) feet. The minimum setback entrance on the street side of a corner lot shall be twenty (20′) feet. (For nonconforming lots, see Section 9-4.3002 and for garages as accessory buildings, see Section 9-4.2704)
(e) Minimum side yard: five (5') feet; however, the minimum exterior side yard for comer lots shall be ten (10') feet. (For nonconforming lots, see Sec. 9-4.3002);
(f) Minimum rear yard: twenty (20') feet;
(g) Minimum setback for nondwelling accessory buildings: one and a half (1½′) feet from the side or rear lot line within the rear setback, (See Sec. 9-4.2704, Accessory Buildings)
~~(g)~~(h) Maximum lot coverage by all structures: forty (40%) percent;
~~(h)~~(i) Minimum landscaped area: twenty (20%) percent. In addition, the front yard setback shall be landscaped and adequately maintained. Concrete and asphalt paving shall only be allowed on the driveways and pathways;
~~(i)~~(j) Maximum height: thirty-five (35') feet; however, the maximum height for a detached accessory building shall be twelve feet (12')
~~(j)~~(k) In the case of conditional uses, additional regulations may be required;
~~(k)~~(l) Parking: as set forth in Article 28 of this chapter; and
~~(l)~~(m) Permits for site development: as set forth in Article 32 of this chapter.
(n) Cannabis cultivation for personal use: as set forth in Article 48 of this chapter, including without limitation the prohibition on outdoor cultivation on any parcel directly abutting any School, Day Care Center, or Youth Center as those terms are defined.
~~(m)~~ (o) Notwithstanding the provisions of this section, the development regulations for accessory dwelling units and junior accessory dwelling units shall be those set forth in Article 4.5.
~~(n) (o)~~
~~(o)~~

~~**Article 4.5 Second Residential Unit**~~

Sec. 9-4.451. - Purpose.
It is the intent of the City to apply the regulations of this article to second dwelling units on R-1 District lots to help meet the need for new housing.

A second residential unit which conforms to the requirements of this article shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use which is consist with the existing General Plan and zoning designations for the lot. Second units shall not be considered in the application of any local growth control law.

(§ I, Ord. 357-C.S., eff. December 8, 1982)

Sec. 9-4.452. - Second unit defined.
As used in this article, "second unit" shall mean either a detached or attached dwelling unit which provides complete, independent living facilities for one or more persons. A second unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel or parcels as the primary unit is situated.

(§ I, Ord. 357-C.S., eff. December 8, 1982)

Sec. 9-4.453. - Development standards.

(a) Applicability. An application for a second residential unit shall be considered if the project meets the following minimum criteria:
    (1) The applicant shall agree in writing to annually submit a notarized statement or declaration under penalty of perjury that:
        (i) The property is owner-occupied; and
        (ii) Occupancy of the second unit is limited to a maximum of two (2) persons.
    (2) The applicant shall agree in writing to discontinue the use of the second unit as a separate dwelling if the property is not owner-occupied.
    (3) The second unit shall not be offered for sale apart from the primary unit.
    (4) The property shall be zoned R-1.
    (5) The minimum lot area shall be 5,000 square feet.
(b) Standards. The following development standards shall apply to the legalization of existing and new construction of second dwelling units:
    (1) The maximum size of the living area of the second unit shall not exceed fifty (50%) percent of the living area of the primary unit and shall not exceed 750 square feet, whichever figure is less, units which are handicapped accessible and are equipped for handicapped persons may include up to 850 square feet of living area.
    (2) The following regulations of the R-1 District shall be met:
        (i) Lot coverage;
        (ii) Front, rear, and side setbacks; and(iii)Height, except that the garage height may exceed one story to allow the construction of a second unit over the garage provided setbacks for the second unit can be met.
    (3) Two (2) covered spaces shall be provided for the primary unit. The minimum parking requirement for the second residential unit shall be one uncovered on-site space, plus either one parking space on the street in front of the lot, or one additional uncovered on-site space. Tandem parking spaces may not be used to meet the minimum parking requirements, nor may a parking space be provided in the required front yard set back.
    (4) An outside entrance shall be provided for the second unit, independent from the entrance for the primary unit.
    (5) Second residential units may be either attached to or detached from the primary unit

and may be proposed in both new and existing construction provided the standards set forth in this article can be met and the findings for approval can be made.

(6) In the case of exterior construction, building materials, architectural details, colors, and design of the second unit shall be consistent to those of the main unit to the maximum extent feasible.

(7) The second unit shall not have more than one bedroom.

(c) Permits required. If the Planning Administrator determines that the second unit meets all development standards described in subsections (a), (b) and (e) of this section, the applicant shall apply for, and receive, a building permit to construct the second unit. If the project does not meet all development standards described in subsections (a), (b) and (e) of this section, the owner shall apply for, and receive, a site development permit and a variance from the provisions of this chapter prior to issuance of a building permit.

(d) Deed restrictions. Prior to the issuance of a building permit for a second unit, a deed restriction shall be recorded that the use of the second unit as a separate dwelling may only continue if the property is owner-occupied and that subsequent owners will be required to maintain the original applicant's responsibility to submit annual statements to the City.

(e) Density limitations. The density of second residential units shall be regulated as follows:

(1) No more than twenty-five (25%) percent of the lots within any block, counting both sides of the street, shall be permitted to have a second residential unit;

(2) The following density regulations shall apply in Pedro Point:

(i) If the actual improved street width directly in front of the proposed unit is twenty (20′) feet or less, density for second residential units may not exceed one unit within a 500-foot radius.

(ii) If the improved street width described in section (i) of this subsection exceed twenty (20′) feet, density for second residential units may not exceed one unit within a 300-foot radius.

(§ I, Ord. 357-C.S., eff. December 8, 1982, as amended by § I, Ord. 452-85, eff. October 23, 1985, § III (A) and (B), Ord. 491-C.S., eff. October 28, 1987, §§ 1 and 2, Ord. 584-C.S., eff. February 12, 1992, and § I (A)—(D), Ord. 613-C.S., eff. April 13, 1994)

Sec. 9-4.454. - Legalization of existing units.

Existing second residential units which have not received a use permit or site development permit are considered illegal. If a unit was in existence prior to September 23, 1984, and if the property owner requests legalization, the Commission may waive the maximum size, parking and density standards. It shall be the applicant's responsibility to provide evidence that the unit was in existence prior to September 23, 1985. The waiver of the standards for illegal units shall be discretionary, and such waiver shall depend on individual circumstances and the ability to make findings for approval.

(§ II, Ord. 452-85, eff. October 23, 1985, as amended by § 3, Ord. 584-C.S., eff. February 12, 1992)

Sec. 9-4.455. - Findings.

In addition to the required findings for site development permit approval, a second residential unit application shall not be approved unless findings can be made that:

(a) The second unit is visually integrated and aesthetically compatible with the main dwelling unit;

(b) The second unit is aesthetically compatible with the surrounding neighborhood and will not detract from the single-family character and appearance of the property or area;

(c) The location and orientation of the second unit will not materially; reduce the privacy otherwise enjoyed by residents of adjoining properties;

(d) The second unit will not create excessive ground coverage or over utilization of the parcel in comparison with the existing patterns in the surrounding neighborhood;

~~(e) The second unit will not create an unduly adverse impact on traffic flow, and road access to the parcel is adequate. The consideration of adequate road access shall include, but need not be limited to, road width, sight distance, existing and potential traffic volume, and emergency vehicle access;~~

~~(f) The additional density on the property will not create any adverse impacts to the neighborhood; and~~

~~(g) That the use of the second residential unit will not, under the circumstances of the particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City.~~

~~(§ II Ord. 452-85, eff. October 23, 1985, as amended by §§ 4 and 5, Ord. 584-C.S., eff. February 12, 1992, and § 1 (E) and (F), Ord. 613-C.S., eff. April 13, 1994)~~

~~Sec. 9-4.456. - Rent structure.~~

~~(a) No restrictions on the amount of rent that may be charged which were imposed pursuant to predecessor Ordinance No. 491-C.S. shall be of any further force and effect after the effective date of the ordinance codified in this section.~~

~~(b) Two (2) years after adoption of the ordinance codified in this section, the Planning Commission shall evaluate the impact and effectiveness of elimination of the rent control regulations and shall make a recommendation on whether or not rent control for second residential units should be reinstituted. In no case shall any regulations which establish rent control in the future be retroactive to second residential units with approved planning permits.~~

~~(§ III (C), Ord. 491-C.S., eff. October 28, 1987; repealed by § 6, Ord. 584-C.S., eff. February 12, 1992; reenacted by § 6, Ord. 584-C.S., eff. February 12, 1992)~~

Article 4.5 - Accessory Dwelling Units

Sec. 9-4.451. - Purpose.

The City Council finds and declares its intent as follows:

(a) To enact regulations governing accessory dwelling unit and junior accessory dwelling unit construction in compliance with Section 65852.2 and Section 65852.22 of the Government Code. The provisions of this article shall be liberally construed in order to accomplish development of accessory dwelling units and junior accessory dwelling units. In the event of a conflict between the provisions of this article and any other ordinance of the City of Pacifica regulating accessory dwelling units or junior accessory dwelling units, the provisions of this article shall prevail.

(b) To establish a process for ministerial review and approval of accessory dwelling units and junior accessory dwelling units. No local ordinance, policy, or regulation other than this article and regulations referenced therein shall be the basis for the denial or delay of a building permit for an accessory dwelling unit or junior accessory dwelling unit.

(c) To mitigate a widespread and ongoing shortage of affordable housing within the City. The United States Census Bureau's 2013—2017 American Community Survey estimates that forty-four (44%) percent of renter households in Pacifica pay thirty (30%) percent or more of their household income for housing-related expenses. The Census Bureau considers households that pay thirty (30%) percent or more of their household income for housing-related expenses as "cost burdened";

(d) To provide for additional housing supply without converting Pacifica's open space areas into developed sites. More than thirty (30%) percent of the City of Pacifica's twelve and six-tenths (12.6) square mile land area is preserved as permanent open space, resulting in a limited supply of developable vacant sites for the construction of new housing units in the City. Accessory dwelling unit and junior accessory dwelling unit construction, by creating new housing units

within existing neighborhoods, can expand access to affordable housing while avoiding significant environmental impacts associated with traditional residential development on vacant sites;

(e) To provide for additional affordable housing opportunities without a commitment of public funds which are usually necessary to subsidize large-scale affordable housing development projects;

(f) To provide for convenient child care opportunities within residential neighborhoods. For working-age residents with children, accessory dwelling units allow family members or other child care providers to reside in close proximity to the household requiring child care. The nearby availability of child care for their children offers working-age residents convenience, and more importantly, may enable them to work and support their families without the burden of commercial child care costs;

(g) To provide for convenient elder care opportunities within residential neighborhoods. Accessory dwelling units and junior accessory dwelling units enable multi-generational living on a common site. The United States Census Bureau's 2013—2017 American Community Survey estimates that thirteen (13%) percent of Pacifica's population is sixty-five (65) years or older, an increase from eleven (11%) percent in 2010. As Pacifica's population ages, accessory dwelling units and junior accessory dwelling units allow family members or other caregivers to reside in close proximity to those receiving care while affording them the privacy of their own living space. For those receiving care, accessory dwelling units and junior accessory dwelling units will enable many to remain in their homes longer than would otherwise be possible without needing to relocate to an assisted living or other facility;

(h) To provide supplemental income opportunities to those living on fixed incomes in retirement. Accessory dwelling units and junior accessory dwelling units may provide an important source of rental income to many property owners, especially those who are retired. The United States Government Accountability Office, in its report "Retirement Security: Most Households Approaching Retirement Have Low Savings" (Report No. GAO-15-419), estimated that in 2013, fifty-two (52%) percent of households age fifty-five (55) years and older had no retirement savings in a defined contribution plan or individual retirement account, and that Social Security provides most of the retirement income for about half of households age sixty-five (65) years and older. The report also found that among the forty-eight (48%) percent of households age fifty-five (55) years and older with some retirement savings, the median amount is approximately One Hundred and no/100ths ($109,000.00) Dollars, or equivalent to an inflation-protected annuity of Four Hundred Five and no/100ths ($405.00) Dollars per month at current rates for a sixty-five-year old. The report further found that nearly thirty (30%) percent of households age fifty-five (55) years and older have neither retirement savings nor a defined benefit plan, and that Social Security is the largest component of household income in retirement, making up an average of fifty-two (52%) percent of household income for those age sixty-five (65) years and older. Based on United States Census Bureau 2013—2017 American Community Survey estimates, the median rent in Pacifica in 2017 was Two Thousand One Hundred Ten and no/100ths ($2,110.00) Dollars per month. The addition of income from the long-term rental of an accessory dwelling unit or a junior accessory dwelling unit could meaningfully strengthen the finances of retired persons or those nearing retirement;

(i) To preserve affordable housing opportunities within accessory dwelling units and junior accessory dwelling units. An analysis of listings on the short-term rental site Airbnb in November 2019 found two hundred sixty-nine (269) accommodations listed within the City of Pacifica, sixty-two (62%) percent of which offered for rent an entire house. The average price per night for the listed accommodations was One Hundred Fifty-Seven and no/100ths ($157.00) Dollars per night, equivalent to a monthly rent of Four Thousand Seven Hundred Ten and no/100ths

($4,710.00) Dollars. According to the United States Census Bureau's 2013—2017 American Community Survey estimates, median monthly rent during 2017 was Two Thousand One Hundred Ten and no/100ths ($2,110.00) Dollars, equivalent to Seventy and 33/100ths ($70.33) Dollars per night. Even if rented fewer than thirty (30) days per month, the potential to yield significantly greater rents from short-term rentals of residential property than from long-term rental provides a strong financial incentive to remove housing from the long-term rental market in favor of offering it for rent in the short-term rental market. In order to conform to state law and preserve public health, safety, and welfare by increasing access to affordable housing, the City Council desires to impose a prohibition on the short-term rental of accessory dwelling units and junior accessory dwelling units for periods less than thirty (30) days in order to preserve their use for long-term residential occupancy.

(j) To preserve public health and safety by prohibiting attached and detached accessory dwelling units at sites fronted by unpaved streets or streets with widths of twenty-six (26') feet or less. Appendix D of the 2016 California Fire Code, adopted by ordinance by the City Council, establishes minimum street width and construction-type standards to ensure safe access by fire apparatus. Among other standards, Appendix D requires streets to be paved with asphalt, concrete, or another approved surface capable of supporting the load of fire apparatus weighing at least seventy-five thousand (75,000) pounds. It further requires streets to be at least twenty (20') feet in width and prohibits on-street parking on streets twenty-six (26') feet or less in width. Appendix D allows on-street parking on one side of streets greater than twenty-six (26') feet but less than thirty-two (32') feet in width. In order to preserve public safety, it is necessary to prohibit attached and detached accessory dwelling unit construction on unpaved streets and on streets where Appendix D of the 2016 California Fire Code prohibits on-street parking. Such a prohibition is necessary because accessory dwelling unit construction will generate intensified demand for on-street parking. Increased demand for on-street parking may result because off-street parking facilities may be unavailable to offset the demand, and because no mechanism exists to limit the number of automobiles owned by households occupying accessory dwelling units. In particular, accessory dwelling units located within one-half (½) mile of transit generally will not have sufficient off-street parking facilities because the City is prohibited under state law from requiring off-street parking for such accessory dwelling units (see Gov. Code §§ 65852.2(d), (e)). Additionally, households occupying accessory dwelling units located elsewhere may own more vehicles than can be accommodated in the off-street parking facilities the City is permitted to require for accessory dwelling units under state law (not more than one space per bedroom or per unit, whichever is less; see Gov. Code § 65852.2(a)(1)(D)(x)(I)). Therefore, it is possible and likely that accessory dwelling unit construction on streets twenty-six (26') feet or less in width could result in increased on-street parking demand. On-street parking on streets of inadequate width has the potential to narrow or obstruct the path of travel of fire apparatus and other emergency vehicles, delaying response time and endangering public safety.

(§ 7, Ord. 825-C.S., eff. November 8, 2017; § 2, Ord. No. 841-C.S., eff. May 21, 2019; § 3, Ord. 854-C.S., eff. February 26, 2020)

Sec. 9-4.452. - Definitions.

For the purposes of this article, certain words and terms are hereby defined as follows:

(a) "Accessory dwelling unit" or "ADU" shall mean an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for

living, sleeping, eating, cooking and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated. An accessory dwelling unit also includes the following:

(1) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(2) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

The definition of an accessory dwelling unit is distinct from the definition of a junior accessory dwelling unit.

(b) "Accessory structure" shall mean a structure that is accessory and incidental to a dwelling located on the same site.

(c) "Car share vehicle" shall mean a fixed location identified in a map available to the general public where at least one automobile is available daily for immediate use by the general public or members of a car share service, which vehicle may be reserved for use and accessed at any time through an automated application, kiosk, or other method not requiring a live attendant. This term shall not include vehicles returned to locations other than fixed locations where automobiles are not routinely available for immediate use.

(d) "Cooking facilities" shall mean an area containing all of the following: a refrigeration appliance; a kitchen sink; a food preparation counter and storage cabinets; and a cooking appliance, each having a clear working space of not less than thirty (30") inches in front. For purposes of this article, "cooking appliance" shall include any appliance capable of cooking food, including, without limitation, a range, stove, oven, toaster oven, microwave, or hot plate.

(e) "Efficiency unit" shall have the meaning as defined in Section 17958.1 of Health and Safety Code.

(f) "Existing space" shall mean all enclosed areas in existence that are contained within the exterior walls and roof of a dwelling unit or accessory structure.

(g) "Independent living facilities" shall mean all of the following facilities within a single accessory dwelling unit or junior accessory dwelling unit: permanent provisions for sleeping, eating, cooking, and sanitation.

(h) "Junior accessory dwelling unit" or "JADU" shall mean a unit that is contained entirely within a single-family dwelling, or which is combined with a newly-constructed detached accessory dwelling unit, and which provides complete independent living facilities for one or more persons. However, sanitation facilities may be shared with the associated single-family dwelling unit.

(i) "Multi-family dwelling" shall have the same meaning set forth for "Multiple dwelling" in Article 2 of this Chapter, and shall also include a two-family dwelling and any mixed use structure containing commercial floor area and one or more dwelling units.

(j) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(k) "Primary dwelling unit" means the first lawfully constructed single-family dwelling unit or multi-family dwelling unit that exists on a site.

(l) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(m) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes and are available to the public.

(1) If Section 65852.2 of the Government Code is amended subsequent to the effective date of this article to expressly permit the City to define "public transit" inclusive of a minimum level of transit service, then the following definition shall replace the preceding definition in subsection (m): "Public transit" shall mean a defined transit station or stop, with a regular service interval no longer than thirty (30) minutes during peak commute hours from 6:00—9:00 a.m. and 3:00—6:00 p.m. Monday through Friday, identified in a publicly available map where passengers, without a reservation, may board and disembark from a vehicle used in the public transit system, including, without limitation, a motor vehicle, streetcar, trackless trolley, bus, light rail system, rapid transit system, subway, train, or jitney, that transports members of the public for hire.

(n) "Sanitation facilities" shall mean a separate room containing a water closet (i.e., toilet), lavatory (i.e., sink), and bathtub or shower.

(o) "Site" shall mean a lawfully-created lot or parcel.

(p) "Sleeping facilities" shall mean an area dedicated to sleeping.

(q) "Tandem parking" shall mean that two (2) or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(r) "Two-family dwelling" shall mean a building, or portion thereof, used and designed as a residence for two (2) families living independently of each other and doing their own cooking in such building, including duplexes.

(§ 7, Ord. 825-C.S., eff. November 8, 2017; § 2, Ord. No. 841-C.S., eff. May 21, 2019; § 3, Ord. 854-C.S., eff. February 26, 2020)

Sec. 9-4.453. - Development standards for accessory dwelling units.

(a) *General provisions.* The following provisions shall apply to all accessory dwelling units:

(1) An accessory dwelling unit shall not be constructed unless a primary dwelling unit exists on a site and such primary dwelling unit has been constructed lawfully, or the accessory dwelling unit is proposed as part of the construction of the primary dwelling unit.

(i) A certificate of occupancy for an accessory dwelling unit shall not be issued before the certificate of occupancy for the primary dwelling unit is issued.

(2) The maximum number of accessory dwelling units permitted on a site shall be as follows:

(i) One accessory dwelling unit is permitted on a site with a proposed or existing single-family dwelling. A site with a proposed or existing single-family dwelling may also contain one junior accessory dwelling unit pursuant to Section 9-4.454 in addition to the one accessory dwelling unit.

(ii) On a site with an existing multi-family dwelling, the maximum number of accessory dwelling units shall be as follows:

(aa) One accessory dwelling unit or the equivalent number of twenty-five (25%) percent of the existing multi-family dwelling units, whichever is greater, for accessory dwelling units described in subsection (f); and

(ab) Two (2) accessory dwelling units as described in subsection (g).

(iii) For purposes of this article, a "second unit," "granny flat," "in-law apartment," or similar structure or improvement permitted and constructed in accordance with applicable laws in

effect at the time of its construction shall be considered an "accessory dwelling unit" for all purposes. If an accessory dwelling unit permitted and constructed prior to the effective date of this article does not conform to all standards prescribed in this article, the accessory dwelling unit shall be considered nonconforming but lawful, and shall be subject to the provisions of Section 9-4.453(k) governing nonconforming accessory dwelling units.

(3) An accessory dwelling unit may be constructed between a primary dwelling unit and a site's front property line, or in any other location on a site, subject to the standards in this article.

(4) An accessory dwelling unit shall become the primary dwelling unit on a site if the original primary dwelling unit is demolished or determined to be uninhabitable, and is not replaced or made habitable within one year of its demolition or the determination that it is uninhabitable, or if the primary dwelling unit proposed for construction concurrently with an accessory dwelling unit is not constructed.

(i) In such case where an accessory dwelling unit becomes the primary dwelling unit, it shall remain so, and be considered a nonconforming but lawful structure if it fails to comply with any zoning standards applicable to a primary dwelling unit in the underlying zoning district, until such time as a new structure compliant with all zoning standards applicable to a primary dwelling unit in the underlying zoning district, is lawfully constructed or otherwise created on the site. Except, however, that in the case where a primary dwelling unit proposed for construction concurrently with an accessory dwelling unit is not constructed, a certificate of occupancy shall not be issued for the accessory dwelling unit until such time as it complies with all requirements for a primary dwelling unit.

(5) The site's owner may at any time offer for rent either the primary dwelling unit or the accessory dwelling unit or both.

(6) If any accessory dwelling unit is rented, terms of rental shall not be less than thirty (30) consecutive days.

(7) An accessory dwelling unit shall not be sold or otherwise conveyed separate from the primary dwelling unit.

(i) No subdivision of a site containing an accessory dwelling unit may be approved unless all of the following conditions are met: the lots proposed by the subdivision comply with all applicable development standards of the underlying zoning district for a lot containing a primary dwelling unit, including, without limitation, minimum lot area per dwelling unit and setbacks, or a deviation from the standards is granted; if a condominium subdivision, the zoning designation of the site allows two (2) or more primary dwelling units as a permitted use, or if a conditional use, a use permit is granted prior to or in conjunction with the subdivision; and the accessory dwelling unit on the site complies, or provisions are made to bring the accessory dwelling unit into compliance, with all development standards applicable to a primary dwelling unit in the underlying zoning district, including, without limitation, dwelling unit size, setbacks and off-street parking.

(8) Nothing in this article shall be construed to supersede or in any way alter or lessen the effect of any other provision of this chapter requiring issuance of a discretionary permit for construction of the primary dwelling unit prior to issuance of a building permit. The discretionary review of the primary dwelling unit shall not include consideration of the propriety of an accessory dwelling unit use at the site in the future.

(9) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(10) Any accessory dwelling unit may have an interior point of access connecting the primary dwelling unit and accessory dwelling unit provided it is possible for the occupants of both the primary dwelling unit and the accessory dwelling unit to independently secure the point of access to prevent unauthorized entry by occupants of the other dwelling unit.

(11) A building permit shall be required to construct an accessory dwelling unit or to establish an accessory dwelling unit within the existing space of a primary dwelling unit or accessory structure. Occupancy of an accessory dwelling unit shall be prohibited until the accessory dwelling unit receives a successful final inspection pursuant to a valid building permit and receives a certificate of occupancy issued on or after the date of the successful final inspection.

(12) Occupancy of an accessory dwelling unit shall be prohibited until the accessory dwelling unit receives a separate and independent address assignment. Address assignment shall not delay issuance of a building permit.

(b) *Zoning districts where permitted*. An accessory dwelling unit shall be a permitted use, subject to the standards contained in this article, on any site zoned for residential use as a permitted use, or any site zoned for commercial use which authorizes residential use as a permitted use or for which a permit has been issued to authorize a residential use, and which site includes a proposed or existing single-family dwelling or an existing multi-family dwelling. An accessory dwelling unit shall be prohibited on any other site.

(1) *Sites zoned P-D (Planned Development).* The provisions of subsection (b) shall apply to sites zoned P-D (Planned Development) where the approved development plan indicates residential use as a permitted use, including mixed use. In cases where the details of the original development plan are not available, the Planning Administrator may determine that a site was intended for residential use as a permitted use by considering the use of any existing structures on the site in addition to the uses of structures and the development pattern of the area immediately surrounding the site.

(c) *Detached accessory dwelling units from single-family dwelling units*. The provisions of this subsection shall apply to a newly constructed accessory dwelling unit that is detached from a primary single-family dwelling unit and all accessory structures including, without limitation, garages and storage areas. The provisions of this subsection shall not apply to new construction of a detached accessory dwelling unit replacing an existing accessory structure within the same location and same dimensions, including an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions of the existing accessory structure.

(1) *Floor area*. The minimum and maximum floor area of a detached accessory dwelling unit shall be as follows:

(i) *Minimum*. At least an efficiency unit to be constructed in compliance with local development standards.

(ii) *Maximum*. Total floor area shall not exceed one thousand two hundred (1,200) square feet.

(2) *Setbacks.*

(i) *Front*. Minimum front setback shall be fifteen (15′) feet.

(ii) *Side*. Minimum side setback shall be four (4') feet.

(iii) *Rear*. Minimum rear setback shall be four (4') feet.

(3) *Distance between structures.* A detached accessory dwelling unit that is greater than eight hundred (800) square feet in floor area shall be located at least ten (10′) feet from any other building existing or under construction on the same site or an adjacent site. A detached accessory dwelling unit eight hundred (800) square feet in floor area or less shall require no minimum

distance between structures. An accessory dwelling unit shall be considered attached to the primary dwelling unit or any other building when there is a common wall, common roof, or a horizontal connection at least thirty (30") inches above grade such as a deck. Retaining walls and/or decking between an accessory dwelling unit and the primary dwelling unit or any other building that are less than thirty (30") inches above grade are not considered a connection.

(4) *Height*. Maximum height shall be twenty-five (25') feet or the height of the primary dwelling unit, whichever is less. However, the maximum height shall be sixteen (16') feet in the following instances: the height of the primary dwelling unit is less than sixteen (16') feet; i any portion of a detached accessory dwelling unit is located between a primary dwelling unit and a site's front property line; or any portion of a detached accessory dwelling unit is located less than five (5') from the side lot line or less than ten (10') feet from the street-side lot line or less than twenty (20') feet from the rear lot line.

(5) *Lot coverage*. A detached accessory dwelling unit eight hundred (800) square feet in floor area or less, shall have no maximum lot coverage. Maximum lot coverage for a detached accessory dwelling unit greater than eight hundred (800) square feet in floor area shall be that of the underlying zoning district.

(6) *Landscaping*. A detached accessory dwelling unit eight hundred (800) square feet in floor area or less, shall have no minimum landscape area. Minimum landscape area for a detached accessory dwelling unit greater than eight hundred (800) square feet in floor area shall be that of the underlying zoning district. Paving shall only be allowed on a driveway and pathways.

(7) *Prohibited.* A detached accessory dwelling unit that is greater than eight hundred (800) square feet in floor area shall be prohibited on any site where, at any point along its frontage, including any secondary frontage on a corner lot, the street is unpaved or the street is twenty-six (26') feet or less in width. This standard shall not apply to a detached accessory dwelling unit eight hundred (800) square feet in floor area or less.

(d) *Attached accessory dwelling units to single-family dwelling units.* The provisions of this subsection shall only apply to an accessory dwelling unit attached horizontally or vertically to a single-family dwelling structure or accessory structure, including, without limitation, a garage or storage areas. The provisions of this subsection shall not apply to new construction of an attached accessory dwelling unit replacing existing space of a single-family dwelling or accessory structure within the same location and same dimensions, including an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions of the existing space of a single-family dwelling or accessory structure.

(1) *Floor area.* The minimum and maximum floor area of an attached accessory dwelling unit shall be as follows:

(i) *Minimum.* At least an efficiency unit to be constructed in compliance with local development standards.

(ii) *Maximum.* Total floor area for a studio or one bedroom accessory dwelling unit shall be eight hundred and fifty (850) square feet or not more than fifty (50%) percent of the floor area of the primary dwelling unit, whichever is greater. Total floor area for an accessory dwelling unit that provides two (2) or more bedrooms shall be one thousand (1,000) square feet or not more than fifty (50%) percent of the floor area of the primary dwelling unit, whichever is greater.

(2) *Setbacks.*

(i) *Front*. Minimum front setback shall be fifteen (15′) feet; except, where an accessory dwelling unit is constructed above a garage, the minimum front setback shall be twenty (20′) feet.

(ii) *Side.* Minimum side setback shall be four (4') feet.

(iii) *Rear.* Minimum rear setback shall be four (4') feet.

(3) *Distance between structures.* An attached accessory dwelling unit that is greater than eight hundred (800) square feet in floor area shall be located at least ten (10′) feet from any other building existing or under construction on the same site or an adjacent site. A attached accessory dwelling unit eight hundred (800) square feet in floor area or less shall require no minimum distance between structures. An accessory dwelling unit shall be considered attached to the primary dwelling unit or any other building when there is a common wall, common roof, or a horizontal connection at least thirty (30") inches above grade such as a deck. Retaining walls and/or decking between an accessory dwelling unit and the primary dwelling unit or any other building that are less than thirty (30") inches above grade are not considered a connection.

(4) *Height*. Maximum height shall be thirty-five (35') feet if attached to a primary dwelling unit; or the lesser of twenty-five (25') feet or the height of the primary dwelling unit if attached to an accessory structure. However, the maximum height shall be sixteen (16') feet in the following instances: the height of the primary dwelling unit is less than sixteen (16') feet; if any portion of an attached accessory dwelling unit that is attached to an accessory structure would be located between a primary dwelling unit and a site's front property line; or any portion of an attached accessory dwelling unit is located less than five (5') from the side lot line or less than ten (10') feet from the street-side lot line or less than twenty (20') feet from the rear lot line.

(5) *Lot coverage.* An attached accessory dwelling unit eight hundred (800) square feet in floor area or less, shall have no maximum lot coverage. Maximum lot coverage for an attached accessory dwelling unit greater than eight hundred (800) square feet in floor area shall be that of the underlying zoning district.

(6) *Landscaping.* An attached accessory dwelling unit eight hundred (800) square feet in floor area or less, shall have no minimum landscape area. Minimum landscape area for an attached accessory dwelling unit greater than eight hundred (800) square feet in floor area shall be that of the underlying zoning district. In addition, the front setback shall be landscaped and adequately maintained. Paving shall only be allowed on a driveway and pathways.

(7) *Prohibited.* An attached accessory dwelling unit that is greater than eight hundred (800) square feet in floor area shall be prohibited on any site where, at any point along its frontage, including any secondary frontage on a corner lot, the street is unpaved or the street is twenty-six (26') feet or less in width. This standard shall not apply to an attached accessory dwelling unit eight hundred (800) square feet in floor area or less.

(e) *Accessory dwelling units contained within the existing space of a single-family dwelling structure or accessory structure*. The provisions of this subsection shall apply to accessory dwelling units established within the existing space of an existing single-family dwelling unit or an existing accessory structure, including without limitation an existing attached or detached garage, studio, pool house, or other similar structure, or accessory dwelling units established within a structure constructed in the same location and to the same dimensions as an existing structure. The provisions of this subsection shall apply to new construction of a detached or attached accessory dwelling unit replacing existing space of a single-family dwelling or accessory structure within the same location and same dimensions, including an expansion of not more than one hundred and fifty (150) square feet beyond the same physical dimensions of the existing space of a single-family dwelling or accessory structure. An expansion beyond the physical dimensions of an existing accessory structure shall be limited to

accommodating ingress and egress. A primary dwelling unit or accessory building shall not be considered to be "existing" if it was constructed unlawfully; or if it has yet to receive a successful final inspection pursuant to a valid building permit.

(1) *Floor area.* The minimum and maximum floor area of an accessory dwelling unit contained within the existing space of a single-family residence or accessory structure shall be as follows:

(i) *Minimum.* At least an efficiency unit to be constructed in compliance with local development standards.

(ii) *Maximum.* For an accessory dwelling unit established within the existing space of an existing primary dwelling unit: The establishment of the accessory dwelling unit shall not result in a reduction of the primary dwelling unit's floor area below the minimum dwelling unit size for a single-family dwelling provided in Section 9-4.2313. For an accessory dwelling unit established within the existing space of an existing accessory structure: None.

(2) *Setbacks.* No setback shall be required for an accessory dwelling unit contained within the existing space of a single-family dwelling unit or accessory structure. However, as permitted in this subsection, an expansion to the existing space of a single-family dwelling or accessory structure may only be established where the following setbacks have been satisfied:

(i) *Front.* Minimum front setback shall be fifteen (15′) feet.

(ii) *Side.* Minimum side setback shall be four (4′) feet, except on the street-side of a corner lot where no side setback shall be required.

(iii) *Rear.* Minimum rear setback shall be four (4′) feet.

(3) *Lot coverage.* None.

(4) *Landscaping.* None.

(5) *Height.* None.

(6) *Exterior access.* An exterior point of access that is separate and independent from the primary dwelling unit shall be provided.

(f) *Accessory dwelling units contained within the portion of existing multi-family dwelling structures that are not used as livable space*. The following provisions of this subsection shall apply to accessory dwelling units contained within the portion of existing multi-family dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(1) *Floor area*. The minimum and maximum floor area of an accessory dwelling unit contained within the portion of existing multi-family dwelling structures that are not used as livable space shall be as follows:

(i) *Minimum*. At least an efficiency unit to be constructed in compliance with local development standards.

(ii) *Maximum.* None.

(2) *Setbacks.* None.

(3) *Lot coverage.* None.

(4) *Landscaping*. None.

(5) *Height*. None.

(g) *Detached accessory dwelling units detached from existing multi-family dwelling structures*. The provisions of this subsection shall apply to a newly-constructed accessory dwelling unit that is detached from an existing multi-family dwelling structure and all accessory structures including, without limitation, garages and storage areas on the same site.

(1) *Floor area.* The minimum and maximum floor area of an accessory dwelling unit detached from an existing multi-family dwelling structures ton the same site shall be as follows:

(i) *Minimum.* At least an efficiency unit to be constructed in compliance with local development standards.

(ii) *Maximum*. Total floor area shall not exceed one thousand two hundred (1,200) square feet.

(2) *Setbacks.*

(i) *Front.* Minimum front setback shall be fifteen (15′) feet.

(ii) *Side.* Minimum side setback shall be four (4′) feet.

(iii) *Rear.* Minimum side setback shall be four (4′) feet.

(3) *Lot coverage.* None.

(4) *Landscaping.* None

(5) *Height.* Maximum height shall be twenty-five (25') feet or the height of the primary dwelling unit, whichever is less. However, the maximum height of the accessory dwelling unit shall be sixteen (16') feet in the following instances: the height of the primary dwelling unit is less than sixteen (16') feet; any portion of a detached accessory dwelling unit is located between the primary dwelling unit and a site's front property line; or any portion of a detached accessory dwelling unit is located less than twenty (20') feet from the rear lot line.

(h) *Parking.*

(1) An accessory dwelling unit shall require one off-street parking space per accessory dwelling unit or per bedroom, whichever is less. No parking shall be required for an accessory dwelling unit which is a studio unit without a bedroom, or for an accessory dwelling unit described in subsection (6) of this subsection.

(2) Off-street parking shall be permitted in setback areas within a driveway that conforms to the standards in Section 9-4.2813 (Access to parking facilities), except that parking for an accessory dwelling unit shall not be located within a common driveway serving more than one dwelling unit.

(3) Tandem parking, either within a garage or within a driveway conforming to the standards in Section 9-4.2813 (Access to parking facilities), shall be permitted.

(4) Off-street parking provided for an accessory dwelling unit may be covered or uncovered, and shall comply with the minimum dimensional requirements for ninety (90°) degree compact parking spaces set forth in Section 9-4.2817 (Design standards for parking areas), including any space or spaces located within a garage. The minimum vertical clearance for any parking space shall be seven (7') feet.

(5) If a garage which provides the required covered off-street parking space or spaces for a primary dwelling unit is converted in whole or in part into an accessory dwelling unit or is demolished to enable construction of an accessory dwelling unit, the required off-street parking space or spaces for the primary dwelling unit are not required to be replaced on site.

(6) No off-street parking shall be required for an accessory dwelling unit in any of the following circumstances:

(i) The accessory dwelling unit is located within one-half (½) mile of public transit as measured by a direct line from the location of the public transit to any portion of the lot on which the accessory dwelling unit is located.

(ii) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(iii) The accessory dwelling unit is a type described in subsection (d), (e), (f) or (g), or is described in subsection (c) and is eight hundred (800) square feet of floor area or less.

(iv) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(v) When there is a car share vehicle located within one block of the accessory dwelling unit.

(i) *Utilities.*

(1) For an accessory dwelling unit described in subdivision (e), the accessory dwelling unit shall not be required to install a new or separate utility connection directly between the accessory dwelling unit and the utility, and the accessory dwelling unit shall not be subject to a related connection fee or capacity charge, unless the accessory dwelling unit is constructed concurrently with a new single-family dwelling.

(2) For an accessory dwelling unit that is not described in subdivision (e), the accessory dwelling unit may be required to install a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013 of the Government Code, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit upon the water or sewer system, based upon either its square feet or the number of its drainage fixture unit values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials. This fee or charge shall not exceed the reasonable cost of providing this service.

(j) *Fire sprinklers.* Notwithstanding any other provision of the Pacifica Municipal Code, including, without limitation, Chapter 3 of Title 4, installation of fire sprinklers in an accessory dwelling unit of any type shall be required only if they are required for the primary dwelling unit.

(1) Fire sprinklers shall be considered "required for the primary dwelling unit" in any of the following circumstances:

(i) When fire sprinklers are currently installed in the primary dwelling unit;

(ii) When fire sprinklers will be installed in a new primary dwelling unit constructed concurrently with an accessory dwelling unit; or

(iii) When fire sprinklers will be installed in an existing primary dwelling unit as the result of an addition to the primary dwelling unit, including an addition for the purpose of establishing an accessory dwelling unit, which addition triggered a requirement for retroactive installation of fire sprinklers in the primary dwelling unit in accordance with the Pacifica Municipal Code.

(2) For purposes of this subsection (j), the term "constructed concurrently" shall mean construction of a primary dwelling unit that is performed in reliance on a building permit issued within two (2) years of the date of issuance of a building permit for construction of an accessory dwelling unit.

(3) The floor area of an accessory dwelling unit contained within the existing space of a single-family dwelling or accessory structure or multi-family dwelling shall not be considered an

"addition" under any provision of the Pacifica Municipal Code related to retroactive installation of fire sprinklers in a structure, including, without limitation, Section 4-3.110 of the Pacifica Municipal Code.

(k) *Nonconforming sites and structures.* The following standards shall apply to construction of accessory dwelling units on sites that do not comply with all zoning standards or that for any other reason are considered nonconforming.

(1) *Zoning.* Construction of an accessory dwelling unit shall be prohibited on any site that is not zoned in accordance with subsection (b) of Section 9-4.453.

(2) *Lot or parcel size and dimensions*. An accessory dwelling unit may be constructed on a site that does not meet the minimum lot or parcel size requirements or minimum dimensional requirements of the underlying zoning district, including without limitation sites which contain three thousand nine hundred ninety-nine (3,999) square feet or less of area, provided the accessory dwelling unit is constructed in compliance with all other standards of this article. Approval of a site development permit, specific plan, or any other discretionary permit for the accessory dwelling unit, except a coastal development permit for sites located within the Coastal Zone, shall not be required.

(3) *Nonconforming primary dwelling unit or accessory structure.* An accessory dwelling unit may be constructed on a site containing a primary dwelling unit or accessory structure which site does not comply with all zoning standards, including, without limitation, use of the site, off-street parking standards, provided the accessory dwelling unit complies with all standards contained in this article. The existing nonconformities of the primary dwelling unit or accessory structure shall not be considered when evaluating the application.

(4) *Nonconforming accessory dwelling unit.* An accessory dwelling unit that does not comply with all standards of this article shall be considered lawful but nonconforming if the accessory dwelling unit was lawfully constructed in accordance with standards in effect at the time of its construction. Such lawful but nonconforming accessory dwelling unit may be altered or expanded only to comply with local building regulations or to eliminate one or more nonconformities with the standards of this article.

(i) An accessory dwelling unit not lawfully constructed shall be governed by the provisions of Section 9-4.456.

(5) *Creation of nonconformities*. Any nonconformity created on an existing site, or within a primary dwelling unit or accessory structure as allowed by the provisions of this section (*e.g.*, reduction or elimination of required off-street parking for a primary dwelling unit, exceedance of the maximum lot coverage allowed in the underlying zoning district) shall render the primary dwelling unit or accessory structure or site nonconforming but lawful. Any future expansion or alteration of such nonconforming but lawful primary dwelling unit shall be subject to the provisions of Article 30 of this chapter, including, without limitation, any requirement to construct off-street parking spaces in conjunction with the addition of one or more bedrooms to the primary dwelling unit. However, the correction of nonconforming zoning conditions shall not be a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit.

(6) *Change in circumstances.* The determination of the applicability of the criteria described in Section 9-4.453(h)(6) to the site where an accessory dwelling unit is proposed shall be made as of the date of building permit issuance. Any subsequent change in applicability of these criteria to the site after issuance of a building permit shall not render an accessory dwelling unit nonconforming, and the accessory dwelling unit shall not be required to construct or otherwise provide parking.

(7) *Enforcement.* Enforcement of notices to correct a violation of any provision of any building standard for any accessory dwelling unit shall comply with Section 17980.12 of the Health and Safety Code.

(§ 7, Ord. 825-C.S., eff. November 8, 2017; § 2, Ord. No. 841-C.S., eff. May 21, 2019; § 3, Ord. 854-C.S., eff. February 26, 2020)

Sec. 9-4.454. - Development standards for junior accessory dwelling units.

(a) *General provisions.* The following provisions shall apply to junior accessory dwelling units:

(1) A junior accessory dwelling shall not be constructed unless a single-family dwelling unit exists on a site and such single-family dwelling unit has been constructed lawfully, or the junior accessory dwelling unit is proposed as part of the construction of the single-family dwelling unit.

(2) A site shall contain no more than one junior accessory dwelling unit.

(3) A junior accessory dwelling unit shall be constructed within the existing space of the proposed or existing single-family dwelling or accessory structure. The provisions of this section shall apply to new construction of a junior accessory dwelling unit replacing existing space of a single-family dwelling or accessory structure within the same location and same dimensions, including an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions of the existing space of a single-family dwelling. An expansion beyond the physical dimensions of an existing accessory structure shall be limited to accommodating ingress and egress.

(4) A site's owner shall record a deed restriction with the County of San Mateo's Recorder Office and file a copy of the recorded deed restriction with the City of Pacifica. The deed restriction shall: prohibit the sale or other conveyance of the junior accessory dwelling unit separate from the single-family dwelling; specify that the deed restriction runs with the land and is therefore enforceable against future property owners; and restrict the size and features of the junior accessory dwelling unit in accordance with this section.

(5) The site's owner may at any time offer for rent either the single-family dwelling unit or the junior accessory dwelling unit. The site's owner shall be required to reside in the single-family dwelling unit as its primary residence at any time while the junior accessory dwelling unit is occupied by a tenant.

(i) A site's owner shall not allow occupancy of a junior accessory dwelling unit by a tenant for any reason, with or without payment of rent, unless the site owner maintains occupancy of the primary dwelling unit as its primary residence. Owner-occupancy shall not be required if the owner is a government agency, land trust, or housing organization.

(6) A junior accessory dwelling unit may be rented but shall not be used for rentals of terms less than thirty (30) consecutive days.

(7) A junior accessory dwelling unit shall not be sold or otherwise conveyed separate from the single-family dwelling unit.

(8) Nothing in this article shall be construed to supersede or in any way alter or lessen the effect of any other provisions of this chapter requiring issuance of a discretionary permit for construction of the single-family dwelling unit prior to issuance of a building permit. The discretionary review of the single-family dwelling unit shall not include consideration of the propriety of a junior accessory dwelling unit use at the site in the future, but may consider the physical characteristics of how the site may accommodate a future junior accessory dwelling unit use as they pertain to

objective development standards, other than parking, including, without limitation, lot coverage, floor area ratio, and landscaping.

(9) A junior accessory dwelling unit shall have an exterior point of access directly into the junior accessory dwelling unit that is separate and independent from the single-family dwelling unit.

(10) A building permit shall be required to construct a junior accessory dwelling unit or to establish a junior accessory dwelling unit within the existing space of a single-family dwelling. Occupancy of a junior accessory dwelling unit shall be prohibited until the junior accessory dwelling unit receives a successful final inspection pursuant to a valid building permit and receives a certificate of occupancy issued on or after the date of the successful final inspection.

(11) A junior accessory dwelling unit shall not be considered a separate or a new dwelling unit for purposes of applying building or fire codes.

(12) Occupancy of a junior accessory dwelling unit shall be prohibited until the junior accessory dwelling unit receives a separate and independent address assignment. Address assignment shall not delay issuance of a building permit.

(b) *Zoning districts where permitted*. A junior accessory dwelling unit shall be a permitted use, subject to the standards contained in this article, on any site zoned for residential use as a permitted use or any site zoned for commercial use which authorizes residential use as a permitted use or for which a permit has been issued to authorize a residential use, and which site includes a proposed or existing single-family dwelling. An accessory dwelling unit shall be prohibited on any other site. A junior accessory dwelling unit shall be prohibited on any other site.

(1) *Sites zoned P-D (Planned Development).* The provisions of subsection (b) shall apply to sites zoned P-D (Planned Development) where the approved development plan residential use as a permitted use, including mixed use. In cases where the details of the original development plan are not available, the Planning Administrator may determine that a site was intended for residential use as a permitted use by considering the use of any existing structures on the site in addition to the uses of structures and the development pattern of the area immediately surrounding the site.

(c) *Junior accessory dwelling units*. The following development provisions shall apply to junior accessory dwelling units.

(1) *Floor area.* The minimum and maximum floor area of a junior accessory dwelling unit shall be as follows:

(i) *Minimum.* At least an efficiency unit to be constructed in compliance with local development standards.

(ii) *Maximum*. Total floor area is five-hundred (500) square feet. However, the establishment of a junior accessory dwelling unit over one hundred fifty (150) square feet shall not result in a reduction of the primary dwelling unit's floor area below the minimum dwelling unit size for a single-family dwelling provided in Section 9-4.2313. If the sanitation facility is shared with the remainder of the single-family dwelling, it shall not be included in the square footage calculation for the junior accessory dwelling unit.

(2) *Setbacks.* Setbacks for a junior accessory dwelling unit constructed with a new single-family dwelling shall be that of the underlying zoning district. No setback shall be required for a junior accessory dwelling unit contained within the existing space of a single-family dwelling or accessory structure. However, as permitted in this section, an expansion to an accessory structure of up to one hundred fifty (150) square feet to accommodate ingress and egress may only be constructed if the following setbacks can be maintained:

(i) *Front.* Minimum front setback shall be fifteen (15′) feet.

(ii) *Side.* Minimum side setback shall be four (4′) feet, except on the street-side of a corner lot where no side setback shall be required.

(iii) *Rear.* Minimum rear setback shall be four (4′) feet.

(3) *Lot coverage.* None.

(4) *Landscaping.* None.

(5) *Height.* None.

(d) *Parking.* No parking shall be required for a junior accessory dwelling unit.

(1) If a garage which provides the required covered off-street parking space or spaces for a single-family dwelling is converted in whole or in part into a junior accessory dwelling unit or is demolished to enable construction of a junior accessory dwelling unit, the required off-street parking space or spaces for the primary dwelling are not required to be replaced.

(e) *Utilities*. A junior accessory dwelling unit shall not be required to install a new or separate utility connection directly between the junior accessory dwelling unit and the utility.

(f) *Fire and Building Requirements*. Notwithstanding any other provision of the Pacifica Municipal Code, including, without limitation, Chapter 3 of Title 4, installation of fire sprinklers in a junior accessory dwelling unit of any type shall be required only if they are required for the primary dwelling unit. Fire sprinklers shall be considered "required for the primary dwelling unit" as detailed in section 9-4.452(i).

(g) *Nonconforming sites and structures.* The following standards shall apply to construction of junior accessory dwelling units on sites that do not comply with all zoning standards or that for any other reason are considered nonconforming.

(1) *Zoning.* Construction of a junior accessory dwelling unit shall be prohibited on any site that is not zoned in accordance with subsection (b) of Section 9-4.454.

(2) *Lot or parcel size and dimensions*. A junior accessory dwelling unit may be constructed on a site that does not meet the minimum lot or parcel size requirements or minimum dimensional requirements of the underlying zoning district, including without limitation sites which contain three thousand nine hundred ninety-nine (3,999) square feet or less of area, provided the accessory dwelling unit is constructed in compliance with all other standards of this article. Approval of a site development permit, specific plan, or any other discretionary permit, except a coastal development permit for sites located within the Coastal Zone, shall not be required.

(3) *Nonconforming single-family dwelling unit*. A junior accessory dwelling unit may be constructed on a site containing an existing single-family dwelling which site does not comply with all zoning standards, including, without limitation, use of the site, off-street parking standards, provided the junior accessory dwelling unit complies with all standards contained in this article. The existing nonconformities of the primary dwelling unit shall not be considered when evaluating the application.

(4) *Nonconforming junior accessory dwelling unit.* A junior accessory dwelling unit that does not comply with all standards of this section shall be considered lawful but nonconforming if the junior accessory dwelling unit was lawfully constructed in accordance with standards in effect at the time of its construction. Such lawful but nonconforming junior accessory dwelling unit may be altered or expanded only to comply with local building regulations or to eliminate one or more nonconformities with the standards of this article.

(i) A junior accessory dwelling unit not lawfully constructed shall be governed by the provisions of Section 9-4.456.

(5) *Creation of nonconformities*. Any nonconformity created to an existing site and/or single-family dwelling unit or accessory structure as allowed by the provisions of this section (*e.g.*, exceedance of the maximum lot coverage allow in the underlying zoning district) shall render the primary dwelling unit or accessory structure or site nonconforming but lawful. Any future expansion or alteration of such nonconforming but lawful primary dwelling unit shall be subject to the provisions of Article 30 of this chapter, including, without limitation, any requirement to construct off-street parking spaces in conjunction with the addition of one or more bedrooms to the primary dwelling unit. However, the correction of nonconforming zoning conditions shall not be a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit.

(§ 3, Ord. 854-C.S., eff. February 26, 2020)

Sec. 9-4.455. - Compliance with other regulations.

(a) An accessory dwelling unit or junior accessory dwelling unit which conforms to the respective requirements of this article shall not be considered to exceed the allowable density for the site upon which it is located and shall be deemed to be a residential use which is consistent with the existing general plan, local coastal land use plan and zoning designations for the site.

(b) An accessory dwelling unit or junior accessory dwelling unit shall not be considered in the application of any local growth control ordinance, policy, or program, including without limitation the City of Pacifica Growth Management Ordinance codified in Chapter 5 of Title 9 of the Pacifica Municipal Code.

(c) Nothing in this article shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Section 30000 et seq. of the Public Resources Code) or the City's certified local coastal plan, except that the Planning Director shall consider a coastal development permit application for an accessory dwelling unit or a junior accessory dwelling unit administratively without a public hearing in accordance with the procedures for processing an administrative coastal development permit contained in Section 9-4.4306.

(1) The provisions of Article 43, Coastal Zone Combining District, shall not apply to the construction of accessory dwelling units or junior accessory dwelling units that do not meet the definition of "development" as defined in Section 9-4.4302(z).

(d) Accessory dwelling units and junior accessory dwelling units shall comply with all local building code requirements based on construction type and number of dwelling units except that utilities and fire sprinkler requirements shall be as provided in subsections (i) and (j) of Section 9-4.453, respectively.

(e) An applicant may not apply for a variance or other relief from the standards of this article.

(f) Accessory dwelling units and junior accessory dwelling units shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(1) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than seven hundred fifty (750) square feet in floor area. Any impact fee charged for an accessory dwelling unit of seven hundred fifty (750) square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(2) This subsection shall not be construed to prohibit a local agency, special district, or water corporation from adopting an ordinance or regulation, related to a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) A historic preservation permit shall not be required for the construction or establishment of an accessory dwelling unit or junior accessory dwelling unit on a site containing or constituting a "landmark" as that term is defined in Chapter 7 (Historic Preservation) of Title 9.

(§ 7, Ord. 825-C.S., eff. November 8, 2017; § 2, Ord. No. 841-C.S., eff. May 21, 2019; as renumbered by § 3, Ord. 854-C.S., eff. February 26, 2020)

Sec. 9-4.456. - Legalization of existing units.

(a) *Unlawful and nonconforming.* Every accessory dwelling unit or junior accessory dwelling unit constructed prior to the effective date of this article which has not successfully completed a final building permit inspection shall be considered unlawful and nonconforming.

(b) An unlawful and nonconforming accessory dwelling unit or junior accessory dwelling unit may be legalized and considered conforming by complying with all provisions of this article and by successfully completing a final inspection of the work authorized in a building permit. An unlawful and nonconforming accessory dwelling unit or junior accessory dwelling unit shall not be altered or expanded except to achieve full compliance with the standards of this article.

(c) An accessory dwelling unit, the construction of which commenced or commences pursuant to a building permit issued prior to the effective date of this article, shall not be considered unlawful and nonconforming provided the accessory dwelling unit is constructed and successful completion of a final inspection is achieved within two (2) years of the effective date of this article, or during the period in which the building permit is valid, whichever period is shorter.

(§ 7, Ord. 825-C.S., eff. November 8, 2017; as renumbered by § 3, Ord. 854-C.S., eff. February 26, 2020)

Article 4.6. Bed and Breakfast Inns

Sec. 9-4.461. Purpose.
It is the intent of the City to apply the regulations of this article to bed and breakfast inns to encourage com- mercial development which will promote the City and in response to growing public interest and concern about the development of this type of facilities.

A bed and breakfast inn ("Inn") which is approved by the Planning Commission and which conforms to the requirements of this article shall be considered a commercial use which is consistent with the existing General Plan and zoning designations for the subject property contingent on Planning Commission approval. The City's growth control ordinance shall not be applied to ions. Furthermore, it is the intent of this article to encourage the sensitive use of historic sites as inns and for new development proposals to include special architectural or historic character.
(§ 1, Ord. 559-C.S., eff. November 7, 1990)

Sec. 9-4.462. Bed and breakfast inn defined.

As stated in this article, "bed and breakfast ion" shall refer to any structure containing not more than twelve (12) guest bedrooms. which may be occupied by no more than twenty-four (24) persons, which are intended to be let to transient guests for compensation. A guest bed- room" is a room primarily intended for sleeping and contained in the primary structure, which may contain furnishings. but may not lawfully contain any kitchen equipment Bath facilities may be shared or may be separate for each guest bedroom. An inn is a conditional use in all zoning districts. An inn shall provide guest bedrooms and breakfast for transient guests.
(§ l, Ord. 5S9-C.S., cff. November 7, 1990)

Sec. 9-4.463. Development standards.
(a) Applicability. An application for- a bed and break- fast inn shall be considered only if the project meets the following minimum criteria:
(1) The property is owner occupied and managed;
(2) The property's size is at least 5,000 square feet;
(3) No covenants. conditions and restrictions prohibit the use of the property; and
(4) The structure shall meet the minimum requirements of the Uniform Building Code for the proposed occupancy or shall be upgraded to the satisfaction of the Building Official.
(b) Standards. The following standards shall apply to a bed and breakfast inn:
(1) The inn shall be occupied and managed by an owner of the property;
(2) The maximum length of stay for any guest shall be (14) consecutive days during any thirty (30) day peri- od;
(3) In residential districts, breakfast is the only meal that may be served and shall only be served to registered guests of the inn; however, restaurants may be permitted in commercial districts in conjunction with an inn;
(4) No kitchen appliances or cooking facilities will be permitted in the guest bedrooms;
(5) The number of permissible guest bedrooms shall be determined by dividing the square footage of the sub- ject lot by 1,800 square feet with twelve (12) being the maximum number of permitted guest bedrooms;
(6) A register must be maintained on the premises. The register must contain the guests' names. home ad- dress. and check in and check out dates. The register must be kept for a period of seven (7) years from the date of the l&t registration noted in the register; and
(7) In addition to the two (2) covered parking space required by Code for the owner's unit, one off-street parking space shall be provided for each guest room. If more than ten (10) guest rooms are proposed, additional parking may be required.
(c) Permits required.
(1) A special use permit and site development permit must be approved by the Planning Commission for any inn proposed in any district with the exception of the Commercial Districts. In the Commercial District’s, only a site development permit must be approved by the Com- mission. If located in the Hillside Preservation District (HPD), the HPD regulations shall be followed and the special use permit and site development permit shall not be required;
(2) Each conditional use approval is site specific and may not be transferred to another property than was originally approved; and
(3) Annual inspections of the inn shall be made by the City Fire and Planning Divisions and the inn must secure and maintain the appropriate County Health Department permits and certificates.
(d) Signs.
(1) In Residential Districts only one wooden sign, no more than six (6) square feet in area. will be permitted. The sign may be free standing or may be placed on an exterior wall or in a window. The sign may not be externally illuminated. The sign must: (a)

conform to the City's Design Guidelines; and (b) receive sign permit approval by the Planning Administrator pursuant to Article 29 of Chapter 4 of Title 9 this Code.

(2) Inns located in any district other than Residential may have signs consistent with Article 29 of Chapter 4 of Title 9 of this Code.

(§ 1, Ord. 559-C.S., eff. November 7, 1990)

Sec. 9-4.464. Legalization of existing bed and breakfast inns.

Existing inns which have not received a special use permit or site development permit are considered illegal. If an inn was jn existence prior to the date of adoption of the ordinance codified in this article and if the proper- ty owner requests legalization, the Commission may waive the parking and lot requirement standards. It shall be the applicant's responsibility to provide evidence that the inn was in existence prior to the date of adoption of the ordinance codified in this article. Toe waiver of the standards for illegal inns shall be discretionary, and such waiver shall depend on individual circumstances and the ability to make findings for approval.

(§ 1. Ord. 559-C.S., eff. November 7, 1990)

Article 5. R-2 Two-Family Residential District

Sec. 9-4.501. Permitted and conditional uses.

(a) Permitted uses. The following uses shall be per- mitted in the R-2 District:

(1) Single-family dwellings on parcels less than 5,800 square feet in area;

(2) Two-family dwellings;

(3) Accessory buildings and uses;

(4) Child day care homes for twelve (12) children or less; and

(5) Special care facilities for six (6) or fewer persons.

(6) Indoor or outdoor cultivation of cannabis for personal use as an accessory use to a primary dwelling unit, subject to the standards contained in Article 48 of this chapter; and

(7) Accessory dwelling units and junior accessory dwelling units, subject to the standards of Article 4.5.

(b) Conditional uses. Conditional uses allowed in the R-2 District. subject to obtaining a use permit. shall be as follows:

(1) Two-family dwelling groups (more than one main building);

(2) Child care day homes for more than twelve (12) children and special care facilities for more than six (6) persons;

(3) Conditional uses allowed in the R-1 District; and

(4) Single-family dwellings on parcels larger than 5,800 square feet in area.

(§ 4.02, Ord. 363, as amended by§ 2, Ord. 419, and§ 1, Ord. 466; repealed by § I, Ord. 355-C.S., eff. December 8, 1982; reenacted by § n, said Ord. 355-C.S., as amended by § IV (A) and (B), Ord. 491-C.S., eff. October 28, 1987, and § 12, Ord. 538-C.S., eff. December 27, 1989)

Sec. 9-4.502. Development regulations.

Development regulations in the R-2 District shall be as follows:

(a) Minimum building site area: 5,000 square feet;

(b) Minimum lot area per dwelling unit: 2.900 square feet;

(c) Minimum lot width: fifty (50') feet;

(d) Required minimum setback: same as R-1 standards;

(e) Maximum height of structures: same as R-1 standards·

(f) Maximum lot coverage by all structures: fifty (50%) percent;
(g) Minimum landscaped area: twenty (20%) percent;
(h) In the case of conditional uses, additional regulations may be required;
(i) Parking: as set forth in Article 28 of this chapter, and
(j) Permits for site development as set forth in Article 32 of this chapter.
(k) Cannabis cultivation for personal use: as set forth in Article 48 of this chapter, including, without limitation, the prohibition on outdoor cultivation on any parcel directly abutting any school, day care center, or youth center as those terms are defined.
(l) Notwithstanding the provisions of this section, the development regulations for accessory dwelling units and junior accessory dwelling units shall be those set forth in Article 4.5.
(§ II, Ord. 355-C.S., eff. December 8, 1982, as amended by § 2, Ord. 405-C.S., eff. May 23, 1984; § 4, Ord. 819-C.S., eff. November 7, 2017; § 8, Ord. 825-C.S., eff. November 8, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019; § 4, Ord. 854-C.S., eff. February 26, 2020)

Article 6. R-3 Multiple-Family Residential District

Sec. 9-4.601. Permitted and conditional uses.
(a) Permitted uses. The following uses shall be per- mitted in the R-3 District:
(1) Duplexes and multiple-family dwellings;
(2) Accessory buildings and uses;
(3) Child day care homes for twelve (12) children or less; and
(4) Special care facilities for six (6) or fewer persons.
(5) Indoor or outdoor cultivation of cannabis for personal use as an accessory use to a primary dwelling unit, subject to the standards contained in Article 48 of this chapter; and
(6)Accessory dwelling units and junior accessory dwelling units, subject to the standards of Article 4.5.
(b) Conditional uses. Conditional uses allowed in the R-3 District. subject to obtaining a use permit. shall be as follows:
(1) Single-family dwellings;
(2) Rooming houses and boardinghouses;
(3) Lodges, clubs, clubrooms, and dormitories;
(4) (Repealed by§ V (B), Ord. 491-C.S., eff. October 28. 1987)
(5) Conditional uses as allowed in the R-1 and R-2 Districts; and
(6) Coastal access.
(§ 4.03, Ord. 363, as amended by § 2, Ord. 419, § 2, Ord. 466, § 1, Ord. 474, §§ I and II, Ord. 355-C.S., eff. December 8, 1982, § 3, Ord. 405-C.S., eff. May 1984, and § V (A) and (B}, Ord. 491-C.S., eff. October 28, 1987)

Sec. 9-4.602. Development regulations.
Development regulations in the R-3 District shall be as follows:
(a) Minimum site area: 5,000 square feet;
(b) Minimum lot area per dwelling unit: 2,075 square feet;
(c) Minimum lot width: fifty (50') feet;
(d) Minimum setbacks: same as R-1 standards;
(e) Maximum height of structures: same as R-1 standards;
(f) Maximum Jot coverage: sixty (60%) percent;
(g) Minimum landscaped area: twenty (20%) percent;
(h) Minimum usable open space: 400 square feet perunit;
(i) In the case of conditional uses, additional regulations may be required;

(j) Parking: as set forth in Article 28 of this chapter;and
(k) Permits for site development: as set forth in Article 32 of this chapter.
(l) Cannabis cultivation for personal use: as set forth in Article 48 of this chapter, including, without limitation, the prohibition on outdoor cultivation on any parcel directly abutting any school, day care center, or youth center as those terms are defined.
(m)Notwithstanding the provisions of this section, the development regulations for accessory dwelling units and junior accessory dwelling units shall be those set forth in Article 4.5.
(§ II, Ord. 355-C.S., eff. December 8, 1982, as amended by § 4, Ord. 405-C.S., eff. May 23, 1984, and § 13, Ord. 538-C.S., eff. December 27, 1989; § 5, Ord. 819-C.S., eff. November 7, 2017; § 9, Ord. 825-C.S., eff. November 8, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019; § 5, Ord. 854-C.S., eff. February 26, 2020)

Article 6.5. R-3/L.D. Multiple-Family Density Residential District

Sec. 9-4.651. Permitted and conditional uses,
(a) Permitted uses. The following uses shall be per- mitted in the R-3/L.D. District:
(1) All uses permitted in the R-3 District.
(b) Conditional uses. Conditional uses allowed in the R-3/L.D. District., subject to obtaining a use permit, shall
· be as follows:
(1) Single-family dwellings;
(2) Clustered housing pursuant to Article 24 of this chapter;
(3) Child day care day homes for more than twelve (12) children and special care facilities for more than six (6) persons:
(4) Parks and playgrounds.
(§ 1, Ord. 541-C.S., eff. January 10, 1990)

Sec. 9-4.652. Development regulations.
Development regulations in the R-3/L.D. District shall be as follows:
(a) Minimum site area: 7,500 square feet;
(b) Minimum lot area per dwelling unit: 4,840 square feet;
(c) Minimum lot width: fifty (50') feet;
(d) Minimum setbacks: same as R-1 standards;
(e) Maximum height of structures: same as R-1 standards;
(f) Maximum lot coverage: fifty (50%) percent
(g) Minimum landscaped area: twenty-five (25) percent;
(h) Minimum usable open space: 450 square feet per unit;
(i) In the case of conditional uses, additional regulations may be required;
(j) Parking: as set forth in Article 28 of this chapter; and
(k) Permits for site development: as set forth in Article 32 of this chapter.
(l) Cannabis cultivation for personal use: as set forth in Article 48 of this chapter, including without limitation the prohibition on outdoor cultivation on any parcel directly abutting any school, day care center, or youth center as those terms are defined.
(§ 1, Ord. 541-C.S., eff. January 10, 1990, as amended by § 6, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Article 7. R-3-G Multiple-Family Residential Garden District*

• Article 7 entitled "Multiple-Family Residential District (R-3.1)", consisting of Section 9-4.701. codified from Ordinance No. 363, as amended by Ordinance Nos, 419, 466, and 474, repealed by

Section I. Ordinance No. 355-C.S.• effective December 8, 1982.

Sec. 9-4.701. Permitted and conditional uses.
(a) Permitted uses. The following uses shall be permitted in the R-3-G District:
(1) All uses permitted in the R-3 District.
(b) Conditional uses. Conditional uses allowed in the R-3-G District, subject to obtaining a use permit, shall be as follows:
(I} All conditional uses in the R--3 District. (§ II, Ord. 355-C.S., eff. December 8, 1982)

Sec. 9-4.702. Development regulations.
Development regulations in the R-3-G District shall be as follows:
(a) Minimum site area: 7,500 square feet;
(b) Minimum lot area per dwelling unit: 2,300 square feet;
(c) Minimum lot width: sixty (60') feet;
(d) Minimum setbacks: same as R-1 standards;
(e) Maximum height of structures: same as R-1 standards;
(f) Maximum lot coverage for all structures: fifty (50%) percent;
(g) Minimum landscaped area: twenty-five (25%) percent;
(h) Minimum usable open space: 450 square feet per unit;
(i) Maximum height of structures: same as R-1 Standards;
(j) In the case of conditional uses, additional regulations may be required;
(k) Parking: as set forth in Article 28 of this chapter; and
(l) Permits for site development as set forth in Article 32 of this chapter.
(m) Cannabis cultivation for personal use: as set forth in Article 48 of this chapter, including without limitation the prohibition on outdoor cultivation on any parcel directly abutting any school, day care center, or youth center as those terms are defined.
(§ II, Ord. 355-C.S., eff. December 8, 1982, as amended by § 5, Ord, 405-C.S., eff. May 23, 1984; § 7, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Article 8. R-3.1 Multiple-Family Residential District

• Article 8 entitled "Garden Apartment District (R-3-G)", consisting of Section 9-4.801, codified from Ordinance No. 363, as amended by Ordinance Nos. 419 and 466. repealed by Section I, Ordinance No. 355-C .S., effective December 8, 1982.

Sec. 9-4,801. Permitted and conditional uses.
The permitted and conditional uses in the R-3.1 District shall be the same as in the R-3 District (§ II, Ord. 355-C.S., eff. December 8, 1982)

Sec. 9-4.802. Development regulations.
Development regulations in the R-3.l District shall be the same as in the R-3 District
(§ II, Ord. 355-C.S., eff. December 8, 1982)

Article 9. R-5 High Rise Apartment District

Sec. 9-4.901. Permitted and conditional uses.
The permitted and conditional uses in the R-5 District shall be the same as in the R-3 District
(§ 4.06, Ord. 363, as amended by§ 2, Ord. 419; repealed by § I, Ord. 355-C.S., eff. December 8, 1982; reenacted by § II, said Ord. 355-C.S.)

Sec. 9 4.902. Development regulations.
Development regulations in the R-5 District shall be the same as in the R-3 District
(§ 4.06, Ord. 363, as amended by§ I, Ord. 64-C.S., eff. October 25, 1972; repealed by § I, Ord. 355-C.S., eff. December 8, 1982; reenacted by § II, said Ord. 355-C.S.)

Article 9.5. R-1-H Single-Family Residential Hillside District

Sec. 9-4.951. Purpose.
The City Council finds and declares that certain hill- side areas and certain areas of the City which are not located on developed public streets provide unique terrain features and add substantially to the character of the area such that the location, type, and visibility of development therein will affect the quality of the environment The City Council finds that hillside development of sensitive areas should be regulated to ensure that any proposed development of houses and streets complies with the Pacifica Design Guidelines and preserves the natural terrain while allowing residential development compatible with the slope limitations of the development site. In addition, development proposals on currently undeveloped public streets present issues relative to grading, access, visibility, and neighborhood character. The objectives of the R•l-H District are to ensure that new structures andstreets are designed to protect the visual and natural resource qualities of the hillsides and to minimize adverse impacts on existing neighborhoods, drainage, traffic, land stability, and natural resources.
(§ 1, Ord. 582-C.S., eff. January 8, 1992)

Sec. 9-4.952. Permitted and conditional uses.
The permitted and conditional uses allowed in the R-1- H District shall be those permitted and conditional uses as listed for the R-1 District, Section 9-4.401.
(§ 1, Ord. 582-C.S., eff. January 8, 1992)

Sec. 9-4.953. Development regulations.
The development regulations in the R-1-H District shall be the same as those listed for the R-1 District with the following exception: No building permit may be issued for any new structure on a lot zoned R-1-H with-
out obtaining a site development permit
(§ 1, Ord. 582-C.S., eff. January 8, 1992)

Sec. 9-4.954. Street approval requirement.
No grading, encroachment, or building permit may be issued for the development of any unimproved, platted new street to an improved street in the R-1-H District without first obtaining a site development permit.
(§ I, Ord. 582-C.S., eff. January 8, 1992)

Article 10. C-1 Neighborhood Commercial District*

• Sections 9-4.1001 through 9-4.1003, codified from Ordinance No. 363, as amended by Ordinance Nos. 382,419, 425, and 137-C.S., effective December 12, 1974, repealed by Ord. No. 350-C.S., effective November 10. 1982.

Sec. 9-4.1001. Permitted and conditional uses.
(a) Permitted uses. The following uses shall be per- mitted in the C-1 District:
(1) Retail uses, such as food, drug, liquor, retail restaurants and the like and any Marijuana

Operation as defined in Article 48 of this chapter.

(2) Person services, such as professional offices, shoe repair, barber and beauty shops, laundries and dry cleaning establishments, and banks and financial institutions;

(3) Business and administrative offices when located entirely above the ground floor of any commercial structure;

(4) Art galleries and instructional studios for dance and arts or crafts and craft production shops; and

(5) In the Coastal Zone, visitor-serving commercial uses, as defined in Section 9-4.4302(av) of Article 43 of this chapter; and

(6) Accessory dwelling units and junior accessory dwelling units, subject to the standards of Article 4.5.

(b) Conditional uses. Conditional uses allowed in the C-1 District, subject to obtaining a use permit, shall be as follows:

(1) Service stations;
(2) Retail alcohol sales in conjunction with service stations;
(3) Mini-markets and similar retail uses in conjunction with service stations;
(4) Conversion of service stations from full-service to self-service;
(5) Motels and drive-in restaurants:
(6) Veterinary hospitals and clinics (small animals);
(7) Special care and child care facilities;
(8) Business and administrative offices, if located on the ground floor;
(9) Amusement machine arcades as a new or a part of an existing use;
(10) Massage, health, or bathing establishments;
(11) One or more dwelling units in the same building as a commercial use when located entirely above the ground floor. Density shall be controlled by a minimum lot area per dwelling unit of 2,000 square feet; and
(12) Restaurants. and Fast Food restaurants

(§ II, Ord. 350-C.S., eff. November 10, 1982, as amended by§ V, Ord. 440-85, eff. March 13, 1985, § VI (A), Ord. 9 1-C.S., eff. October 28, 1987, and§ 3, Ord. 538-C.S.,
eff. December 27, 1989)

Sec. 9-4.1002. Development regulations.

Development regulations in the C-1 District shall be as follows:

(a) Minimum building site: 5,000 square feet;
(b) Minimum lot dimensions: fifty (50') foot width;
(c) Setbacks: none, unless established by the site development permit;
(d) Minimum landscape area: ten (10%) percent:
(e) Maximum height thirty-five (35') feet;
(f) Parking: as set forth in Article 28 of this chapter,
(g) Permits for site development as set forth in Article 32 of this chapter;
(h) All uses shall be conducted entirely within an enclosed structure, except as otherwise provided in Article 23 of this chapter;
(i) A use permit shall be required for all new construction projects abutting an R District. A use permit may be required for any change of use when the site abuts an R District. The use permit determination process described below may be utilized for any change of use when a site abuts an R District if the use is a permitted use in the district and when hours are limited to 8:00 a.m. to 9:00 p.m. Within five (5) working days after the submittal of a written request for any new use set forth in this subsection, the Planning Administrator shall deter- mine in writing whether a use permit shall be required. Such determination shall be based on an analysis of the compatibility of the proposed use with adjacent residential development. including, but not limited to, noise. traffic, circulation, odors, hours of operations, site design, and improvements, and potential impact on coastal

resources as defined in the Local Coastal Land Use Plan.
In the event the Planning Administrator determines that no use permit is required, the decision shall be placed on the next Commission agenda as an administrative calendar item, and any two (2) Commissioners may request that a use permit be obtained. Existing individual shop- ping centers may apply for a use permit for a list of uses permitted without further use permits; and

(j) In the Coastal Zone, when a new use or a change of use is proposed, a use permit determination shall be required for all permitted uses other than visitor-serving commercial uses. The process for a use permit determination shall be as set forth in Section 9-4.1002(i). The determination of the Planning Administrator shall be based on an analysis of the balance of visitor-serving commercial uses with other commercial uses, and consistency with the individual neighborhood narratives and the plan conclusions and other relevant policies of the LCP Land Use Plan. The provisions of Section 9-4.4410 shall also apply; and

~~(j)~~(k) A use permit for one or more residential dwelling units shall be required prior to establishment of accessory dwelling units and junior accessory dwelling units, as provided in Article 4.5 of this chapter.

(§ II, Ord. 350-C.S., eff. November 10, 1982, as amended by § 3 Ord. 554-C.S., eff. June 13, 1990, and § III (B) and (C), Ord. 610-C.S., eff. March 16, 1994; § 6, Ord. 854-C.S., eff. February 26, 2020)

Article 11. C-2 Community Commercial District•

• Article 11. C-2 Community Commercial District entitled "Commercial Apartment District No. 363, u amended by Ordinance No. 419, repealed by Section I, Ordinance No. 350-C.S., effective November 10, 1982.

Sec. 9-4.1101. Permitted and conditional uses.
(a) Permitted uses. The following uses shall be per- mitted in the C-2 District:

(l) Retail stores and shops;
(2) Personal and business service establishments, including financial institutions;
(3) Offices;
(4) Newspaper, printing, and lithography plants not exceeding 5,000 square feet in net usable area;
(5) Retail restaurants, fast food restaurants, restaurants and bars;
(6) Household appliance and furniture sales and ser- vice in conjunction with sales;
(7) Veterinary hospitals and clinics; and
(8) In the Coastal Zone, visitor-serving commercial uses, as defined in Section 9-4.4302(av) of Article 43 of this chapter.
(9) Accessory dwelling units and junior accessory dwelling units, subject to the standards of Article 4.5.

(b) Conditional uses. Conditional uses allowed in the C-2 District, subject to obtaining ·a use permit, shall be as follows:
(1) Social balls, clubs, theaters, and nightclubs;
(2) Pet care and sales establishments, including boarding and grooming;
(3) Vehicle and boat sales and service in conjunction with sales;
(4) Plumbing, beating, electrical, and appliance repair, service, and supply shops;
(5) Specialty auto service, such as oil changing facilities, not in conjunction with service stations;
(6) Car washes;
(7) **[NOT CERTIFIED]**

(8) All uses allowed as either a permitted or conditional use in the C-1 District and which are not listed as permitted uses in the C-2 District.

(9) **[NOT CERTIFIED]**

(10) Cannabis Testing Operation, subject to the provisions of Article 48 of this chapter, including without limitation any restriction on the establishment of such use in certain locations.

(§ II, Ord. 350-C.S., eff. November 10, 1982, as amended by § 4, Ord. 538-C.S., eff. December 27, 1989)

Sec. 9-4.1102. Development regulation.

Development regulations in the C-2 District shall be as follows:

(a) Minimum building site: 5,000 square feet;

(b) Minimum lot dimensions: fifty (50') foot width;

(c) Required minimum setback: none, unless established by the site development permit;

(d) Minimum landscaped area: ten (10%) percent;

(e) Minimum allowable height thirty-five (35') feet;

(f) Parking as set forth in Article 28 of this chapter,

(g) Permits for site development: as set forth in Article 32 of this chapter;

(h) All uses shall be conducted entirely within an enclosed structure, except as otherwise provided in Article 23 of this chapter;

(i) A use permit may be required pursuant to the provisions of subsection (i) of Section 9-4.1002 of Article 10 of this chapter; and

(j) In the Coastal Zone, when a new use or a change of use is proposed, a use permit determination shall be required for all permitted uses other than visitor-serving commercial uses. The process for a use permit determination shall be as set forth in Sections 9-4.1002(i) and (j).

(k) A cannabis activity permit shall be required prior to establishment of a cannabis testing operation, as provided in Article 48 of this chapter.

(l) A use permit for one or more residential dwelling units shall be required prior to establishment of accessory dwelling units and junior accessory dwelling units, as provided in Article 4.5 of this chapter.

Article 12. - C-3 Service Commercial District*

* Article 12 entitled "General Commercial District (C-2)", consisting of Sections 9-4.1201 through 9-4.1203, codified from Ordinance No. 363, as amended by Ordinance Nos. 382, 419, 425, 453, and 466, repealed by Section I, Ordinance No. 350-C.S., effective November 10, 1982.

Sec. 9-4.1201. - Permitted and conditional uses.

(a) Permitted uses. The following uses shall be permitted in title C-3 District:

(1) Warehouses and storage facilities;

(2) Shops, such as glass, welding, cabinetry, sheet metal work, paint mixing, upholstery, machine shops, and sign shops;

(3) Large-scale crafts production, including the use of a heating source or chemicals for the production of goods;

(4) Car washes and service stations; and

(5) Retail sales in conjunction with any of the uses set forth in this subsection, except retail sales in conjunction with a cannabis operation as defined in Article 48 of this chapter.

(b) Conditional uses. Conditional uses allowed in the C-3 District, subject to obtaining a use permit, shall be as follows:

(1) Processing, manufacture, or assembly plants or plants for the production of goods or the performance of services for wholesale distribution;

(2) Auto body repair, paint, and upholstery;

(3) Auto wrecking;

(4) Refuse operations and recycling centers;
(5) Full service or specialty auto repair not in conjunction with service stations;
(6) Wholesale nurseries and lumber yards; and
(7) Cannabis manufacturing operation, subject to the provisions of Article 48 of this chapter, including, without limitation, any restriction on the establishment of such use in certain locations; and
(8) All uses allowed as permitted or conditional uses in the C-1 and C-2 Districts, unless otherwise permitted in the C-3 District, and except residential uses.

Sec. 9-4.1202. - Development regulations.
Development regulations in the C-3 District shall be as follows:

(a) Minimum building site: 5,000 square feet;
(b) Minimum lot dimensions: fifty (50′) foot width;
(c) Required minimum setback: none, unless required by the site development permit;
(d) Minimum landscaped area: ten (10%) percent;
(e) Maximum allowable height: thirty-five (35′) feet;
(f) Parking: as set forth in Article 28 of this chapter;
(g) Permits for site development: as set forth in Article 32 of this chapter;
(h) All uses shall be conducted entirely within an enclosed structure, unless otherwise specified in an approved use permit or pursuant to Article 23 of this chapter;
(i) All uses abutting an R District shall require a use permit; and
(j) Marine oriented or coastal dependent industrial uses shall be permitted in the coastal area, except where such uses abut an R District, in which case a use permit shall be required.
~~(j)~~(k) A cannabis activity permit shall be required prior to establishment of a cannabis manufacturing operation or cannabis testing operation, as provided in Article 48 of this chapter.

(§ II, Ord. 350-C.S., eff. November 10, 1982, as amended by § 10, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Article 13. - C-1-A Commercial Apartment District*
* Article 13 entitled "Service Commercial District (C-3)", consisting of Sections 9-4.1301 through 9-4.1303, codified from Ordinance No. 363, as amended by Ordinance Nos. 419, 466, 61-C.S., effective September 27, 1972, and 228-C.S., effective May 24, 1978, repealed by Section I, Ordinance No. 350-C.S., effective November 10, 1982.

Sec. 9-4.1301. - Permitted and conditional uses and development regulations.
The permitted uses in the C-1-A District and the development regulations therefor shall be as set forth in Article 10 of this chapter for the C-1 District.

(§ II, Ord. 354-C.S., eff. December 8, 1982)

Article 14. - O Professional Office District

Sec. 9-4.1401. - Permitted and conditional uses and development regulations.
The permitted uses in the O District and the development regulations therefor shall be as set forth in Article 11 of this chapter for the C-2 District.

(§ 4.11, Ord. 363, as amended by § 2, Ord. 419; repealed by § I, Ord. 350-C.S., eff. November 10, 1982; reenacted by § II, Ord. 354-C.S., eff. December 8, 1982)

Article 15. - C-R Commercial Recreation District*
* Sections 9-4.1501 through 9-4.1503, codified from Ordinance No. 363, as amended by Ordinance Nos. 419 and 197-C.S., effective April 13, 1977, repealed by Section I, Ordinance No. 350-C.S., effective November 10, 1982.

Sec. 9-4.1501. - Permitted and conditional uses and development regulations.
The permitted uses in the C-R District and the development regulations therefor shall be as set forth in Article 11 of this chapter for the C-2 District.

(§ II, Ord. 354-C.S., eff. December 8, 1982)

Article 16. - M-1 Controlled Manufacturing District*
* Sections 9-4.1601 and 9-4.1602, codified from Ordinance No. 363, as amended by Ordinance No. 419, repealed by Section I, Ordinance No. 350-C.S., effective November 10, 1982.

Sec. 9-4.1601. - Permitted and conditional uses and development regulations.
The permitted uses in the M-1 District and the development regulations therefor shall be as set forth in Article 12 of this chapter for the C-3 District.

(§ II, Ord. 354-C.S., eff. December 8, 1982)

Article 17. - M-2 Industrial District

Sec. 9-4.1701. - Permitted and conditional uses and development regulations.
The permitted uses in the M-2 District and the development regulations therefor shall be as set forth in Article 12 of this chapter for the C-3 District.

(§ 4.14, Ord. 363, as amended by § 2, Ord. 419; repealed by § I, Ord. 350-C.S., eff. November 10, 1982; reenacted by § II, Ord. 354-C.S., eff. December 8, 1982)

Article 17.5 - CO Cannabis Operation Overlay District

Sec. 9-4.1751. - Scope.
Subject to all other regulations set forth in this Code, uses shall be allowed in a Cannabis Operation Overlay District (CO) as set forth in this article. Standards or regulations in effect in any zoning district or districts underlying a Cannabis Operation Overlay District (CO) shall remain in effect unless the subject matter of such standard or regulation is addressed in this article. The provisions of any Cannabis Operation Overlay District (CO) shall prevail in the event of any conflict with the provisions of any zoning district or districts upon which it is overlaid.
(§ 11, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Sec. 9-4.1752. - Purpose.
The purpose of each Cannabis Operation Overlay District (CO) is to allow the City to retain the greatest amount of control over the location and number of certain cannabis businesses and related activities. Without proper regulation, these cannabis businesses and related activities have the potential to adversely impact residents, employees, businesses, and properties in the areas surrounding them. Therefore, to protect public health, safety, and welfare, the City has established overlay zoning in order to efficiently implement specific standards for the establishment and operation of certain cannabis businesses and related activities.

(§ 11, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Sec. 9-4.1753. - Overlay districts created.
The following districts are hereby created, which shall overlay any underlying zoning district or districts, as further depicted in the zoning map described in Article 3 of this chapter:
(a) Cannabis Operation, Fairmont Overlay District (CO-F);
(b) Cannabis Operation, Linda Mar Overlay District (CO-LM);
(c) Cannabis Operation, Park Pacifica Overlay District (CO-PP);
(d) Cannabis Operation, Rockaway Beach Overlay District (CO-RB);
(e) Cannabis Operation, Sharp Park Overlay District (CO-SP).
(§ 11, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Sec. 9-4.1754. - Uses permitted.
Cannabis operations shall be allowed within the Cannabis Operation Overlay District (CO) as provided in this section. The term "Cannabis Operation" shall have that meaning as defined in Article 48 of this chapter. Any and all cannabis operations not expressly described herein, or otherwise allowed in an underlying zoning district or districts, are expressly prohibited.
(a) Permitted uses. None.
(b) Conditional uses. Conditional uses allowed in the Cannabis Operation Overlay District (CO), subject to obtaining a cannabis activity permit, and further subject to the definitions, supplemental findings, and other provisions contained in Article 48 of this chapter, shall be as follows:
(1) Cannabis retail operation, as defined in Article 48 of this chapter.
(c) Planned Development District (P-D). When a Planned Development District (P-D) underlies a Cannabis Operation Overlay District (CO), a cannabis business or activity described in this article may be allowed upon approval of a cannabis activity permit, and shall not require approval of a development plan or an amendment to an existing development plan.
(§ 11, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Sec. 9-4.1755. - Number of businesses or activities permitted.
The number of cannabis operations allowed within a Cannabis Operation Overlay District (CO) shall be the number set forth in this section.
(a) Cannabis retail operation. The number of cannabis retail operations within the City of Pacifica shall not exceed six (6), and within that overall limitation, the number allowed within any Cannabis Operation Overlay District (CO) shall be further limited to the maximum provided in the following table:
Table 9-4.1755(a)
NUMERICAL LIMITATIONS

	Use
Overlay District	Cannabis retail operation
CO-F	2
CO-LM	2
CO-PP	2
CO-RB	3
CO-SP	3

(§ 11, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Sec. 9-4.1756. - Development standards.

The development standards within any Cannabis Operation Overlay District (CO) shall be those development standards in effect in the underlying zoning district or districts.
(§ 11, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Sec. 9-4.1757. - Other discretionary permits.
Nothing in this article shall be construed to supersede or in any way alter or lessen the effect or application of any requirement to obtain a discretionary permit pursuant to the standards of any zoning district or districts underlying a Cannabis Operation Overlay District (CO), including, without limitation, a coastal development permit, a permit to construct or to modify any structure, or a change of use.

(§ 11, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Article 18. - Parking District (P)

Sec. 9-4.1801. - Uses permitted: Restrictions (P).
Subject to all other regulations set forth in this chapter, the following uses shall be permitted, and the following Uses Vregulations shall apply in the Parking District (P).

Uses Permitted None but the following uses, or uses which in the opinion of the Commission are similar, shall be permitted:	Use Permit Required	Site Develop-ment Permit Required	Maximum Height in Feet (Also see Article 26)	Minimum Building Site in Square Feet (Also see Article 26)	Minimum Lot Width in Feet Also see Section 9-4.2706)	Maximum Coverage	Minimum Front Setback in Feet* (Also see Article 27)	Minimum Side Setback in Feet (Also see Article 27)	Minimum Rear Setback in Feet (Also see Article 27)	Minimum Lot Area per Dwelling Unit
(a) The temporary parking of self-propelled private passenger vehicles; signs designating entrances, exits and conditions of the	No	Yes	35′	—	—	—	—	—	—	—

use; and one freestanding sign advertising or designating a general name of a commercial shopping center or similar enterprise on the same premises (Sec. 4.16, Ord. 363) * Unless otherwise indicated on the zoning map										

Article 19. - Agricultural District (A)

Sec. 9-4.1901. - Uses permitted: Restrictions (A).
Subject to all other regulations set forth in this chapter, the following uses shall be permitted, and the following regulations shall apply in the Agricultural District (A).

Uses Permitted: None, but the following uses, or uses	Use Permit Required	Site Development Permit Required	Maximum Height in Feet (Also see Article	Minimum Building Site in Square Feet	Minimum Lot Width in Feet Also see Section	Maximum Coverage	Minimum Front Setback in Feet* (Also	Minimum Side Setback in Feet (Also	Minimum Rear Setback in Feet (Also	Minimum Lot Area per Dwelling Unit

which in the opinion of the Commission are similar, shall be permitted:			26)	(Also see Article 26)	9-4.2706)		see Article 27)	see Article 27)	see Article 27)	
(a) All agricultural uses, except cultivation of cannabis as that term is defined in Article 48 of this chapter, and except hog ranches; and ranch and farm dwellings appurtenant to the agricultural district	No	No	36′	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined
(b) In addition to the uses specified in any such district, animal husbandry and small livestock farming provided	No	No	36′	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined

not more than one animal is kept for each 16,000 square feet on the building site; crop and tree farming except cultivation of cannabis as that term is defined in Article 48 of this chapter; viticulture; home occupations; and the keeping of up to twenty-four (24) chickens or similar birds or rabbits or similar animals *Unless otherwise indicated on the use permit										
(c) Additional animals or birds	Yes	Yes	36′	As specified in the "B" District	As specified in the "B" District	As specified in the "B" District	As specified in the "B" District	As specified in the "B" District	As specified in the "B" District	As specified in the "B" District

on land exceeding two (2) acres in area; labor camps for labor employed on the premises; dog and cat kennels; sales of products produced on the premises; riding academies, and trout farms				with which the "A" District is combined	with the "A" District is combined	with which the "A" District is combined	with which the "A" District is combined	with which the "A" District is combined	with which the "A" district is combined	with which the "A" District is combined
(d) Conditional uses allowed in the Agricultural District, subject to obtaining a use permit and site development plan pursuant to this title, shall be as follows:										
(1) One single-family dwelling unit with the development standards as specified in the "B" District with which the "A" District is combined;										
~~(2) One second residential unit as defined in Article 4.5 of Chapter of this title.~~										
(e) Public parks shall be a permitted use in the Agricultural District.										
* Unless otherwise indicated on the zoning map										

* Unless otherwise indicated on the zoning map

(Sec. 4.17, Ord. 363, as amended by Sec. 2, Ord. 419; as amended by § 2, Ord. 604-C.S., eff. July 8, 1993)

Sec. 9-4.1902. - Additional requirements (A).

No livestock shall be housed or concentrated in an enclosure located nearer than 100 feet from any adjoining dwelling. No livestock, other than small livestock, shall be housed or concentrated in an enclosure located within 1000 feet of any residential district boundary or within 150 feet of any adjoining dwelling.

Article 20. - B- Lot Size Overlay District*

* Article 20 entitled "Combining Lot Site District (B-I)", consisting of Section 9-4.2001, codified from Ordinance No. 363, as amended by Ordinance No. 419, repealed by Ordinance No. 355-CS., effective December 8, 1982.

Sec. 9-4.2001. - Permitted and conditional uses.

The permitted and conditional uses in the B- District shall be those with which the B- District is combined.

(§ II, Ord. 355-C.S., eff. December 8, 1982)

Sec. 9-4.2002. - Development regulations.

Development regulations in the B-District shall be as follows:

(a)Minimum lot area per dwelling unit and minimum building site area.

District	Minimum Lot Area Per Dwelling Unit and Minimum Building Site Area
B-1	6,000 square feet
B-2	7,500 square feet
B-3	10,000 square feet
B-4	20,000 square feet
B-5	1 acre
B-6	2 acres
B-7	3 acres
B-8	4 acres
B-9	5 acres
B-10	More than 5 acres

(b)Minimum lot width.

District	Minimum Lot Width
B-1	60 feet
B-2	70 feet
B-3	80 feet
B-4	100 feet
B-5	150 feet

B-6	150 feet
B-7	150 feet
B-8	150 feet
B-9	150 feet
B-10	150 feet

(c)Maximum coverage.

District	Impervious Surface	Structure
B-1	80%	40%
B-2	60%	35%
B-3	50%	35%
B-4	40%	30%
B-S	30%	30%
B-6	30%	30%
B-7	30%	25%
B-8	30%	25%
B-9	25%	20%
B-10	25%	20%

(d)Minimum setbacks.
(1)Front: Twenty-five (25′) feet for all B- Districts;
(2)Rear: Twenty-five (25′) feet for all B- Districts; and
(3)Side:

B-l	6 feet
B-2	7 feet
B-3	10 feet
B-4	15 feet
B-5	20 feet
B-6	20 feet
B-7	20 feet
B-8	20 feet
B-9	20 feet
B-10	20 feet

(e)Maximum height. The maximum height shall be thirty-five (35′) feet for all B-Districts.
(§ II, Ord. 355-C.S., eff. December 8, 1982, as amended by § II, Ord. 511-C.S., eff. August 24, 1988)

Article 20.5. - Open Space District

Sec. 9-4.2051. - Purpose.
The City recognizes that there are numerous areas of the City with a high scenic, environmental, and aesthetic value which are currently open space or undeveloped land. The purpose of the Open Space District is to provide for the protection, maintenance, and enhancement of such environmental resources while providing for reasonable and compatible uses of land.

It is the purpose of the Open Space District that such protection may be extended to, but not be limited to, public parks and playgrounds, beaches and beach access, sensitive habitat areas, creek setbacks, golf courses and country clubs, open spaces reserved for open space use as part of a planned development, land which is unsuitable for development due to steep slopes, geotechnical hazards, or other reasons, land areas vital to water resources relating to the supply, recharge, and/or watersheds, and areas of scenic value or unique natural features.

Specific objectives of the Open Space District are as follows:

(a)To provide for the protection of environmentally sensitive areas;(b)To provide guidelines for the appropriate use of open space areas;(c)To provide for public safety;(d)To provide for recreational and cultural use areas in the City; and(e)To implement the Open Space Element of the General Plan.
(§ 1, Ord. 502-C.S., eff. May 11, 1988)

Sec. 9-4.2052. - Permitted and conditional uses.
(a)Permitted uses. The following uses shall be permitted in the Open Space District:(1)Active and passive recreation;(2)Educational and cultural uses, excluding schools;(3)Open space as a reserve for seismic safety, water conservation erosion protection, view protection, or appropriate uses; and(4)Greenbelts.(b)Conditional uses. Conditional uses allowed in the Open Space District, subject to obtaining a use and site development permit, shall be as follows:(1)New buildings incidental and relating to any permitted use;(2)Additions to existing structures which increase the coverage and/or intensity of use of such structures by fifty (50%) percent or greater;(3)Shoreline erosion protection structures and beach access;(4)Golf courses and country clubs;(5)Parks, campgrounds, and public recreation areas;(6)Agricultural and horticultural uses;(7)Electrical distribution substations, microwave relay structures, and satellite dish antennas;(8)Rifle, pistol, and archery ranges;(9)Commercial uses incidental to the uses set forth in this subsection; and(10)Accessory residential uses for the purpose of providing security for the uses set forth in this subsection or housing for employees.
(§ 1, Ord. 502-C.S., eff. May 11, 1988)

Sec. 9-4.2053. - Development regulations.
Development regulations in the Open Space District shall be as follows:

(a)As specified in the site development permit and use permit;(b)The use shall be consistent with the stated purpose of this article as set forth in the specific objectives; and(c)The use shall be environmentally and visually compatible with the physical characteristics of the site.
(§ 1, Ord. 502-C.S., eff. May 11, 1988)

Article 21. - P-F Public Facilities District*
* Article 21 entitled "Unclassified District (U)", consisting of Sections 9-4.2101 through 9-4.2103, codified from Ordinance No. 363, repealed by Section I, Ordinance No. 377-C.S., effective November 23, 1983.

Sec. 9-4.2101. - Permitted and conditional uses,
(a)Permitted uses. The following uses shall be permitted in the P-F District (none).(b)Conditional uses. Conditional uses allowed in the P-F District, subject to obtaining a use permit and a site development permit, shall be as follows:(1)Public and private schools;(2)Government facilities, including, but not limited to, offices, storage facilities, and fire stations;(3)Utility installations, except nuclear power plants and liquefied natural gas facilities;(4)Recreation facilities on public land, including accessory visitor-serving commercial uses;(5)Churches;(6)Accessory residential uses for the purpose of providing security for the uses set forth in this subsection or housing for employees; and(7)Uses which the Commission finds and determines to be similar to those set forth in this subsection.
(§ II, Ord. 377-C.S., eff. November 23, 1983)

Sec. 9-4.2102. - Development regulations.
Development regulations in the P-F District shall be as follows:

(a)As specified in the use permit and site development permit; and(b)The following criteria shall be considered in the review of a proposed project in the P-F District;(1)The proposed use shall be of such size, design, and operating characteristics as will make it compatible with surrounding uses with respect to bulk, scale, design, coverage, density, noise, the generation of traffic, and other environmental impacts;(2)The proposed development will enhance the successful operation of the community or will provide a service to the community; and(3)Particular attention shall be given to the provision of buffering of uses from the surrounding neighborhood, and significant adverse impacts shall be mitigated.
(§ II, Ord. 377-C.S., eff. November 23, 1983)

Article 21.5. - R-M Resource Management District

Sec. 9-4.2150. - Permitted and conditional uses.
(a)Permitted uses. The following uses shall be permitted in the R-M District: (none).(b)Conditional uses. Conditional uses allowed in the R-M District, subject to obtaining a use permit and a site development permit, shall be as follows:(1)Agricultural uses, accessory structures, on-site sales of agricultural products, and housing for agricultural laborers;(2)Nurseries and greenhouses;(3)Livestock raising and grazing;(4)Dairies;(5)Dog kennels and breeding facilities;(6)Timber harvesting and commercial wood lots;(7)Churches and schools;(8)Public and private clubs;(9)Public recreation;(10)Commercial recreation, including, but not limited to, stables and riding academies, golf courses, camp grounds, dude ranches, hotels, motels, and restaurants; and(11)Residential development subject to the density limitations set forth in Section 9-4.2152 of this article.
(§ 1, Ord. 406-C.S., eff. May 23, 1984)

Sec. 9-4.2151. - Subdivision of large parcels.
Owners of parcels, any part of which falls within the R-M District, shall be subject to the following subdivision regulations in addition to other applicable State and local laws:

(a)Creation of new parcels of 40 acres or more. Subdivision applicants resulting in parcels equal to or greater than forty (40) acres in size may be processed in accordance with Chapter 3 of this title.(b)Creation of new parcels less than 40 acres in size. Requests to subdivide property into parcels less than forty (40) acres in size shall be accompanied by a request for rezoning to the P-D District and a development plan application in accordance with Article 22 of this chapter.
(§ I, Ord. 406-C.S., eff. May 23, 1984)

Sec. 9-4.2152. - Development regulations.
Development regulations in the R-M District shall be as follows:

(a)In the R-M District, for the purposes of determining the maximum total number of dwelling units permissible on any parcel, the following system shall be used: the total parcel shall be compared against the criteria of this section in the order listed. Any segment of a parcel to which a criterion first applies shall be allowed a maximum accumulation of such density. Once considered under a criterion, a segment of the parcel shall not be considered under subsequent criteria. When the applicable criteria have been determined for each of the areas, any portion of the parcel which has not yet been assigned a maximum density accumulation shall be assigned a density of one dwelling unit per five (5) acres. The sum of densities accrued under all applicable categories shall constitute the maximum density of development permissible:(1)On lands falling within a 100-year flood plain as defined by the United States Geological Survey, dwelling units may be accumulated at a maximum of one unit per forty (40) acres. Where previous actions have eliminated such flood areas, the provisions of this subsection shall not apply;(2)For remote lands, defined as those lands over one mile from an existing all-weather through public road, the density accumulation shall be limited to one dwelling unit per forty (40) acres;(3)For areas within any of the three (3) least stable categories (categories V, VI, and L) as shown on the United States Geological Survey Map MF 360, "Landslide Susceptibility in San Mateo County," density accumulation shall be limited to one dwelling unit per forty (40) acres;(4)All areas located within the rift zone or zone of fractured rock of an active fault as defined by the United States Geological Survey Map MF 355, "Active Faults, Probably Active Faults, and Associated Fracture Zones in San Mateo County," shall be limited to a maximum density accumulation of one dwelling unit per forty (40) acres; and(5)That portion of a parcel which has a slope in excess of fifty (50%) percent shall have density accumulation limited to one dwelling unit per forty (40) acres; that portion of a parcel having a slope in excess of thirty (30%) percent but not exceeding fifty (50%) percent shall have density accumulation limited to one dwelling unit per twenty (20) acres; and that portion of a parcel having a slope in excess of fifteen (15%) percent but not exceeding thirty (30%) percent shall have density accumulation limited to one dwelling unit per ten (10) acres. Slope shall be calculated according to the formula in the Hillside Preservation District (HPD);(b)Minimum lot size: five (5) acres;(b)Minimum front yard setback: fifty (50′) feet;(d)Minimum side and rear yards: twenty (20′) feet; and(e)Maximum height: thirty-five (35′) feet.
(§ 1, Ord. 406-C.S., eff. May 23, 1984)

Article 22. - Planned Development District (P-D)

Sec. 9-4.2201. - Scope (P-D).
Subject to all other regulations set forth in this chapter, uses shall be permitted and regulations shall apply in the Planned Development District (P-D) as set forth in this article; however, for properties zoned both P-D and Special Area (SA), both zoning designations shall apply and the provisions of the SA District shall prevail in the event of any conflict between the provisions of the SA District and P-D District.

(§ 4.16, Ord. 363, as amended by § 1, Ord. 156-C.S., eff. November 26, 1975, and § V (A), Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.2202. - Purpose (P-D).
The purpose of the Planned Development District (P-D) is to allow diversification of the relationships of various buildings, structures and open spaces in planned building groups, while insuring substantial compliance with the district regulations and other provisions of this chapter, in order that the intent of this chapter that adequate standards related to the public health, safety, and general welfare shall be observed without unduly inhibiting the advantage of large scale site planning for residential, commercial, or industrial purposes. The amenities and compatibilities of the P-D District shall be insured through the adoption of a development plan and specific plans showing proper orientation, desirable design character, and compatible land uses. To this end, the use of the Planned Development District (P-D) is encouraged.

(§ 4.161, Ord. 363, as amended by § 1, Ord. 156-C.S., eff. November 26, 1975)

Sec. 9-4.2203. - Uses permitted (P-D).
The uses permitted in the Planned Development District (P-D) shall be the uses designated on the approved development plan; provided, however, in the event such approved usage does not conform to the General Plan of the City, the General Plan shall be amended to conform to the development plan simultaneously with the amending of the Zoning map classifying the parcel P-D.

(a)A cannabis operation may be allowed within any portion of a Planned Development District (P-D) where the approved development plan specifies a commercial use upon approval of a Cannabis activity permit, and further subject to the standards contained in Article 48 of this chapter. An amendment to the approved development plan shall not be required. In cases where the details of the original development plan are not available, the Planning Administrator may determine that the development plan specified commercial activity for an area based on the existing development pattern and nature of existing uses in the area.(b)Indoor or outdoor cultivation of cannabis for personal use as an accessory use to a primary dwelling unit may be allowed within any portion of a Planned Development District (P-D) where the approved development plan specifies a residential use subject to the standards contained in Article 48 of this chapter. An amendment to the approved development plan shall not be required. In cases where the details of the original development plan are not available, the Planning Administrator may determine that the development plan specified residential use for an area based on the existing development pattern and nature of existing uses in the area. Outdoor cannabis cultivation shall not be permitted on any parcel directly abutting any school, day care center, or youth center as those terms are defined in Article 48 of this chapter.
(§ 4.162 (C), Ord. 363, as amended by § 1, Ord. 156-C.S., eff. November 26, 1975; § 13, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Sec. 9-4.2204. - Development standards (P-D).
The following provisions shall apply in the Planned Development District (P-D), which district shall also be subject to the other provisions of this chapter; provided, however, where conflicts in regulations occur, the regulations set forth in this section or in the development plan or specific plans approved pursuant to the provisions of this section shall apply:

(a)Size. The minimum size of any parcel for which an application for a P-D District will be accepted shall be five (5) contiguous acres, except as otherwise provided for the Hillside Preservation District in this subsection. The entire parcel shall be in one ownership, or the application shall be made by, or with the written authorization for such action on behalf of, all property owners concerned and the applicant, together with a statement signed by interested owners that they agree to be bound by the regulations and conditions which shall be effective within the district. All properties under common ownership or control shall be planned as a single unit within which incremental or phased development may be permitted. Any parcel of land, regardless of size, in the Hillside Preservation District (HPD) shall meet the requirements and provisions of the HPD regulations, except as otherwise set forth in this chapter. The five (5) acre minimum standard for the P-D District shall not apply to the Hillside Preservation District.(b)Other Regulations. Regulations for area, coverage, density, yards, parking, height, and open ground area for P-D District users shall be guided by the regulations of the residential, commercial, or industrial zoning districts most similar in nature and function to the proposed P-D District uses as determined by the Commission and the Council. Regulations for public improvements and subdivisions shall be governed by applicable laws of the City. Exceptions to such regulations by the Commission and the Council shall be permitted when the Commission and Council find that such exceptions encourage a desirable environment and are warranted in terms of the proposed development, or units thereof, in accordance with the regulations and limitations set forth in this article.
(§ 4.162 (A) and (B), Ord. 363, as amended by § 2, Ord. 69-C.S., eff. December 27, 1972, and § 1, Ord. b56-C.S., eff. November 26, 1975)

Sec. 9-4.2205. - Development plans: Applications: Fees (P-D).
(a)Simultaneously with an application to classify a parcel to the Planned Development District (P-D), the applicant shall submit a development plan containing the following elements:(1)The circulation pattern, indicating both public and private streets;(2)All parks, playgrounds, school sites, public buildings, open space, and other such uses;(3)The land uses, indicating the approximate areas to be used for various purposes, the acreage and percentage of total area in each land use, the population densities, the lot area per dwelling unit (excluding public street area), the percentage of area covered by buildings, pavement, and grading, and land uses on adjacent parcels;(4)A map showing the topography of the proposed district at one foot contour intervals in areas of cross slope of less than five (5%) percent, at two (2′) foot contour intervals in areas of five (5%) percent through ten (10%) percent cross slope, and at five (5′) foot contour intervals in areas exceeding ten (10%) percent cross slope;(5)The following studies of the proposed development:(i)A cost revenue analysis for any residential or institutional project,(ii)A market analysis for proposed commercial developments;(iii)A completed environmental information form in accordance with CEQA Guidelines to allow the City to make a determination that the project is categorically exempt, that a negative declaration be prepared, or that an environmental impact report is necessary. If an environmental impact report is necessary, the applicant shall deposit the necessary funds with the City for the completion of such report;(iv)A general list of price ranges (both sale and rental) for proposed residential developments; and(v)A geological and soils analysis which shall contain an adequate description of the soils and geology of the site and conclusions and recommendations regarding the effect of the soil and geological conditions on potential grading, excavations, street and utility improvements, and structures.
For any development proposal within the Hillside Preservation District which is less than five (5) acres, the provisions of subsections (i) and (ii) of this subsection shall be required, unless conditions warrant the waiver of said provisions by the Commission;

(6)Plans showing the Concepts for:(i)Building siting and configuration;(ii)Architectural character, and(iii)Grading, tree removal, and other alterations to the natural condition of the land;(7)A development schedule indicating the approximate date on which the construction of the project can be expected to begin, the anticipated rate of development, and the completion date. There also shall be included, if applicable, a delineation of units or segments to be constructed in progression;(8)Proof of ownership of the properties proposed for reclassification or written approval from the owners of record to seek development plan approval and reclassification; and(9)Other information as indicated on the prescribed form by the Planning Administrator.(b)Development plans and, thereafter, specific plans shall be approved by the City before building or grading permits may be issued or trees removed for areas classified P-D for which development plans have not been approved prior to the adoption of the provisions of this chapter. The procedure for the approval of such plans shall be as set forth in subsection (a) of this section and Section 9-4.2208 of this article.(c)Each application for the classification and/or approval of development plans shall be accompanied by a fee as set forth in Article 37 of this chapter. Separate fees shall be required for the reclassification and the development plan.
In addition to the fee set forth in Article 37 of this chapter and prior to the issuance of building permits for an area classified P-D, the developer shall be responsible for the payment of the following fees:

(1)The developer of an area classified P-D shall be responsible for the payment of planned drainage facilities fees in accordance with the schedule set forth in Article 1 of Chapter 4 of Title 7 of this Code. A per acreage fee shall be paid for any portion of the P-D which is contained within the areas defined on the "Pacifica Drainage Master Plan—Watersheds".(2)The developer of an area classified P-D shall be responsible for the dedication of park and recreational lands in accordance with the requirements set forth for subdivisions in Article 8 of Chapter 1 of Title 10 of this Code.
(§ 4.163, Ord. 363, as amended by § 2, Ord. 69-C.S., eff. December 27, 1972, § I, Ord. 1 10-C.S., eff. May 22, 1974, § 1, Ord. l56-C.S., eff. November 26, 1975, and § 1(A), (B), (C). and (D), Ord. 489-C.S.,

eff. October 14, 1987)

Sec. 9-4.2206. - Development plans: Hearings: Approval (P-D).
The Commission, after a public hearing, may recommend the establishment of a Planned Development District (P-D), and the Council, after a public hearing, by ordinance, may establish a P-D District provided they find that the facts presented at the hearings establish that:

(a)The proposed P-D District can be substantially completed within the time schedule submitted by the applicant;(b)Each unit of the development, as well as the total development, can exist as an independent development capable of creating an environment of sustained desirability and stability or adequate assurance that such objective will be attained;(c)The land uses proposed will not be detrimental to the present or potential surrounding uses but will have a beneficial effect which would not be achieved through other districts;(d)The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and in-creased densities will not generate traffic in such amounts as to overload the street network outside the P-D District;(e)Any proposed commercial development can be justified economically at the location proposed and will provide adequate commercial facilities for the area;(1)Any exception from the standard district requirement is warranted by the design of the project and amenities incorporated in the development plan;(g)The area surrounding the development can be planned and zoned in coordination and substantial compatibility with the proposed development, and the P-D District uses proposed are in conformance with the General Plan and, where applicable, the Local Coastal Plan, or that changes in the General Plan or Local Coastal Plan are justified;(h)The project is consistent with the City's adopted Design Guidelines; and(i)The project is consistent with the City's General Plan and, if applicable, Local Coastal Plan.
(§ 4.164, Ord. 363, as amended by § 2, Ord. 69-C.S,, eff. December 27, 1972, § 1, Ord. 156-C.S., eff. November 26, 1975, and § I (B) and (F), Ord. 489-C.S., eff. October 14, 1987)

Sec. 9-4.2207. - Development plans: Denial: Approval with conditions (P-D).
(a)If, from the facts presented, the Commission or the Council is unable to make the necessary findings, the application to establish a P-D District shall be denied.
(b)The Commission may recommend the disapproval of the development plan as submitted or may recommend the approval of such plan, subject to specified amendments and modifications. No amendment or modification to the development plan shall be recommended or made without the consent of the applicant. If the applicant does not agree to the suggested changes, the Commission shall recommend disapproval of the development plan.
(c)The Commission shall not make a favorable recommendation to the Council, nor shall the Council adopt an ordinance classifying parcel P-D, without coincidently or previously having approved the development plan.
(d)The approved development plan shall be adopted by ordinance and shall become a part of the zoning map, subject to the provisions of subsection (e) of this section, as provided in Section 9-4.302 of Article 3 of this chapter. All modifications or amendments to the development plan shall be made in accordance with the procedures set forth for the amendment of this chapter. If, in the opinion of the Commission or the Council, the development in a P-D District is failing or has failed to meet the requirements of the development plan, or any part thereof, the Commission or Council may initiate proceedings to reclassify the property to another zoning district.
(e)Development plans approved in accordance with the provisions of this article shall become null and void if a specific plan, or the first of multiphase specific plans, is notified with the Commission within one year after the effective date of the ordinance adopting the approved development plan. The provisions of this subsection shall be subject to reasonable extensions of such time upon a showing by the applicant of extraordinary or uncontrollable circumstances warranting such extensions.
(§ 4.165, Ord. 363, as amended by § 2, Ord. 69-C.S., eff. December 27, 1972, and § 1, Ord. l5-C.S., eff. November 26, 1975)

Sec. 9-4.2208. - Specific plans: Submission (P-D).
Prior to the issuance of a building permit in any parcel zoned P'-D or within a defined Hillside Preservation District, the owner or applicant shall submit the following:

(a)A tentative subdivision map (when either parcelization of the property or a condominium project is proposed);
(b)Proposed landscaping and irrigation plans;
(c)Proposed engineering plans, including site grading, street improvements, drainage, and other public utilities, which plans, when approved by the Commission shall not be construed to mean that the plans will constitute the final improvement plans for the subdivision. The City Engineer, after detailed design studies, may require modifications and/or additional plans and specifications. Such additional requirements requested by the City Engineer after the design studies may be made without a public hearing if such additional requirements clearly follow the spirit and intent of the approved specific plan;
(d)For proposed developments within the Hillside Preservation District, a proposed grading plan based on the following criteria:(1)The front boundary;(2)Streets;(3)Lots;(4)Storm drainage systems;(5)Existing and proposed contours;(6)Slope ratios for heavy grading;(7)The location of easements for drainage;(8)The location of benches on slopes;(9)Retaining walls; and(10)Cross-sections of critical slope areas;
(e)Proposed building plans, including floor plans and exterior elevations indicating the materials, color schemes, and treatment of surfaces;
(f)Proposed plans for recreational facilities;
(g)Proposed parking plans;
(h)Proposed plot plans, showing building locations on each lot, building setbacks, and lot dimensions;
(i)Where applicable, as a result of findings on site conditions and detailed site planning, supplemental information or revisions to the environmental impact report prepared pursuant to the provisions of the State and City EIR guidelines; and
(j)Other information as indicated on the prescribed form by the Planning Administrator.
(k) **[NOT CERTIFIED]**
(l)Exceptions. The provisions of this article shall not apply to the following types of development:
(i)Accessory dwelling units and junior accessory dwelling units constructed in accordance with the provisions of Article 4.5 (Accessory Dwelling Units).
(§ 4.166, Ord. 363, as amended by § 2, Ord. 69-C.S., eff. December 27, 1972, § 1, Ord. 156-C.S., eff. November 26, 1975, and § I (G) and (H), Ord. 489-C.S., eff. October 14, 1987; Ord. No. 769-C.S., § 7, eff. December 23, 2009)

Sec. 9-4.2209. - Specific plans: Findings (P-D).
The Commission shall approve a specific plan only upon making the following findings:

(a)That the specific plan is consistent with the approved development plan; and(b)That the specific plan is consistent with the City's adopted Design Guidelines.
(§ I (L), Ord. 489-C.S., eff. October 14, 1987)

Sec. 9-4.2210. - Specific plans: Hearing: Commission action (P-D).
(a)The Commission may approve, approve conditionally, or disapprove the specific plans as presented. No grading, subdivision, or development shall be permitted in the P-D District, or any unit thereof, until specific plans for such district, or unit thereof, have been approved or approved conditionally by the Commission.(b)Prior to taking action on the specific plans submitted, the Commission shall conduct a public hearing in accordance with the procedures set forth in Section 9-4.3303 of Article 33 of this chapter.(c)The owner or developer may submit specific plans for a portion or unit of the parcel zoned P-D provided the development plan indicated the intention of the development of such parcel by units and established a time schedule for such development.(d)Specific plans shall expire two (2) years after

approval, unless extended or otherwise provided by the Commission.
(§ 4.167, Ord. 363, as amended by § 1, Ord. 156-C.S., eff. November 26, 1975, and § I (I), Ord. 489-C.S., eff. October 14, 1987, as renumbered by § I (K), said Ord. 489-C.S.)

Sec. 9-4.2211. - Modification of regulations (P-D).
(a)Regulations for the lot area, coverage, density, yard requirements, parking, building height, fences, and landscaping for the P-D District shall be as for the residential, commercial, or other zoning district most similar in nature and function to the proposed P-D District land uses, as determined by the Commission. Such regulations may be modified, as provided in subsection (b) of this section, in the P-D District when the following conditions have been determined by the Commission to exist:

(1)There is improved site design utilizing progressive concepts of building groupings;(2)Provisions have been made for substantial usable open space (maximum slope ten (10%) percent) for the use of the occupants of the area or the general public;(3)The unsightliness of cut and fill areas has been reduced by the planting of trees, shrubs, and ground covers;(4)A better community environment or improved public safety has been created by the dedication of public areas or space; and(5)Utility and all other service distribution lines will be put underground.
(b)Upon making the findings set forth in subsection (a) of this section, the regulations set forth in said subsection (a) may be modified to the following limits:(1)For each square foot of reduction in lot size, equal amounts of land shall be dedicated to the City and be improved for open spaces for park, recreation, and related uses or be permanently set aside for the private recreational use of the development under a plan which will assure the City of the continued availability of such land and the development and maintenance thereof for the purpose proposed.(2)Front, side, and rear yards may be reduced to zero; provided, however, where single-family dwellings are proposed, and where no side yards are proposed (row houses), there shall be no more than five (5) dwelling units in any contiguous group. In such cases, the rear yard depths shall be twenty-five (25′) feet, except where the lot or lots abut a park or open space.(3)The reduction in public rights-of-way and/or the requirement for the installation of sidewalks may be made subject to the requirement of providing comparable open space as set forth in subsection (1) of this subsection.(4)The gross population density and building intensity of any area proposed for development shall remain unchanged and conform to the basic overall density and building intensity requirements of the zoning district most closely conforming to the proposed development, as determined by the Commission. However, lot dimensions, building setbacks, and areas shall not be required to meet the specific requirements of this chapter provided a more functional and desirable use of the property is made.(5)Height limitations may be removed, permitting highrise construction, provided such additional stories to dwelling structures shall not increase gross population densities, as set forth in the approved development plan, and such heights shall mean appropriate reduction in building coverage and adherence to the objectives set forth in this section and in Section 9-4.2252 of Article 22.5 of this chapter.
(§ 4.168, Ord. 363, as amended by § 2, Ord. 69-C.S., eff. December 27, 1972, and § 1, Ord. 156-C.S., eff. November 26, 1975, as renumbered by § I (K), Ord. 489-C.S., eff. October 14, 1987)

Sec. 9-4.2212. - Grading and excavation permits (P-D).
No grading or excavation permit shall be issued by the City for any location in the P-D District or Hillside Preservation District, unless the permit has the approval of the Planning Administrator and the City Engineer who shall ensure that the issuance of the permit will not result in effects inconsistent with the purposes of this article or the defined Hillside Preservation District. The approval of such permits shall be contingent upon the following conditions:

(a)The grading plan and work shall be directly related to an approved specific plan;(b)Any grading and excavation shall be necessary for the establishment or maintenance of an approved specific plan;(c)The design, scope, and location of the grading and excavation will cause minimum disturbance of the terrain and natural features of the land commensurate with the purpose of the grading and excavation

work;(d)All persons performing any grading and excavation operation shall put into effect all necessary safety precautions to minimize erosion, protect any watercourse and other natural feature, protect the health and welfare of all persons, and protect private and public property from damage of any kind; and(e)The City shall place certain conditions on time limits and necessary site restoration, and shall undertake measures to assure the fulfillment of such conditions, for any grading and excavation work.
(§ 2, Ord. 69-C.S., eff. December 27, 1972, as amended by § 1, Ord. 156-C.S., eff. November 26, 1975, and § I (J), Ord. 489-C.S., eff. October 14, 1987, as renumbered by § I (K), said Ord. 489-C.S.)

Sec. 9-4.2213. - Specific plan amendments.
It shall be unlawful and a violation of the provisions of this chapter for any person to construct, erect, alter, or modify any structure except in conformity with the approved specific plan. Minor amendments to approved specific plans (such as greenhouses and decks) may be approved by the Planning Administrator if the changes are consistent with the Design Guidelines as determined during the plan check process by the Administrator. Substantial amendments to specific plans shall be approved by the Commission; the process for application, public hearing, and findings shall be the same as for a new specific plan.

In cases where the details of the original specific plan are not available, all interior modifications, minor exterior alterations (such as window, door and deck modifications, architectural details, and exterior material changes) and any expansion of floor area of less than fifty (50%) percent, excluding the garage, may be approved administratively by the Administrator. All other modifications, including third-story additions, must be approved by the Commission as amendments to the specific plan.

Requests for modifications to buildings which are part of in any area with a homeowners' association shall be referred to as the homeowners' association for comment prior to submittal to the City. The applicant shall provide documentation to the City that such notice has been provided.

(§ 1, Ord. 554-C.S., eff. June 13, 1990, as amended by § IV (A), Ord. 613-C.S., eff. April 13, 1994)

Article 22.5. - Hillside Preservation District (HPD)

Sec. 9-4.2250 - Intent: Designation on Zoning Section Maps (HPD).
It is the intent of the Hillside Preservation District to place special controls on any proposed development, public or private, within hillside areas of the City in order to:

(a)Preserve and enhance their use as a prime resource;(b)Help protect people and property from all potentially hazardous conditions particular to hillsides;(c)Assure that any development be economically sound; and(d)Encourage innovative design solutions.
The Hillside Preservation District is shown by the shaded areas on the Zoning Section Maps made a part of this chapter and shall be considered as an overlay district to the zoning districts incorporated within. In cases of conflict between such zoning districts and the overlay Hillside Preservation District, the provisions of this article for the Hillside Preservation District shall prevail.

(§ 1, Ord. 69-C.S., eff. December 27, 1972, as amended by § 1, Ord. 156-C.S., eff. November 26, 1976)

Sec. 9-4.2251. - Hearings and notices (HPD).
For any public hearing under the provisions and regulations of this article, the Commission shall give notice thereof by at least one publication in a newspaper of general circulation, published and circulated within the City, at least ten (10) days prior to such hearing and by mailing a postal card notice not less than ten (10) days prior to the date of the hearing to the owners of the property directly affected, and within a radius of 300 feet of the exterior boundaries of property directly affected, using for such purpose the last known name and address of such owners as shown upon the assessment roll of the County. The

failure of any owner to receive such notice shall not invalidate the hearing proceedings.

(§ 1, Ord. 69-C.S., eff. December 27, 1972, as amended by § 1, Ord. 156-C.S., eff. November 26, 1975)

Sec. 9-4.2252. - Purpose (HPD).
It shall be the purpose of the Hillside Preservation District to promote the following City objectives which shall be considered as guidelines:

(a)To maximize choice in types of environment available in the City and particularly to encourage variety in the development pattern of the hillsides;(b)The concentration of dwellings and other structures by clustering and/or high rise should be encouraged to help save larger areas of open space and preserve the natural terrain;(c)To use to the fullest current understanding of good civic design, landscape architecture, architecture, and civil engineering to preserve, enhance, and promote the existing and future appearance and resources of hillside areas;(d)To provide density and land use incentives to aid in ensuring the best possible development of the City's natural features, open space, and other landmarks;(e)To encourage the planning, design, and development of building sites in such a fashion as to provide the maximum in safety and human enjoyment while adapting development to, and taking advantage of, the best use of the natural terrain;(f)To preserve and enhance the beauty of the landscape by encouraging the maximum retention of natural topographic features, such as drainage swales, streams, slopes, ridge lines, rock-out-croppings, vistas, natural plant formations, and trees;(g)To prohibit, insofar as is feasible and reasonable, the padding or terracing of building sites in the hillside areas;(h)To provide safe means of ingress and egress for vehicular and pedestrian traffic to and within hillside areas while at the same time minimizing the scarring effects of hillside street construction;(i)Utility wires and television lines shall be installed underground;(j)Outstanding natural physical features, such as the highest crest of a hill, natural rock outcroppings, major tree belts, and the like, should be preserved;(k)Roads should follow natural topography wherever possible to minimize cutting and grading;(l)Imaginative and innovative building techniques should be encouraged to create buildings suited to natural hillside surroundings; and(m)Detailed and effective arrangements shall be formulated for the preservation, maintenance, and control of open space and recreational lands resulting from planned unit development.
It is the intent of this section to discourage the development of ridgelines; however, where a parcel has ridgelines that are the only buildable portion of the property, or where it can be demonstrated that the sensitive development of other portions of such a parcel would significantly frustrate the other purposes of this article, then some development of such ridgelines may be permitted provided most of the ridgeline remains undisturbed, and any such ridgeline development is of low profile, has minimum visual impact, and utilizes a minimum of grading.

(§ 1, Ord. 69-C.S., eff. December 27, 1972, as amended by § 1, Ord.156-C.S., eff. November 26,1975)

Sec. 9-4.2253. - Hillside Preservation Review Board (HPR Board).
(§ 1, Ord. 69-C.S., eff. December 27, 1972, as amended by § 1, Ord. 156-C.S., eff. November 26, 1975, and § 1, Ord. 180-C.S., eff. October 13, 1976; repealed by § 1, Ord. 321-C.S., eff. February 10, 1982)

Sec. 9-4.2254. - Scope (HPD).
Subject to all other regulations set forth in this chapter, uses shall be permitted and regulations shall apply in the Hillside Preservation District as set forth in this article.

(§ 1, Ord. 69-C.S., eff. December 27,1972, as amended by § 1, Ord. 156-C.S., eff. November 26, 1975)

Sec. 9-4.2255. - Uses permitted (HPD).
The uses permitted in the Hillside Preservation District shall be the uses designated on the approved development plan of the applicant and as such uses are consistent with appropriate and applicable

elements of the adopted General Plan of the City, such as, but not necessarily limited to, land use, housing, open space, parks and recreation, conservation, transportation, seismic safety, and any subsequent additions and changes to the General Plan and its elements as may be adopted by the City from time to time.

(§ 1, Ord. 69-C.S., eff. December 27, 1972, as amended by § 1, Ord. 156-C.S., eff. November 26, 1975)

Sec. 9-4.2256. - Developments procedures and standards (HPD).
Applicants of any development proposal within the Hillside Preservation District shall pursue the procedures and standards set forth for the P-D District, specifically Sections 9-4.2204 through 9-4.2211 of Article 22 of this chapter, as now enacted or hereafter amended. Such procedures and standards shall include the requirement for reclassification to a P-D District, Public agencies, including special districts, proposing developments and improvements on their lands within the HPD in conjunction with the uses and activities for which such lands are held and uses proposed under the special use permit procedure set forth in Section 9-4.2306 of Article 23 of this chapter shall be exempt from pursuing a P-D classification, except as provided in subsection (2) of subjection (c) of said Section 9-4.2306, but such developments and improvements shall adhere to the objectives of the HPD and specifically to the standards set forth in Sections 9-4.,2257 and 9-4.2258 of this article, except where specifically exempted by State or Federal laws. Where land is both within the Agricultural and Hillside Preservation zoning districts, applicants proposing a development which is either a conditional or a permitted use within the Agricultural District are exempt from the requirement to reclassify the property to the Planned Development District; however, all other requirements of the Hillside Preservation District shall remain applicable. A proposal to subdivide such land is a development proposal within the meaning of this section and shall be required to follow the procedures and standards of this section, including the requirement of reclassification to the Planned Development District.

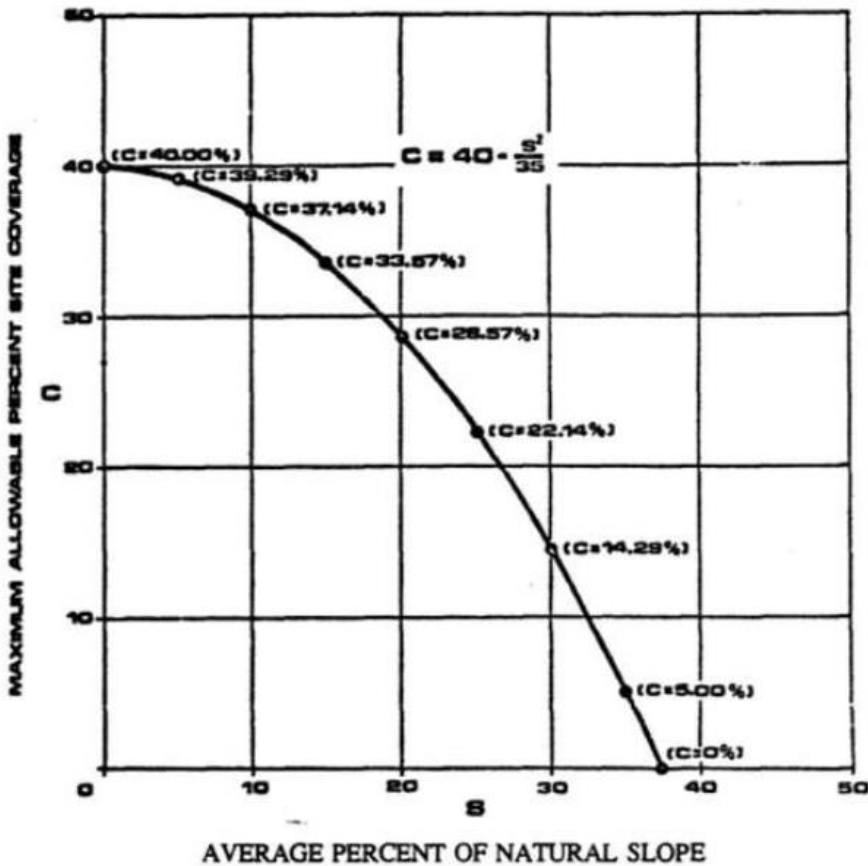
(§ 1, Ord. 69-C.S., eff. December 27, 1972, as amended by § 1, Ord. 156-C.S., eff. November 26, 1975, § 1, Ord. 197-C.S., eff. April 13, 1977, 604-C.S., eff. June 8, 1993)

Sec. 9-4.2257. - Land coverage control (HPD).
The maximum allowable land coverage for any development within the Hillside Preservation District shall be controlled by the following formula:

$$C = 40 - \frac{S^2}{35}$$

Where C = the maximum allowable site coverage; and S = the average percent of natural slope of the site, the maximum allowable site coverage (C) shall include all areas of the site occupied or covered by buildings, pavement, and grading, except for recreation facilities and active recreation areas which can be utilized by all residents of the development. All areas not considered coverage shall remain undisturbed in their native or natural state, with the exception of the recreational areas. The HPR Board and Commission may recommend the exclusion of certain dedicated public streets from the definition of coverage (C) provided such public streets serve a major, City-wide circulation function and would not otherwise be necessary to the design and function of the individual project.

It is the intent of this section to allow the reasonable use of hillside lands consistent with the objectives of this article in such a manner so as not to be confiscatory. The following represents a graphic illustration of this formula:



The following formula is an acceptable method of determining average slope:

S= 0.00229 IL / A

Where I = Contour interval in feet, not to exceed ten (10′) feet;

L = Situation of length of contour lines in feet; and

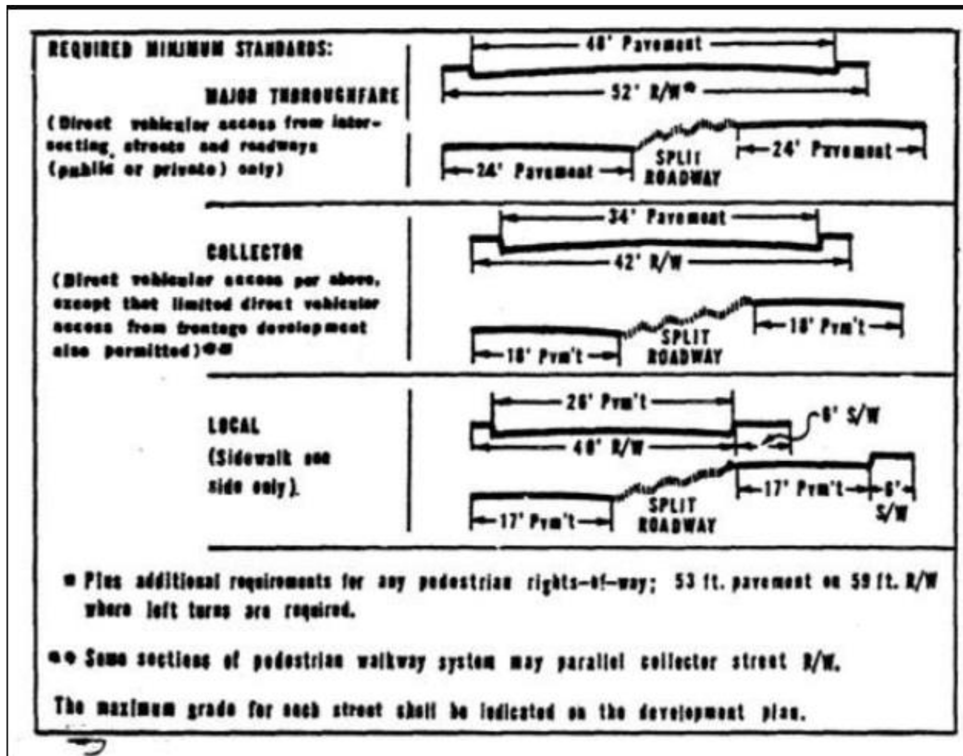
A = Area in acres of the site or parcel being considered.

The maximum allowable site coverage may be awarded to a project which represents outstanding and innovative design, site planning, and engineering techniques and strongly achieves the objectives of the HPD District as set forth in Section 9-4.2252 of this article. A project which to some lesser extent meets the above stated requirement may be awarded less than the maximum allowable coverage.

Notwithstanding the land coverage controls, a minimum of 200 square feet of usable recreational open space, as defined in Section 9-4.280 of Article 2 and subsection (2) of subsection (a) of Section 9-4.2210 of Article 22 of this chapter, shall be provided for each dwelling unit.

(§ 1, Ord. 69-C.S., eff. December 27, 1972, as amended by § 1, Ord. l56-C.S., eff. November 26, 1975)

Sec. 9-4.2258. - Minimum street standards (HPD).
Minimum street standards in the Hillside Preservation District shall be as follows:



§ 1, Ord. 69-C.S., eff. December 27, 1972, as amended by § 1, Ord. 156-C.S., eff, November 26, 1975)

Sec. 9-4.2259. - Parking requirements (HPD).

Parking in the Hillside Preservation District shall be provided off-street, and in no case may parking lanes be provided except as approved in a development plan. The intermittent widening of streets for emergency parking and turnarounds at convenient places shall be encouraged. The following on-site parking standards shall be the minimum acceptable for residential units within hillside areas. The City may require more parking where topography, special traffic, building, grading, or other circumstances warrant it. The uncovered parking spaces may include areas such as driveways outside garages or carports and off-street parking bays, except that each required space shall be accessible at all times:

(a)Single-family detached dwelling units. Two (2) covered spaces, plus two (2) uncovered spaces. The uncovered spaces may be incorporated within a parking area shared by spaces for other units; provided, however, in no case shall the total number of spaces so located together be less than the same of the separate requirements for each unit and shall be located no farther than 100 feet from each dwelling unit entrance;(b)Single-family attached dwelling units, including vertical and horizontal condominiums. Two (2) covered spaces, plus one-half (½) uncovered space. The uncovered spaces may be incorporated within a parking area shared by spaces for other units; provided, however, in no case shall the total number of spaces so located together be less than the same of the separate requirements for each unit and shall be located no farther than 100 feet from each dwelling unit entrance;(c)Two and multiple-family dwelling units. For each dwelling unit, one covered space, plus one-half (½) uncovered space for each bedroom more than one in each unit. In cases where a one-half (½) space occurs in a total figure, the standard shall be increased to the next whole figure; and(d)Guest spaces. In addition to the standards set forth in subsections (a), (b), and (c) of this section, a minimum of one guest space shall be provided for every ten (10) dwelling units, or fraction thereof.
(§ 1, Ord. 69-C.S., eff. December 27, 1972, as amended by § 1, Ord. 156-C.S., eff. November 26, 1975)

Article 23. - General Provision and Exceptions

Sec. 9-4.2301. - Scope.
The regulations provided for in this chapter shall be subject to the general provisions and exceptions set forth in this article.

(Chapter 5, Ord. 363)

Sec. 9-4.2302. - Temporary commercial promotional events and temporary amusements.

(a) Commercial promotional events. Sidewalk sales lasting more than three (3) days, flea markets, rummage sales, festivals, bazaars, or other similar temporary activities not lasting more than two (2) weeks, the primary purpose of which is to promote proposed or existing businesses, may be established on public or private property within any C District. No person or group shall undertake or establish such activities without first securing written approval from the Zoning Administrator as follows:
    (1) Any individual or group requesting approval pursuant application to the Zoning Administrator not less than thirty (30) days prior to the date of the activities for which approval is requested.
    (2) Applications made pursuant to this subsection (a), where applicable, shall be accompanied by the following:
        (i) Evidence of legal interest in the property upon which such activities are proposed or written authorization for the activities proposed from the individual holding such interest;
        (ii) A plat map showing any property within 300 feet of the site, accompanied by a list of property owners and corresponding addresses of such property owners typed on mailing labels; and
        (iii) A detailed, complete description of all events directly related to the activity proposed accompanied by maps, plans or other appropriate graphic materials.
    (3) Prior to approving or denying any application submitted pursuant to this subsection, the Zoning Administrator shall solicit written comments and recommendations concerning the event for which approval is requested from the Department of Fire Services, Department of Police Services, Department of Community Development and Services, and any other department or agency as deemed necessary by the Zoning Administrator. Such recommendations may be required as conditions of approval for the permit requested.
    (4) Prior to approving or denying an application for a permit to this subsection, the Zoning Administrator shall make written findings as follows: that the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.
    (5) Notice of any permit approval pursuant to this subsection shall be mailed to property owners and residents pursuant to subsection (ii) of subsection (2) of this subsection.
    (6) Appeals filed by any person aggrieved by this decision of the Zoning Administrator shall be taken in the manner set forth in Section 9-4.3804 of Article 38 of this chapter.

(b) Temporary amusements. Circuses, carnivals, parades, amusement parks, public dances, or similar temporary establishments involving large assemblages of people, excluding those uses set forth in subsection (a) of this section, may be established in any C District, on any public street or facility, or in isolated or undeveloped areas of any district provided a use permit is first secured as set forth in Article 33 of this chapter and in Chapter 3 of Title 5 of this Code for the establishment, maintenance, operation, and removal of such uses.

(c) No event or activity described in subsection (a) or (b) shall include a cannabis operation as that term is defined in Article 48 of this chapter or any activity involving cannabis or cannabis products.

(§§ 5.01 and 5.02, Ord. 363, as amended by § II, Ord. 336-C.S., eff. June 9, 1982, and § 14, Ord. 538-C.S., eff. December 27, 1989; § 14, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Sec. 9-4.2303. - Public utility facilities.

In any district where public utility facilities are not expressly permitted, such facilities may be permitted upon securing a use permit therefor as set forth in Article 33 of this chapter; provided, however, the provisions of this section shall not be construed as permitting the establishment of public utility pole yards or service yards in residential districts.

(§ 5.03, Ord. 363)

Sec. 9-4.2304. - Public utility distribution and transmission lines.

Public utility distribution and transmission lines, both overhead and underground, shall be permitted in all districts without limitation as to height and without the necessity of first obtaining a use permit; provided, however, the routes of proposed electric transmission lines shall be submitted to the Commission for approval, and such approval shall be received prior to the acquisition of rights-of-way therefor and any construction thereon.

(§ 5.04, Ord. 363)

Sec. 9-4.2305. - Temporary uses.

(a)The Commission may grant temporary uses for a period of up to six (6) months in developed areas and up to one year in undeveloped areas by using the procedure set forth in Article 33 of this chapter governing the granting of use permits.

(b)The temporary use of vacant lots or parcels for the parking of motor homes, trailers, or mobile homes as construction offices, or for the storage of equipment or materials, or for security purposes may be permitted by the Planning Administrator provided the parking is in conjunction with construction on the same lot or building site and meets the following conditions:

(1) Building plans for the new construction shall be submitted and a building permit issued before the occupancy of the motorhome, trailer, or mobile home.

(2) The occupancy shall not exceed twelve (12) months after the issuance of a building permit, unless otherwise extended by the Commission.

(3) The temporary use of mobile homes during the construction of individual single-family dwellings may only be permitted as described in this subsection (b) if the project is constructed by an owner/builder.

(c) No temporary use described in this section shall include a cannabis operation as that term is defined in Article 48 of this chapter or any activity involving cannabis or cannabis products.

(§ 5.05, Ord. 363, as amended by § IV, Ord. 440-85, eff. March 13, 1985; § 14, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Sec. 9-4.2306. - Special use permit procedures.

(a)Purpose. The purpose of this section is to prescribe the procedure for the accommodation, in any zoning district and general plan designation, of uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings through the review and imposition of special conditions of approval. For the purposes of this section, a special use shall include the following:

(1) Heliports;

(2) Convalescent homes and nursing homes;

(3) Hospitals and convalescent hospitals;

(4) Institutions of a philanthropic or charitable nature;

(5) Sanitary landfill sites, solid waste transfer stations, and materials recovery facilities;
(6) Organized off-road vehicle parks;
(7) Ambulance facilities;
(8) Lodges and clubhouses;
(9) Churches;
(10) Civic Center facilities;
(11) Mortuaries and cemeteries;
(12) Bed and Breakfast
(13) Wastewater treatment and reclamation facilities.

(b)Applications. Applications for special use permits shall be filed with the Commission on the prescribed forms, together with the materials required therein and as indicated by the Planning Administrator. Such application shall be accompanied by a fee as set forth in Article 37 of Chapter 4 of Title 9 of this Code.

(c)Procedure for consideration. An application for a special use permit shall be reviewed by the Commission.

(1) Relation to Hillside Preservation District regulations. Hillside Preservation District regulations shall be followed; however, planned development zoning shall not be required.

(i)Coverage limitations shall not apply to recreational trial systems or ungraded, unpaved, temporary parking areas associated with organized off-road vehicle parks.

(ii)Neither grading nor coverage limitations shall apply to any sanitary landfill proposal.

(2) Hearings and notices required. A public hearing before the Commission shall be held on each special use permit application. Notice of such hearing shall be made by publication in a newspaper of general circulation within the City at least ten (10) days prior to the hearing and by mailing a notice not less than ten (10) days prior to the date of the hearing to the owners of the property within a radius of 300 feet of the exterior boundaries of the property which is the subject of the application, using for such purpose the last known name and address of such owners as shown upon the Assessor's roll of the County. The failure of any person to receive such notice shall not invalidate the special use permit proceedings.

(3) Review criteria and schedule. The Commission shall decide whether the proposal conforms to the special use permit criteria set forth in subsection (d) of this section and may approve or deny the proposed use or impose such conditions of approval as are necessary, in its judgment, to insure conformity.

(4) Effective date and appeals. Decisions of the Commission shall become final ten (10) days after the date of decision, unless appealed to the Council in accordance with Article 36 of Chapter 4 of Title 9 of this Code and, in the Coastal Zone, Article 40 of Chapter 4 of Title 9 of this Code.

(d)Special use permit review criteria. The request for a special use permit shall be considered in its relationship to the General Plan and to the intent and purposes of this chapter. Approval of a special use permit confers consistency with the zoning and General Plan designations of the subject property. The approval of a special use may be granted only if the proposal conforms to all of the following criteria and to any special conditions which may be applied:

(1) That the proposed use will be of such size, design, and operating characteristics as will tend to keep it compatible with permitted uses in the district under consideration with respect to bulk, scale, coverage, density, noise, and the generation of traffic;

(2) That the proposed development will enhance the successful operation of the community or will provide a service to the community;

(3) That particular attention is given to the provision of buffering of uses from the surrounding neighborhood;

(4) That the project conforms with the setback, coverage, landscaping, and other zoning regulations of the district where a use is proposed; and

(5) That the project is consistent with the goals and policies of the General Plan and Local Coastal Plan and with the adopted Design Guidelines.

(e)Time limits, renewal, and revocation of special use permits. The time limits, renewal, and revocation of

special use permits shall be as specified in Article 33 of Chapter 4 of Title 9 of this Code.
(§ 5.06, Ord. 363, as amended by § 2, Ord. 453, § 1, Ord. 197-C.S., eff. April 13, 1977, § IV, Ord. 440-85, eff. March 13, 1985, § VII (A) and (B), Ord. 491-C.S., eff. October 28, 1987, § 4, Ord. 560-C.S., eff. November 7, 1990, and § X (A), Ord. 613-C.S., eff. April 13, 1994)

Sec. 9-4.2307. - Animal hospitals and clinics.
Animal hospitals or clinics shall be permitted in the Neighborhood Commercial (C-1), General Commercial (C-2), Service Commercial (C-3), and Professional Office (O) Districts provided a use permit shall have been obtained as set forth in Article 33 of this chapter and provided:

(a)All animals shall be kept within an enclosed soundproof structure;
(b)Plans and specifications shall bear the certification of acoustical engineer verifying that the proposed structure will prevent sounds emanating from the building from going beyond the property lines of the parcel on which the use is located;
(c)The hospital or clinic shall be so designed that no odor will be discernible beyond the property lines of the parcel on which the use is located; and
(d)The boarding of animals, except for the short-term treatment of accident, surgical, or disease cases incidental to the use therein, shall be prohibited.
(§ 5.07, Ord. 363, as amended by § 2, Ord. 419)

Sec. 9-4.2308. - Commercial and industrial uses outside structures.
(a)All commercial and industrial uses conducted in any C or M District shall be conducted entirely within an enclosed structure unless a permit is obtained, as set forth in Article 33 of this chapter, except as otherwise provided in this section.
(b)Sidewalk sales, not including peddlers, on public or private property, not lasting more than three (3) days, shall be permitted in any C District. Other temporary outdoor commercial uses may be established in any C District pursuant to Section 9-4.2302 of this article. Sidewalk sales permitted pursuant to this section shall be conducted in a manner sufficient to allow safe pedestrian and wheelchair passage onto or along the sidewalk where such activity is being conducted.
(c)The sale, display, and storage of Christmas trees and accessories therefor may be authorized by the Planning Administrator on vacant lots or other open areas in commercial districts or undeveloped areas for a temporary period of time between Thanksgiving and December 26 of any year provided such use is not injurious to the public welfare. Temporary structures, including mobile structures, and other facilities, such as electrical service or utilities, shall be erected in accordance with the Building, Electrical, and Plumbing Codes of the City. A bond for the removal of debris shall be deposited by each applicant within the City in the form of a cash deposit in the amount of Five Hundred and no/100ths ($500.00) Dollars which shall be refunded upon compliance with the provisions of this subsection.
If, after five (5) days' notice, the applicant has not complied with the provisions of this subsection, the City may have a free agent do what is required to comply with the provisions of this subsection, and the applicant's cash bond shall be applied to the cost thereof, and any excess shall become immediately due and payable upon billing to the applicant.

(d)The sale, display, and storage of fireworks may be authorized in accordance with Article 2 of Chapter 3 of Title 4 of this Code. No use permit shall be required.
(e)Outdoor sales, displays, and the storage of pumpkins as provided in subsection (c) of this section shall be permitted between October 1 and November 5 of any year.
(f)If not located within an enclosed building, mobile recycling units, reverse vending machines, and other outdoor storage of materials to be recycled shall be subject to the issuance of a site development permit and use permit.
(g)No use described in this section shall include a cannabis operation as that term is defined in Article 48 of this chapter or any activity involving cannabis or cannabis products.

(§ 5.08, Ord. 363, as amended by § II, Ord. 337-C.S., eff. June 9, 1982, § IV, Ord. 440-85, eff. March 13, 1985, and § VII (C), Ord. 491-C.S., eff. October 28, 1987; § 14, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Sec. 9-4.2309. - Child care facilities.
(§ 5.09, Ord. 363, as added by § I, Ord. 435; repealed by § IV, Ord. 440-85, eff. March 13, 1985)

Sec. 9-4.2310. - Boarding home facilities for elderly and mentally ill persons.
(§ 5.10, Ord. 363, as added by § 1, Ord. 435; repealed by § IV, Ord. 440-85, eff. March 13, 1985)

Sec. 9-4.2311. - Barbed wire fences.
It shall be unlawful for any person to place, or allow to be placed, or to maintain a fence made wholly or partially or barbed wire in any district.
Exception. If approved by the Animal Advisory Commission, barbed wire may be used in fencing when necessary to contain horses and other livestock. This exception shall only apply to fences constructed in accordance with the approval of the Animal Advisory Commission or the Building Office for animal control purposes. **[AMENDED in 2009 Ord. 769, BUT NOT CERTIFIED]**
(§ 1, Ord. 293, as amended by § 1, Ord. 452, § I, Ord. 56-C.S., eff. August 9, 1972, § 1, Ord. 168-C.S., eff. February 25, 1976, and § IV, Ord. 440-85, eff. March 13, 1985)

Sec. 9-4.2312. - Rounding of numbers in calculating density.
Fractional numbers derived from density calculations shall be rounded as follows:

(a)From .1 through .4: Round down to the next whole number; and
(b)From .5 through .9: Round up to the next whole number.
(§ 6, Ord. 405-C.S., eff. May 23, 1984)

Sec. 9-4.2313. - Minimum dwelling unit sizes.
(a)Purpose. The purpose of this section is to ensure that the health, safety, comfort, and general welfare of persons residing within the residential districts of the City will not be adversely affected.
(b)Minimum dwelling unit standards. Single-family dwellings shall contain a minimum gross floor area of 850 square feet.
Two-family and multiple-family dwelling units and condominiums shall contain the following minimum gross floor area:

(1)Bachelor or studio units, 450 square feet;
(2)One bedroom units, 600 square feet;
(3)Two (2) bedroom units, 800 square feet;
(4)Three (3) bedroom units, 850 square feet; and
(5)Each additional bedroom in excess of three (3), 100 additional square feet.
Bachelor or studio units shall be those units which have one room for the purposes of eating and sleeping.

(c)Exceptions. Accessory dwelling units, and junior accessory dwelling units, as defined in Section 9-4.452 of Article 4.5 of this chapter~~(c)Exceptions. Second residential units, as defined in Section 9-4.452 of Article 4.5 of this chapter~~, and multiple-family housing developed for senior citizens shall not be regulated by the minimum dwelling unit standards of this article.
(§ 1, Ord. 64-C.S., eff. October 25, 1972, as amended by § 1, Ord. 187-C.S., eff. December 22, 1976, and § IV, Ord. 440-85, eff. March 13, 1985; § 12,)
Sec. 9-4.2314. - Adult businesses.
Adult businesses may be allowed in the C Districts as conditional uses requiring a use permit; provided, however, the property upon which the proposed business is located shall be a minimum of 500 feet from

any of the following: a residential zoning district, a residential use, an adult business, a school primarily attended by minors, a church, a public beach, or a public park.

(§ VII (D), Ord. 491-C.S., eff. October 28, 1987)

Sec. 9-4.2315. - Special care facilities.
(a)Purpose. This section is intended to regulate special care facilities, as defined in Section 9-4.273.1, with more than six (6) residents not including staff. Special care facilities serving six (6) or fewer residents not including staff, are permitted in all zoning districts that permit single-family residences and shall not be required to meet any requirement of this section. Any lot developed or used pursuant to this section shall not thereafter be used for any purpose other than a special care facility unless and until the City Planner has certified in writing that the alternate use satisfies all applicable and then existing land use regulations pertaining to the classification of the lot.(b)Special care facilities use criteria. When the proposed use meets the requirements of this chapter including the conditions set forth in Section 9-4.3303 and all the following criteria, residential care facilities serving more than six (6) persons in addition to caregivers may be permitted by approval of a use permit in all residential and commercial zoning districts, as identified in this chapter.
(1)There are no other special care facilities serving more than six (6) persons not including staff within 500 radial feet of the perimeter of the subject property. If proposed facilities are located within the 500-foot minimum horizontal distance, the Planning Commission may determine facility overconcentration if impacts in the area are considered significant.
(2)The proposed use shall be conducted in a manner and with facilities that comply with Federal, State and local law and such compliance will be a condition of all use permits issued pursuant to this section. The operator of the facility shall give written notice of any suspension or revocation of its State license to the City Manager within seven (7) days of said suspension or revocation.
(3)Special care facilities shall include a common dining area as well as common living areas and amenities to facilitate program activities.
(4)There shall be a minimum of 100 square feet of usable open space area per resident, not including staff. Indoor common living areas and amenities to facilitate program activities may be counted towards this requirement up to a maximum of seventy-five (75%) percent of the total open space area required.
(5)Outdoor areas shall be designed to provide amenities and recreational areas compatible with the needs of the residents, such as pathways and sitting areas, gardens, putting greens and similar recreation areas.
(6)Where additional stories prohibit easy access to open space areas on the ground floor, open roof decks, balconies or lanais shall be provided in an amount, dimension, area and location as determined to be adequate by the Planning Commission.
(c)Hearings and notices required. Special care facilities serving more than six (6) residents, not including staff, may be permitted in those zoning districts enumerated in this chapter upon securing a use permit and complying with all hearing and notice requirements as set forth in Article 33 of this chapter, except as otherwise provided in this section.
(§ 2, Ord. 657-C.S., eff. December 24, 1997)

Sec 9-4.2316 [NOT CERTIFIED Ord. 723 in 2005]

Sec 9-4.2317 [NOT CERTIFIED Ord. 830 in 2018]

Article 24. - Residential Clustered Housing Development Standards*
* Article 24 entitled "Condominium Developments," consisting of Sections 9-4.2401 through 9-4.2403, codified from Ordinance No. 363, repealed by Section I, Ordinance No. 356-C.S., effective December 8, 1982.

Sec. 9-4.2401. - Purpose.
It is the express intent of the City to apply the regulations set forth in this article to clustered housing developments, including, but not limited to, condominiums, community apartments, stock cooperatives, zero lot line projects, and similar developments, because the permanent ownership or interest in individual attached dwelling units, or the airspace occupied thereby renders such developments, essentially different in nature from detached housing and from developments or buildings in which dwelling units are rented or leased.

(§ II, Ord. 356-C.S., eff. December 8, 1982)

Sec. 9-4.2402. - Development standards.
(a)General regulations. Regulations governing the density, use, building height, building site area, minimum unit size, required yards, building separation, signs, and other explicit regulations, where applicable and where not governed by the provisions of this article, shall be those of the district within which the development is located.
(b)Usable open space. The minimum required usable open space, exclusive of all structures, shall contain an area having a slope of not more than ten (10%) percent and a minimum area per unit as follows:
(1)Townhouses: 750 square feet per unit; and
(2)All other forms of clustered housing: 450 square feet per unit.
(c)Private open space. Each unit within the project shall have an appurtenant private patio, deck, balcony, atrium, or solarium with a minimum area of 150 square feet, except that a studio or one-bedroom unit shall be allowed to have a minimum area of 130 square feet. Such space shall be designed for the sole enjoyment of the unit owner, shall have at least one duplex weatherproofed electrical convenience outlet and shall have a shape and size which would allow for optimal usable space. Such space shall be at the same level as, and immediately accessible from, a room within the unit.
(d)Rights-of-way. The rights-of-way, and improvements thereon, for all streets, whether to be public or private, shall be approved by the Commission and Council.
(e)Separation from other structures. The main structures of any development in which residential uses are proposed shall be separated from any other main structure on the same lot by at least ten (10′) feet.
(f)Side yard setbacks. The side yard setbacks of any residential main structure on any corner lot or group of lots contiguous to a corner lot under the same development on a public street shall be ten (10′) feet if the depth of the side yard is 100 feet or less and fifteen (15′) feet if the depth of the side yard is over 100 feet.
(g)Trash storage areas. Trash storage areas shall be provided and shall be contained within each unit, within the lot lines of the property, or enclosed in the common area.
(h)Laundry facilities. A laundry area shall be provided within each unit or, if common laundry areas are provided, such facilities shall consist of not less than one automatic washer and dryer for each five (5) units.
(i)Television and radio antennas. Exterior individual television and radio antennas shall be prohibited on the outside of the owners' units. A central antenna with connections to each unit via underground or internal wall wiring shall be provided, or each unit shall be served by a cable antenna service provided by a company licensed to provide such service within the City.

(j)Private storage space. In addition to guest, linen, food pantry, and clothes closets customarily provided, each unit within the project shall have at least 200 cubic feet of enclosed, weatherproofed, and lockable private storage space. Such space shall be for the sole use of the unit owner and shall have a minimum horizontal surface area of twenty-five (25) square feet, and a minimum interior dimension of three and one-half (3 ½′) feet by six (6′) feet or, if a walk-in type, shall have a minimum clear access opening of two and one-half (2 ½′) feet by six and two-thirds (6 2/3′) feet.
Such space may be provided within the garage area if neither the space nor the doors leading thereto

encroach upon any required parking space. The location and the precise architectural treatment of such space shall be reviewed and approved by the Commission to ensure that such areas are safe, convenient, and unobtrusive to the functional and aesthetic qualities of the act.

(k)Shock mounting of mechanical equipment. All permanent mechanical equipment, such as motors, compressors, pumps, and compactors, which is determined by the Building Official to be a source of structural vibration or structure-borne noise, shall be shock mounted in inertia blocks or bases and/or vibration isolators in a manner approved by the Building Official.
(l)Utilities: Location and metering.
(1)Location. Each dwelling unit shall be served by water, gas, and electric services completely within the lot lines or ownership space of each separate unit. No common water, gas, or electrical connections or services shall be allowed, and each dwelling unit shall be separately metered for each service. Easements for water, gas, and electric lines shall be provided in the common ownership area where lateral service connections shall take place.
(2)Undergrounding. All new utilities, both on-site and off-site, across property frontage shall be underground.
(m)Parking regulations. See Article 28 of this chapter.
(§ II, Ord. 356-C.S., eff. December 8, 1982, as amended by § 1, Ord. 410-C.S., eff. July 25, 1984, and § VIII (A), Ord. 491-C.S., eff. October 28, 1987)

Sec. 9-4.2403. - Use permits and site development permits.
(a) Use permits and site development permits shall be required for clustered housing developments, except that projects proposed in the Planned Development District (P-D) may comply only with the P-D District regulations.
(b) Applications for such permits for clustered housing developments shall be accompanied by the following:
(1) A map to a workable scale, showing the site in relation to surrounding property, existing roads, and other existing improvements;
(2) A site plan showing the proposed improvements, locations of buildings on the ground, orientation of buildings, utilities, public services, public facilities, streets and alleys, landscaping, and the boundaries of the project;
(3) A copy of the tentative subdivision map;
(4) Floor plans, elevations, and sections of all proposed buildings and structures; and
(5) Any information deemed necessary or desirable in assisting the Commission in its determinations for the approval of the use permit and the conditions thereof.
(c) In addition to the findings required for the approval of a use permit and site development permit, the following additional findings shall be made for proposed clustered housing developments:
(1) For projects in low density areas, that the privacy of nearby residences will not be reduced to an extent which exceeds that which would normally be reduced by conventional single-family dwellings; and
(2) That the architectural features of proposed structures will be integrated harmoniously into the design character of the immediate neighborhood.
(§ II, Ord. 356-C.S., eff. December 8, 1982, as amended by VIII (B), (C), (D), and (E), Ord. 491-C.S., eff. October 28, 1987)

Article 24.5. - Residential Condominium Conversions

Sec. 9-4.2450. - Intent.
The conversion of residential structures from one ownership to condominiums or any other form of multiple ownership interests creates special community problems, both social and economic. Given the relative lack of rental construction, conversions may significantly affect the balance between rental and ownership housing within the City and thereby reduce the variety of individual choices of tenure, type,

price, and location of housing; increase overall rents; decrease the supply of rental housing for all income groups; displace individuals and families; and disregard the needs of the prevailing consumer market. The purpose of this article is to provide guidelines to evaluate those problems, the impact any conversion application may have on the community, and to establish requirements which shall be included in any conversion approval. The provisions of this article shall apply to any conversion of a residential structure from one individual ownership to any form of multiple ownership, including, but not limited to, condominiums, stock cooperatives, and community housing projects.

(§ I, Ord. 344-C.S., eff. August 25, 1982)

Sec. 9-4.2451. - Purpose.
This article is enacted for the following reasons:

(a)To establish procedures and standards for the conversion of existing multiple-family rental housing to condominiums;
(b)To reduce the impact of such conversions on tenants who may be required to relocate due to the conversion of apartments to condominiums by providing for procedures for notification and adequate time and assistance for relocation to comparable rental housing and rates;
(c)To assure that purchasers of converted housing have been properly informed as to the physical condition of the structure which is offered for purchase;
(d)To ensure that converted housing achieves a high standard of appearance, quality, and safety and is consistent with the goals of the City;
(e)To ensure that the project sponsor provides for improvements or rehabilitation to result in a project which provides housing which is in good condition and without hidden needs for maintenance and repair;
(f)To provide a desirable balance of rental and ownership housing and a variety of individual choice of tenure, type, price, and location housing;
(g)To provide the opportunity for low and moderate income persons to participate in the ownership process, as well as to maintain a supply of rental housing for low and moderate income persons; and
(h)To assure that adequate rental housing is available in the community.
(§ I, Ord. 344-C.S., eff. August 25, 1982, as amended by § I, Ord. 411-C.S., eff. July 25, 1984)

Sec. 9-4.2452. - Application procedures.
The following procedures and regulations shall apply to condominium conversion applications:

(a)Use permits: Tentative maps. Condominium conversions may be permitted in any residential district subject to obtaining a use permit as set forth in Article 33 of this chapter and subject to the approval of a tentative map.
Applicants may submit applications for condominium conversions of residential structures to condominiums twice a year, due at the close of business on the last Friday of May and the last Friday of November. Such applications shall contain all the information required for a tentative map and use permit application pursuant to this Code.

(b)Acceptance. The Planning Administrator shall accept applications for condominium conversions if any one of the following factors exists:
(1)Conversions may be approved when the vacancy rate of multiple-family developments of three (3) or more rental units within the City, as determined by the Director of Community Development and Services, is equal to or more than five (5%) percent, unless the conversion will result in a decrease of the vacancy rate to less than five (5%) percent.
The vacancy rate of multiple-family rental units shall be calculated on the basis of two (2) consecutive surveys taken during the months of April and October.

Data for determining the City's annual multiple-family rate shall be compiled from a variety of sources, including, but not limited to, United States Postal Service surveys, idle utility meter reports, reports from financial institutions and real estate organizations, and United States Census Bureau data; or

(2)Tenants lawfully in possession of seventy-five (75%) percent of the units indicate their desire to convert such units (one vote per unit) to condominium ownership in writing to the City. Tenants shall be provided with information on all estimated costs, including, but not limited to, the unit cost, down payment requirements, financing, estimated property management costs, and homeowner association fees. Specific estimates of such costs shall be acknowledged in writing by the City. If the conversion is approved, the developer shall provide information to the City on the number of tenants who actually purchased. If at any time during the conversion approval process a sufficient number of tenants decide not to purchase, or if misrepresentation is discovered, the Commission would have sufficient grounds for denial; or

(3)The applicant agrees to sell or rent at affordable prices forty (40%) percent of the units to low and moderate income households, with a minimum of twenty (20%) percent of the units affordable to low income households. If the units are to be made available for purchase, the sales price of such units shall not exceed two and five-tenths (2.5) times the annual median income for low or moderate income households as defined by United States Department of Housing and Urban Development guidelines. Resale controls shall be included as a deed restriction as specified by the Commission. If the units are to be for rental, they shall either be included in the County administrated Section 8 Program, or the maximum rent allowed shall keep the units within the low or moderate income housing stock.

(c)Ranking of applications.

(1)Applications pursuant to subsection (1) of subsection (b) of this section (vacancy rate) shall be ranked by the Planning Administrator based upon the following criteria:

(i)The extent to which the proposed conversion will provide housing opportunities for persons of all income levels in the community;

(ii)The extent to which the proposed conversion's deleterious effect on occupying tenants will be mitigated by relocation assistance and other assistance provisions by the applicant; and

(iii)The extent to which the project is suitable for conversion on the basis of its physical condition and other amenities.

The Commission shall consider the highest ranking acceptable applications, the total units not to exceed the maximum number of units permitted to be converted based on the vacancy rate, or the rental percentage. Upon a written request, the applicant shall receive from the City a written explanation of the rank given to the conversion application.

(2)All applications which meet the criteria described in subsection (2) of subsection (b) of this section (tenant approval) and subsection (3) of subsection (b) of this section (affordable housing) shall be considered by the Commission regardless of vacancy or rental percentage limitations. If approved, and after conversion, the loss of rental units shall be included in the vacancy and rental calculations.

(§ I, Ord. 344-C.S., eff. August 25, 1982, as amended by § II, Ord. 411-C.S., eff. July 25, 1984)

Sec. 9-4.2453. - Required reports and information.

The project as a whole should be in good repair on the interior and the exterior when offered for sale. As part of the material necessary for such determination and to aid the review of the proposal, the reports and/or information required by this section shall be submitted to the Commission for review and approval. The cost of all reports shall be paid by the applicant, and the persons preparing the reports shall be approved by the City. The reports shall include information on what improvements, if any, shall be accomplished by the developer and at what point in the conversion proceedings such improvements shall be completed. All improvements cited in the reports, whether required or voluntary, shall be considered conditions of approval.

The applicant shall be responsible for the remedy of physical conditions within individual units or

common areas noted by a prospective purchaser and/or tenant which have been missed by inspections or which occur subsequent to the inspections but prior to the close of escrow. In case of disagreement between the applicant and the prospective purchaser as to the actual condition, remedy, or cause of deterioration, the burden of proof shall be that of the applicant.

(a)Physical elements reports. A report on the physical elements of all structures and facilities shall be submitted.
(1)A report by a licensed structural or civil engineer detailing structural condition of all elements of the property, including, but not limited to, foundations, electricity, plumbing, utilities, walls, ceilings, windows, frames, recreational facilities, sound transmission of each building, mechanical equipment, and parking facilities. Such report shall also describe the condition of refuse disposal facilities; swimming pools, saunas, and fountains; stone and brickwork; fireplaces; and exterior lighting. The report shall also describe the condition of all structures and facilities with respect to the extent of deferred maintenance, if any. Drainage facilities on the site and their adequacy shall be described. Such report or supplement thereto shall describe the present condition and useful life of all elements as deemed pertinent;
(2)A report by a licensed appliance repair contractor detailing the following information which shall be submitted as part of the physical elements report: regarding each such element, the report shall state to the best knowledge or estimate of the applicant when such element was built or installed; the condition of each element; when such element was replaced; the approximate date upon which such element will require replacement; the cost of replacing such element; and any variation of the physical condition of such element from the current zoning, building, housing, mechanical, and fire Codes in effect on the date of the use permit application. The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed;
(3)A report by a licensed structural termite and pest control specialist certifying whether or not all attached or detached structures are free of infestation and structural damage caused by pests and dry rot. The report shall describe what procedures would be necessary to eliminate infestation or damage, if present. Such report shall be updated within six (6) months after the close of escrow, and any infestation shall be remedied prior to sale;
(4)Existing soils reports shall be submitted for review with a statement regarding any known evidence of soils problems relating to the structures. As required by the Community Development and Services Director, a new or revised report shall be prepared by a licensed soils engineer on soil or geological conditions on-site or off-site which could adversely affect the project site or structures;
(5)A report by a licensed painting contractor verifying the condition of the painting throughout the project, including building interior and exterior surfaces and an estimate of the remaining physical life of the paint. A statement that new paint will be applied on all building interior and exterior surfaces may take the place of such report. Such statement shall include the brand name of the paint and the exterior colors to be used;
(6)A report by a licensed roofing contractor verifying the condition of the roofs of all structures and an estimate of the remaining physical life of the roofs. A statement that new roof material will be applied may take the place of such report. Such statement shall include the type, grade, and color of the proposed roofing material;
(7)A declaration of the covenants, conditions, and restrictions and rules and regulations which would be applied on behalf of any and all owners of condominium units within the project. The declaration shall include, but not be limited to, the conveyance of units; the assignment of parking and storage areas; and an agreement for common area maintenance, together with an estimate of any initial assessment fees anticipated for such maintenance and an indication of appropriate responsibilities for the maintenance of all utility lines and services for each unit. Such documents shall be approved by the City Attorney and recorded in the office of the County Recorder;
(8)Specific information concerning the demographic and financial characteristics of the project, including, but not limited to, the following:
(i)The square footage and number of rooms in each unit;

(ii)The rental rate history for each type of unit for the previous three (3) years;
(iii)The monthly vacancy rate for each month during the preceding two (2) years;
(iv)A complete list of the number of tenants and tenant households in the project, including the following information:
(aa)Households with persons sixty-two (62) years of age and older;
(ab)The family size of households, including a breakdown of households with children under five (5) years of age and between five (5) and eighteen (18) years of age;
(ac)Households with handicapped persons;
(ad)The length of residence;
(ae)The age of tenants; and
(af)The designation of low-income and moderate-income households and whether receiving Federal or State rent subsidies.
When the subdivider can demonstrate that demographic information is not available, this requirement may be modified by the Commission;

(v)The proposed price range of the units;
(vi)The proposed homeowners' association fees; and
(vii) A statement of intent as to the types of financing programs to be made available, including any incentive programs for existing residents;
(9)Signed copies from each tenant of the notice of intent to convert, as specified in this article. The subdivider shall submit evidence that a certified letter of notification was sent to each tenant for whom a signed copy of such notice is not submitted; and
(10)Any other information which, in the opinion of the Planning Department, will assist in determining whether the proposed project will be consistent with the purposes of this article.
(b)Acceptance of reports. The final form of the physical elements report and other documents shall be approved by the Commission. The reports in their acceptable form shall remain on file with the Planning Department for review by any interested person.
(c)Copies to purchasers. Prior to any purchaser executing any purchase agreement or other contract to purchase a unit in the project, the subdivider shall provide each purchaser with a copy of all reports in their final form as accepted by the Commission, except that the demographic information and copies of the notice to each tenant concerning conversion do not need to be distributed. The developer shall give the purchaser sufficient time to review such reports. Copies of the reports shall be made available at all times at the sales office and shall be posted at various locations, as approved by the City.
(§ I, Ord. 344-C.S., eff. August 25, 1982, as amended by § III, Ord. 411-C.S., eff. July 25, 1984)

Sec. 9-4.2454. - Condominium conversion standards.
(a)Compliance with zoning, building, housing, mechanical, and fire Codes. All units, as well as the common ownership facilities, shall be brought into compliance with all applicable State and local zoning, building, housing, mechanical, and fire Codes adopted for use by the City at the time the conversion project was constructed, and, where feasible, the conversion project shall be upgraded to conform with current Codes.
(b)Parking requirements. Regulations governing parking requirements shall reflect the current City parking standards for apartments.
(c)Sound transmission characteristics and energy conservation. Condominiums present a unique problem in relation to sound transmission. The following methods shall be utilized to regulate noise transmission:
(1)Shock mounting of mechanical equipment. All permanent mechanical equipment, such as motors, compressors, pumps, and compactors, which is determined by the Building Official to be a source of structural vibration or structure-borne noise, shall be shock mounted in inertia blocks or bases and/or vibration isolators in a manner approved by the Building Official.
(2)Noise mitigation and energy conservation. Energy conservation insulation shall be installed in all heated or cooled buildings, including common ownership structures used for assembly purposes, in

accordance with Title 24 of the California Administrative Code as amended and in effect on the date building permits are issued for condominium conversion rework.
Exception No. 1. Common walls between dwelling units to be constructed of a two (2″) inch by four (4″) inch wall insulated with not less than R-11 rated insulation, or an equivalent form of noise attenuation control acceptable to the Commission.

Exception No. 2. Common floor ceilings between dwelling units and between dwellings and garages shall be insulated with not less than R-19 rated insulation.

(d)Fire protection.
(1)Smoke detectors. Every dwelling unit shall be provided with a smoke detector. Installations shall comply with National Fire Protection Association Pamphlet No. 74. The detector shall be approved by the State Fire Marshal. AC primary power source shall be utilized. The detector shall be mounted on the ceiling at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Where sleeping rooms are on an upper level, the detector shall be placed at the center of the ceiling directly above the stairway.
(2)Sprinkler systems. A sprinkler system, fire alarm, and other fire protection devices shall be installed as required by the Uniform Fire Code adopted for use by the City at the time of the conversion application.
(e)Utilities: Location and metering.
(1)Location. Each dwelling unit shall be served by gas and electric services completely within the lot lines or ownership space of each separate unit. No common gas or electrical connection or service shall be allowed. Easements for gas and electric lines shall be provided in the common ownership area where later service connections shall take place.
(2)Undergrounding. All new utilities, both on-site and off-site, across property frontage shall be underground.
(3)Metering. Each dwelling unit shall be separately metered for gas and electricity. Individual panelboards for electrical current shall be provided for each unit. A plan for the equitable sharing of communal water metering and other shared utilities shall be included in the covenants, conditions, and restrictions.
(4)Modifications. In cases where the subdivider can demonstrate that the standards set forth in this subsection cannot reasonably be met, they may be modified by the Commission.
(f)Laundry facilities. A laundry area shall be provided on each unit, or, if common laundry areas are provided, such facilities shall consist of not less than one automatic washer and dryer for each five (5) units or fraction thereof.
(g)Condition of equipment and appliances. The de-veloper shall provide a minimum of a one-year warranty to the buyer of each unit at the close of escrow on any dishwasher, garbage disposal, stove, range or oven, refrigerator, trash compactor, hot water tank, air-conditioning unit, or heating system which is provided. At such time as the homeowners' association takes over the management of the development, the developer shall provide a one-year warranty to the association that any pool and pool equipment (filter, pumps, and chlorinator) and any appliance and mechanical equipment to be owned in common by the association is in operable working condition. The plumbing and electrical systems in both the dwellings and the common ownership areas shall also be covered by a one-year warranty for proper and safe operation and installation in a safe and workmanlike manner. Such warranty shall be offered by an independent Homeowner's Warranty Service licensed by the Insurance Commission of the State for such purpose, except that new appliances may be covered by the manufacturer's warranty. The developer shall provide options to prospective buyers for new appliances and equipment or, alternatively, acceptance of existing appliances with the warranty described in this subsection.(h)Refurbishing and restoration. All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas, and additional elements as required by the Commission shall be refurbished and restored as necessary to achieve a high standard of appearance, quality, and safety.(i)Contingency fees. The intent of the City in requiring the creation of a contingency or reserve

fund for condominium conversions is to provide a surety for unexpected or emergency repairs to common areas in the interest of the economic, aesthetic, and environmental maintenance of the community as well as to protect the general welfare, public health, and safety of the community. Upon the close of escrow for each unit, the subdivider shall convey to the homeowners' association's contingency fund a minimum fee of Two Hundred and no/100ths ($200.00) Dollars per dwelling unit. When forty-nine (49%) percent or more of the total units in the project have been sold, the subdivider, within thirty (30) days, shall convey such fee for each of the unsold units. The amount of the contingency fee, if conditions warrant, may be increased above Two Hundred and no/100ths ($200.00) Dollars by the Commission. Such fund shall be used solely and exclusively as a contingency fund for emergencies which may arise relating to open space areas, exterior portions of dwelling units, and such other restoration or repairs as may be assumed by the home-owners' association.
(§ I, Ord. 344-C.S., eff. August 25, 1982, as amended by § IV, Ord. 411-C.S., eff. July 25, 1984)

Sec. 9-4.2455. - Tenant benefits and notification.
Applications for condominium conversions shall include the following procedures as they relate to tenant notification:

(a)Notices of intent. A notice of intent to convert shall be delivered to each tenant. Evidence of the receipt of such notice shall be submitted with the application for conversion. The form of the notice shall be as approved by the Planning Department and shall contain not less than the following:
(1)The name and address of the current owner;
(2)The name and address of the proposed subdivider;
(3)The approximate date on which the application and tentative map are proposed to be filed;
(4)The approximate date on which the final map or parcel map is to be filed;
(5)The approximate date on which the unit is to be vacated by non-purchasing tenants;
(6)The tenant's right to purchase;
(7)The tenant's right of notification to vacate;
(8)The tenant's right of termination of the lease;
(9)A statement of no rent increase;
(10)Provisions for special cases;
(11)The provision of moving expenses and the tenant's right to claim any penalty imposed if timely payment is not made;
(12)The anticipated price range of the units;
(13)The proposed homeowners' association fees;
(14)A statement of the types of financing programs to be made available, including any incentive programs for existing residents; and
(15)A copy of the City conversion regulations shall be attached to the notice of intent.
(b)Notification to tenants.
(1)Mailing. Two (2) separate stamped, pre-addressed envelopes for each resident of each unit shall be furnished to the City by the developer at the time the developer submits an application for a use permit. The City shall use one envelope to notify the residents by mailing a copy of the Commission public hearing notice to tenants not less than ten (10) days prior to the proposed meeting date on the use permit. The second envelope shall be used to notify the residents of the results of the public hearing by mailing notification of the decision of the Commission not more than seven (7) days following the Commission action. Failure of the City to mail such notice shall not invalidate any proceeding or action taken by the City in considering a conversion. The list of names and addresses of the residents of each unit in the conversion project shall be current as of the day of submittal and shall be certified as such by the developer.
(2)Notices to new tenants. After the submittal of the application, any prospective tenants shall be notified in writing of the intent to convert prior to leasing or renting any unit.
(3)Posting notices. The notice of intent shall be posted on site in at least one location readily visible to

tenants.
(c)Tenants' discounts. Any present tenant of any unit at the time of an application for conversion shall be given a nontransferable right of first refusal to purchase the unit occupied at a discount of the price offered to the general public. The amount of the discount shall be based on the longevity of each tenant and shall be ratified by the applicant and a majority of tenants residing in the project at the time of conversion.
(d)Vacation of units. Each non-purchasing tenant, not in default under the obligations of the rental agreement or lease under which the subject unit is occupied, shall have not less than 120 days after the date of the tentative map approval by the City or until the expiration of the tenant's lease to find substitute housing and to relocate. Tenants shall be permitted to terminate leases or tenancy with one month's notice at any time after a conversion application.
(e)No increase in rent. A tenant's rent shall not be increased within two (2) months prior to a project application, nor shall the rent be increased for two (2) years from the time of the filing of the project application or until relocation takes place. At the end of the two (2) year period any increase in rent shall be approved by the Commission. When reviewing applications for rent increases, the Commission shall consider the residential rent component of the Bay Area Cost of Living Index of the United States Department of Labor; the condition of the unit; and prevailing rents for similar units.
(f)Special cases.
(1)All non-purchasing tenants sixty-two (62) years of age or older and all non-purchasing medically proven permanently disabled tenants shall receive a lifetime lease. Rents for such tenants shall not be increased for two (2) years after the filing of the project application. At the end of the two (2) year period, any increase in rent shall be approved by the Commission. When reviewing applications for rent increases, the Commission shall consider the residential rent component of the Bay Area Cost of Living Index of the United States Department of Labor; the condition of the unit; and prevailing rents for similar units.
(2)The following non-purchasing tenants shall receive a minimum of twelve (12) months' relocation time, measured from the tentative map approval, to find replacement housing:
(i)Tenants with low or moderate incomes; and
(ii)Tenants with minor children in school.
(g)Moving expenses. The subdivider shall provide moving expenses of three (3) times the monthly rent to any tenant, in compliance with all the terms of the subject lease and/or financing, who relocates from the building to be converted after City approval of a use permit authorizing conversion of the units. When the tenant has given notice of his intent to move prior to City approval of a use permit, eligibility to receive moving expenses shall be forfeited.
(h)Relocation assistance. Relocation assistance shall be provided to non-purchasing tenants for a minimum period of four (4) months following the tentative map approval. Information on available rental units in the same general area with costs comparable to the pre-converted apartments shall be provided regularly and updated. Copies of the list shall be posted on-site, dated, and provided to the Planning Department.
(i)Discrimination. No discrimination in the sale of any unit shall be based on age, and a statement to this effect shall be included in the covenants, conditions, and restrictions. Projects created exclusively for the purpose of providing senior citizen housing shall be exempted from this requirement.
(j)Certificates of occupancy. A certificate of occupancy shall be approved by the Planning Administrator and issued by the Building Official prior to the occupancy of units after sales.
(k) Effect of proposed conversions on the City's low-income and moderate-income housing supply. In reviewing requests for the conversion of existing apartments to condominiums, the Commission shall consider the following:
(1) Whether or not the amount and impact of the displacement of tenants, if the conversion is approved, would be detrimental to the health, safety, or general welfare of the community;
(2) The role the apartment structure plays in the existing housing rental market. Particular emphasis will be placed on the evaluation of rental structures to determine if the existing apartment complex is serving

low-income and moderate-income households. Standard definitions of low-income and moderate-income and low-income and moderate-income rents used by the Federal and State governments shall be used in the evaluation;
(3) The need and demand for lower-cost home ownership opportunities which are increased by the conversion of apartments to condominiums; and
(4) If the Commission determines that vacancies in the project have been increased for the purpose of preparing the project for conversion, the application may be disapproved. In the evaluation of the current vacancy level under this subsection, the increase in rental rates for each unit over the preceding three (3) years and the average monthly vacancy rate for the project over the preceding two (2) years shall be considered.
(l)Findings. The Commission shall not approve an application for a condominium conversion unless the Commission finds that:
(1) All the provisions of this article are met;
(2)The proposed conversion is consistent with the General Plan and the adopted Housing Element;
(3) The proposed conversion will conform to the provisions of this Code in effect at the time of the project approval, except as otherwise provided in this section;
(4) The overall design and physical condition of the condominium conversion achieves a high standard of appearance, quality, and safety;
(5) The proposed conversion will not displace a significant percentage of low-income or moderate-income, permanently or totally disabled, or senior citizen tenants and delete a significant number of low-income and moderate-income rental units from the City's housing stock at the time when no equivalent housing is readily available in the Pacifica area;
(6) The application process has conformed to all the requirements of the Map Act of the State; and
(7) The dwelling units to be converted have been constructed and used as rental units for at least three (3) years prior to the application for conversion.
(§ I, Ord. 344-C.S., eff. August 25, 1982)

Article 25. - Height Limits

Sec. 9-4.2501. - Chimneys, flagpoles, and similar structures.
Cupolas, flagpoles, monuments, parapet walls, gas storage holders, water tanks, church steeples, and similar structures and mechanical appurtenances may be permitted to exceed the height limits for the district in which they are located provided a site development permit is first obtained, as set forth in Article 32 of this chapter, in each case. Chimneys may exceed such height limits with approval from the Planning Administrator.

(§ 7.01, Ord. 363, as amended by § 1, Ord. 463, and § IX (A), Ord. 491-C.S., eff. October 28, 1987)

Sec. 9-4.2502. - Fences, hedges, walls, and plantings.
(a)No fence, hedge, wall, or screen planting of any kind shall be constructed or grown to exceed six (6′) feet in height (unless otherwise required by law) within any required side yard to the rear of the required front yard of any dwelling or within any required rear yard; nor exceed three (3′) feet in height within the required front yard of any dwelling, or, for corner lots, within twenty-five (25′) feet of a street corner measured at the property line. Commercial fences may not exceed six (6′) feet in height, unless additional height is allowed with a site development permit.
(b)When there is a difference in the ground level on opposite sides of a retaining wall or fence, height shall be measured from the higher ground level, however, any portion of a fence above the maximum allowable height as measured from the lower ground level may be required by the Planning Administrator to be an open work fence. An "open work fence" means a fence in which the component solid portions are evenly distributed and constitute not more than sixty (60%) percent of the total surface area of the fence. In addition, the height of fences or walls which are located within the front setback, parallel to the front

property line, or within twenty-five (25′) feet of a street corner, shall be limited to three (3′) feet in height as measured from the side of the fence facing the street.
(§ 7.02, Ord. 363, as amended by § IX (B), Ord. 491-C.S., eff. October 28, 1987, and § 2, Ord. 560-C.S., eff. November 7, 1990)

Sec. 9-4.2503. - Television and radio antennas, masts, and towers.
The purpose of this section is to provide standards to regulate the placement and height of aerials, as defined in Section 9-4.203 of Article 2 of this chapter. Such regulation is necessary to protect the public health and safety, and to ensure that placement of aerials is not detrimental to the aesthetics of the neighborhood. The following standards shall apply:

(a)Receiving television and radio aerials shall not exceed a height of forty-nine (49′) feet, and transmitting aerials shall not exceed a height of fifty-five (55′) feet above the ground level.
(b)An antenna consisting of a single vertical element not more than two (2″) inches in diameter, in lieu of a horizontal arrangement, shall be excepted from the height restriction set forth in subsection (a) of this section.
(c)The section of masts and towers more than thirty (30′) feet above the ground shall have a cross-section which can be fitted within a square with a side of twelve (12″) inches.
(d)Not more than one aerial tower, as defined in Section 9-4.203 of Article 2 of this chapter, shall be erected on a lot with an area of less than 20,000 square feet. Two (2) aerial towers shall be permitted on a lot with an area of 20,000 square feet, and one additional aerial tower shall be permitted for each additional 10,000 square feet over 20,000 square feet. Wood towers shall not be erected.
(e)Masts and/or towers shall be located at least ten (10′) feet to the rear of the required front yard setback line and shall not be closer than six (6′) feet to any property boundary.
(f)Antennae and/or guy wires shall not overlap adjoining property and shall not encroach upon an easement without the written consent of the owner of such easement, which consent shall be attached to the application for a building permit.
(g)Where the need for greater height or other modifications can be demonstrated to the satisfaction of the Commission, and where such greater height can be permitted without detriment to the neighborhood, a use-permit for such purpose may be granted by the Commission, subject to the requirements of Article 33 of this chapter.
(h)Any aerial based on the ground and extending to a height of more than thirty-four (34′) feet, and any aerial based on a building and extending to a height of more than twenty-four (24′) feet above its base, shall require a building permit. Any aerial based on the ground and extending to a height of less than thirty-four (34′) feet, and any aerial based on a building and extending to a height of less than twenty-four (24′) feet above its base, shall not require a building permit provided the following shall be found to be true:
(1)The tower, mast, and aerial shall be installed on the building site so that no part of the tower, mast, or aerial would fall across a property line;
(2)The tower, mast, and attached antenna shall be no closer than six (6′) feet to a high-voltage overhead conductor, as provided in Section 385 of the Penal Code of the State;
(3)The tower, mast, and attached antenna shall be no closer than two (2′) feet to any television cable transmission line or telephone transmission line; and
(4)The tower, mast, and attached antenna shall be no closer than two (2′) feet to any electrical service drop serving any building on any property.
(i)All installed antennae shall be maintained in a safe and workmanlike manner with all towers, masts, and vertical antennae in a vertical position and all guy wires properly attached.
(j)Regulation of satellite receiving antennas.
(1)Aesthetic objectives. Due to their size, bulk, and design, satellite television receiving or "dish" antennas, as defined in Section 9-4.203 of Article 2 of this chapter, have a greater visual impact than other types of antennas. Improper placement of dish antennas can provide a jarring contrast to the design of an

individual structure and be detrimental to the overall design character of a neighborhood. The concern for the visual impact of dish antennas is supported by the City's adopted Design Guidelines, which state, in part, that additions to existing structures should be consistent with the positive architectural features of the original structure, that compatibility of materials is an essential ingredient in design quality, and that all exposed mechanical and electrical equipment must be screened from public view. The purpose of the ordinance codified in this section is to implement these aesthetic objectives in a manner which does not impose unreasonable limitations and which is consistent with the right to receive satellite signals.
(2)Specific placement standards. Dish antennas may be administratively approved by the Planning Administrator and shall be permitted to be constructed and placed subject to the following conditions:(i)Dish antennas for residential uses shall be located in the rear yard, shall not be closer than six (6′) feet to any side rear lot line, and shall be viewable from a public street.(ii)Dish antennas for commercial uses shall not be viewable from a public street unless a use permit is issued.
(3)Conditional uses. Dish antennas may only be permitted in other locations or if viewable from a public street upon issuance of a use permit by the Planning Commission. Issuance of the use permit shall be governed by the procedures of Article 33 of Chapter 4 of Title 9 of this Code; however, the Commission, in deciding whether to grant or deny such permit, shall apply the following standards:
(i)Dish antennas shall not be permitted in locations other than the rear yard unless reasonable satellite signal reception cannot be received in the rear yard;
(ii)The dish antenna shall be placed in a manner that, to the maximum extent practicable, blends in with the architectural features of the structure;
(iii)The dish antenna structure shall be as compatible as possible in color and material with the supporting structure;
(iv)If feasible, the dish antenna shall be screened from public view and the color and material of the screen shall be compatible with the structure;
(v)The height of the dish shall not exceed the maximum height of the district in which the dish is located;
(vi)The foregoing standards shall be applied in a manner so as to permit reasonable reception of satellite signals and so as not to impose costs on antenna users which are excessive in light of the purchase and installation costs of the antenna equipment.
Dish antennas may be permitted in other locations subject to the issuance of a use permit. The height of roof-mounted dish antennas shall not exceed the maximum permitted height of the district.

(§ 7.03, Ord. 363, as added by § 2, Ord. 463, as amended by § III, Ord. 440-85, eff. March 1, 1985, and §§ 5 and 6, Ord. 538-C.S., eff. December 27, 1989)

Article 26. - Public Utilities/Residential and Commercial Antennas*
* Article 26, entitled "Building Site Area," consisting of Section 9-4.2601, codified from Ordinance No. 363, as amended by Ordinance No. 476, repealed by Ordinance No. 491-C.S., effective October 28, 1987 and Sections 9-4.2602 and 9-4.2603, codified from Ordinance No. 363, as amended by Ordinance No. 476, repealed by Ordinance No. 184-C.S., effective November 11, 1987.

[NOT CERTIFIED Ord. 802 in 2015]

Article 27. - Projections into Yards

Sec. 9-4.2701. - Scope.
The provisions of this article shall be in addition to, and shall not constitute a waiver of, any other provision of this chapter.

(§ 9.09, Ord. 363)

Sec. 9-4.2702. - Cornices, eaves, canopies, and similar architectural features.

Architectural features, such as cornices, eaves, canopies, fireplaces, bay windows, and similar architectural structures, may not be constructed closer than thirty (30″) inches to any side lot line nor project more than six (6′) feet into any required front or rear yard.

(§ 9.01, Ord. 363, as amended by § XI (A), Ord. 491-C.S., eff. October 28, 1987)

Sec. 9-4.2703. - Porches, landings, and outside stairways.
Open porches, landings, and outside stairways may project not closer than four (4′) feet to any side lot line and not exceeding six (6′) feet into any front or rear setback; provided, that the area is unenclosed (a roof and partial walls may be allowed within the front setback). On-grade stairways are permitted closer to the property line to provide a necessary connection between the street and a structure. Decks and other projections less than thirty (30″) inches above grade are permitted within required setbacks.

(§ 9.02, Ord. 363, as amended by § XI (B), Ord. 491-C.S., eff. October 28, 1987, § 2, Ord. 585-C.S., eff. February 12, 1992, § VII (A), Ord. 613-C.S., eff. April 13, 1994, and § IX, Ord. 641-C.S., eff. May 8, 1996)

Sec. 9-4.2704. - Accessory buildings.
(a)In the event an accessory building is attached to the main building, such accessory building shall be made structurally a part of the main building, and comply in all respects with the requirements of this chapter applicable to the main building. Unless so attached, the following regulations shall apply to accessory buildings in all residential districts:
(1)All portions of the accessory building shall be located at least five (5′) feet from any building existing or under construction on the same lot; [Amended, but not certified Ord. 769 in 2009]
(2)No accessory building shall be located within any required front or side setback except as permitted below, nor within five (5′) feet of any alley;
(3)An accessory building may be located within the rear setback provided that:
(i)Only nondwelling uses (i.e., garage, storage) are proposed,
(ii)At least a one-and-one-half (1½) foot setback is provided from the side and/or rear lot line,
(iii)At least fifty (50%) percent of the structure is located within the rear setback,
(iv)If building coverage is thirty-five (35%) percent or more, any driveway leading to a garage shall be surfaced with alternative paving (i.e. turfblock or landscaped strips between paving) subject to approval by the City Engineer and Fire Marshal,
(v)In the case of corner lots, the accessory building may not project beyond the front setback required or existing on the adjacent lot, and
(vi)Building height shall not exceed twelve (12′) feet;
(4)Except for a detached garage, every accessory building shall be located behind the main structure;
(5)No accessory building shall be constructed until a main building is constructed on the site;
(6)The total area covered by detached nondwelling accessory structures located in the rear setback of a lot may not exceed 600 square feet.
(7)An accessory dwelling unit constructed in accordance with Article 4.5 of this chapter shall not be considered an "accessory building" for purposes of this section.
(b)Where the slope of the front half of any residential lot is greater than one foot rise or fall in a horizontal distance of four (4′) feet from the established street elevation of the lot at the front street line (twenty-five (25%) percent), or where the elevation of the lot at the front street line is six (6′) feet above or below the established street elevation, a private garage or carport, attached or detached, may be built to within ten (10′) feet of the front lot line if such reduction will not interfere with existing or proposed public utilities or established setback lines; provided, however, such garage or carport shall maintain the side yard setbacks required for the main building. An additional reduction in the front yard setback may be permitted if the property is located on an improved public road where a curb has been constructed or an official street improvement plan has been established. The additional reduction in the front yard

setback which may be permitted shall be one foot for each two (2′) feet from the property line to the face of the curb. The maximum permitted reduction shall be four (4′) feet. Such reduction shall not be permitted if it will interfere with any established plan line for road improvements or widening.
(§ 9.05, Ord. 363, as amended by § 1, Ord. 404, § 15, Ord. 538-C.S., eff. December 27, 1989, § 1, Ord. 586-C.S., eff. February 12, 1992, § VII (B), Ord. 613-C.S., eff. April 13, 1994, and § II, Ord. 641-C.S., eff. May 8, 1996)

Sec. 9-4.2705. - Yard and inner court requirements.
(a)Where forty (40%) percent or more of the lots in a block have been improved with buildings, the minimum required front yard shall be the average of the improved lots if less than the requirements of this chapter.(b)On any parcel of land which qualifies as a building site, the width of each side yard may be reduced to ten (10%) percent of the width of such parcel but in no case to less than three (3′) feet.
(§§ 9.06, 9.07, and 9.08, Ord. 363, as amended by § 1, Ord. 65-C.S., eff. October 25, 1972, and § XI (C), Ord. 491-C.S., eff. October 29, 1987)

Sec. 9-4.2706. - Replacement of yard requirements by building lines.
(§ 9.10, Ord. 363; repealed by § XI (D), Ord. 491-C.S., eff. October 28, 1987)

Sec. 9-4.2707. - Encroachment of yards on official plan lines.
Whenever an official plan line has been established for any street, the required yards shall be measured from such line, and in no event shall the provisions of this chapter be construed as permitting any encroachment upon any official plan line.

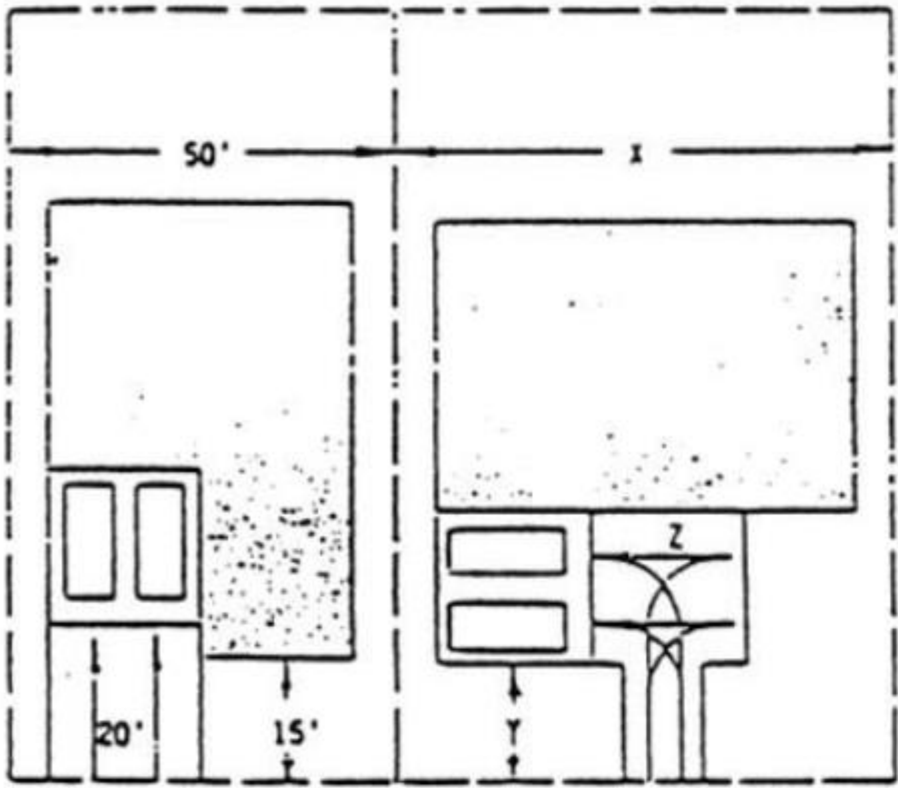
(§ 9.03, Ord. 363)

Sec. 9-4.2708. - Encroachment of swimming pools and decks or other structures.
Swimming pools and decks or other structures less than thirty (30″) inches above the grade may be permitted in required yards.

(§ XI (E), Ord. 491-C.S., eff. October 28, 1987)

Sec. 9-4.2709. - Reduction of front yard setbacks.
(a)Scope and purpose. The provisions of this section shall apply to front yard setback reductions for garages based upon improved parking areas in Single-Family Residential District (R-1). The purpose of this section is to encourage varied front yard setbacks in the Single- Family Residential District (R-1) while providing for necessary parking areas.(b)Site development permits required. A site development permit shall be required for each application for the reduction of a front setback for a garage as provided in this section. The Commission, as a condition of the site development permit, may require landscape planting, or fencing, or that other conditions be met in order to assure the satisfaction intent of this section.(c)Standards.(1)"Swing" type parking access may be employed as denoted in the following schematic drawing:
Setback Reduction Based upon Improved Parking Area in the Single-Family Residential District (R-1)

Minimum Standard Lot



LEGEND

X Minimum Width of Building Site

Y Minimum Front Yard Setback From Property Line

Z Back Up Area

LOT WIDTH	FRONT YARD	BACK UP
X	Y	Z
50 to 70 feet	10 feet	25 feet
More than 70 feet	5 feet	25 feet

(2)The front yard setback reductions which may be permitted shall be as follows:

Minimum Width of Building Site	Minimum Front Yard Setback
50 feet to 70 feet	10 feet
More than 70 feet	5 feet

(3)When "swing" type parking is employed, a fifteen (15′) foot setback to the side of the garage may be permitted administratively.
(d)Conversion of garages to living areas. No living area shall be located closer than fifteen (15′) feet to the front property line.
(e)Interpretation. The provisions of this section shall not be construed to preclude the Commission granting setback variations as provided in Article 34 of this chapter.
(f)Delegation. The Commission may authorize the Planning Administrator to approve site development permits pursuant to this section.
(§ XI (F), Ord. 491-C.S., eff. October 28, 1987)

Sec. 9-4.2710. - Outdoor cultivation of cannabis in residential areas.
Subject to the standards contained in Article 48 of this chapter, including without limitation any setback requirements or limitations on the number of plants which may be cultivated.

(§ 15, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Article 28. - Off-Street Parking and Loading*
* Sections 9-4.2801 through 9-4.2826, codified from Ordinance No. 363, as amended by Ordinance Nos. 419, 13-C.S., effective April 16, 1971, 37-C.S., effective November 25, 1971, 66-C.S., effective October 25, 1972, 73-C.S., effective May 9, 1973, 218-C.S., effective December 28, 1977, 219-C.S., effective January 11, 1978, 224-C.S., effective April 12, 1978, 227-C.S., effective May 10, 1978, and 453-85, effective September 23, 1985, repealed by Ordinance No. 497-C.S., effective February 10, 1988.

Sec. 9-4.2801. - Purpose.
The purpose of this article is to alleviate or prevent the congestion of the public streets and thus promote the safety and welfare of the public by establishing minimum requirements for the off-street parking, loading, and unloading of motor vehicles in accordance with the use to which property is put.

(§ 2, Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.2802. - Definitions.
For the purposes of this article, unless otherwise apparent from the context, certain words and phrases used in this article are defined as follows:

(a)"Bus" shall mean a motor vehicle, other than a truck or tractor, designed for carrying more than ten (10) persons, including the driver, and used or maintained for the transportation of passengers.
(b)"Camper" shall mean a motor vehicle upon which a camper shell has been mounted.
(c)"Camper shell" shall mean a structure designed to be mounted upon a motor vehicle and to provide facilities for human habitation or camping purposes.
(d)"Commercial vehicle" shall mean a vehicle used or maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property.
(e)"House car", also known as "motor home", shall mean a motor vehicle originally designed, or permanently altered, and equipped for human habitation, or to which a camper shell has been permanently attached.(f)"Motor vehicle" shall mean a vehicle which is self-propelled.(g)"Motorcycle" shall mean a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground and weighing less than 1,500 pounds, except that four (4) wheels may be in contact with the ground when two (2) of the wheels are a functional part of a side car.(h)"Semitrailer" shall mean a vehicle designed for carrying persons or property, used in conjunction with a motor vehicle, and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.(i)"Trailer" shall mean a vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon any other vehicle.(j)"Trailer coach" shall mean a vehicle designed for human habitation, or human occupancy for industrial, professional, or commercial purposes, for carrying property on its own structure, and for being drawn by a motor vehicle.(k)"Truck" shall mean a motor vehicle designed, used, or maintained primarily for the transportation of property.(l)"Truck tractor" shall mean a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
(§ 2, Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.2803. - Scope.

The off-street parking and loading provisions of this article shall apply as follows:

(a)For all buildings and structures erected, and all uses of land established after February 10, 1988, accessory parking and loading facilities shall be provided as set forth in this article.(b)When the intensity of use of any building, structure, or premises is increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement set forth in this article for required parking or loading facilities, parking and loading facilities as set forth in this article shall be provided for the existing use and such increase in intensity.(c)Whenever the existing use of a building or structure is changed to a use with increased parking requirements, parking or loading facilities shall be provided for such new use.
(§ 2, Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.2804. - Facilities for existing buildings.
Accessory off-street parking or loading facilities which are located on the same site as the building or use served shall not be reduced below, or, if already less than, shall not be further reduced below, the requirements of this article for a similar new building or use. The off-street parking facilities for a primary dwelling unit may be reduced or eliminated as provided in Article 4.5 of this chapter for construction of an accessory dwelling unit.

(§ 2, Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.2805. - Facilities for reconstructed or repaired buildings.
For any conforming building or use which was in existence on February 10, 1988, which building is subsequently damaged or destroyed, and for any lawfully nonconforming use which is not lost by reason of such damage, and which building is reconstructed, reestablished, or repaired as provided for in Article 30 of this chapter, off-street parking or loading facilities need not be provided; however, parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation.

(§ 2, Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.2806. - Computation of fractional spaces.
When the determination of the number of required off-street parking and loading spaces results in the requirement of a fractional space, any fraction under one-half (½) shall be disregarded, and fractions including and over one-half (½) shall require one off-street parking or off-street loading space.

(§ 2, Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.2807. - Use of parking and garage facilities.
(a)Covered parking facilities, required and/or accessory to single-family residential uses, shall have no use which interferes with the primary use of the parking and storage of motor vehicles, automobiles, campers, house cars, trailer coaches, trailers, or similar type vehicles belonging to the occupants of the residence.(b)Off-street parking and garage facilities, required and/or accessory to multiple-family residential uses, shall be used for the parking or storage of automobiles, trucks, campers, and motorcycles and shall not be used for the parking or storage of inoperable vehicles, camper shells, house cars, trailer coaches, trailers, boats, or similar type vehicles.(c)Under no circumstance shall required parking and garage facilities accessory to any residential structure be used for the parking or storage of commercial vehicles, unless such vehicles are the primary transportation of the resident.
(§ 2, Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.2808. - Parking in required yards.
(a)In any residential district, no required yard space, except as provided in this section, shall be used for

the parking and storage of the following:(1)Motor vehicles, automobiles, house cars, buses, campers, camper shells, trailer coaches, trailers, semitrailers, trucks, truck tractors, tractors, motorcycles, or boats; or(2)Inoperable vehicles.(b)Automobiles, campers, trucks, motorcycles, and one house car may be parked on any garage apron or driveway, subject to the following conditions:(1)The vehicle shall not overhang or otherwise protrude into the public right-of-way.(2)The vehicle shall not obstruct, obscure, or otherwise restrict sight distance from any intersection in a manner which adversely impacts public safety.(3)The vehicle shall be operable and be fully licensed as stipulated in the Vehicle Code of the State.(4)The vehicle shall not be used for living, sleeping, or housekeeping purposes, and utility services shall not be connected thereto.(5)The vehicle shall belong to the occupant of the property or a guest visiting the occupant.(c)One unoccupied automobile, house car, camper, camper shell, trailer coach, trailer, truck, motorcycle, or boat may be parked or stored behind the front setback line provided such automobile, house car, camper, camper shell, trailer coach, trailer, truck, motorcycle, or boat is not used for living, sleeping, or housekeeping purposes and utility services are not connected thereto; and provided, further, if such parked or stored vehicle is within the side yard, a minimum clearance of three (3′) feet shall be maintained around the vehicle at all times. All vehicles so parked shall be screened by a sight-obscuring fence six (6′) feet in height.(d)Nothing in this section shall prohibit the temporary parking of vehicles on the garage apron or driveway for loading and unloading purposes provided such temporary parking time does not exceed seventy-two (72) hours within any seven (7) day period.
(§ 2, Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.2809. - Parking vehicles and construction equipment.
(a)In any residential district it shall be unlawful to park, store, or cause to be maintained on any street, lot, plot, or parcel of land so zoned any commercial vehicle or special construction equipment, as defined in the Vehicle Code of the State, with a gross vehicle weight rating of 10,000 pounds or more.(b)No person shall park any motor vehicle, automobile, house car, bus camper shell, trailer coach, trailer, semitrailer, truck, truck tractor, tractor, motorcycle, or boat on a vacant lot or parcel, unless such use is authorized by a use permit, as set forth in Article 33 of this chapter, and such lot or parcel used for such purpose is surfaced and maintained in accordance with the requirements of such use permit. The Planning Administrator may permit the temporary use, not to exceed sixty (60) days, of any unimproved lot or parcel for the parking of vehicles in connection with a special event provided the site is posted to the specifications of the City at least seven (7) calendar days prior to Planning Administrator approval.(c)The temporary use of vacant lots or parcels for the parking of house cars or trailer coaches as construction offices, for the storage of equipment or materials, for twenty-four (24) hour security purposes, or as temporary commercial offices during the construction of permanent facilities may be permitted by the Planning Administrator provided the parking is in conjunction with construction on the same lot or building site and meets the following conditions:(1)Building plans for new construction shall be submitted and a building permit issued before the placement or occupancy of the motor home or trailer coach.(2)The occupancy shall not exceed twelve (12) months after the issuance of a building permit, unless otherwise extended by the Commission.(3)The temporary use of house cars or trailer coaches during the construction of individual single-family dwellings may only be permitted as described in this subsection if the project is constructed by an owner/builder.(d)The Planning Administrator may permit the temporary use, not to exceed six (6) months, of any unimproved lot or parcel for the parking of construction vehicles and equipment in connection with off-site construction activity provided the site is posted to the specifications of the City at least seven (7) calendar days prior to Planning Administrator approval.(e)No person shall park, stand, or store any motor vehicle, automobile, house car, bus, camper, camper shell, trailer coach, trailer, semitrailer, truck, truck tractor, tractor, motorcycle, or boat upon private property in any commercial district, unless such vehicle is parked, stored, or standing in conjunction with a business located on the property and with the permission of the property owner.(f)No lot or parcel, or portion thereof, in a commercial district designated and surfaced for off-street parking shall be used for the parking or storage of motor vehicles, automobiles, house cars, buses, campers, camper shells, trailer coaches, trailers, semitrailers, trucks, truck tractors, tractors, motorcycles, or boats,

unless such vehicles are parked or stored in conjunction with a business located on the property and with the permission of the property owner.(g)No person shall park a motor vehicle, automobile, house car, bus, camper, camper shell, trailer coach, trailer, semitrailer, truck, truck tractor, tractor, motorcycle, or boat upon private property in any commercial district for the principal purpose of displaying such vehicle for sale, unless the business located on the property is authorized for vehicle sales.
(§ 2, Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.2810. - Parking in conjunction with vehicle repairs.
(a)Parking on vacant lots or parcels in conjunction with vehicle repairs. No person shall repair or modify any vehicle or install any part or accessory on any vehicle while such vehicle is on any vacant lot or parcel, unless such use is authorized by a use permit, as set forth in Article 33 of this chapter.(b)Parking on public rights-of-way in conjunction with vehicle repairs. No person shall repair or modify any vehicle or install any part or accessory on any vehicle while such vehicle is on any public highway, street, or alley, unless the mechanical condition of such vehicle is such that it cannot be moved from the public highway, street, or alley without such emergency repairs. All such emergency repairs shall be completed within twenty-four (24) hours after the breakdown or parking of such vehicle, whichever first shall occur.(c)Parking on driveways in conjunction with vehicle repairs. No person shall repair or modify any vehicle or install any part or accessory on any vehicle while such vehicle is on a residential garage apron or driveway, unless such vehicle is owned by the occupant of the residence to which such garage apron or driveway is associated.
(§ 2, Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.2811. - Joint parking facilities.
Off-street parking facilities for different buildings, structures, or uses may be provided collectively provided the total number of spaces so located together shall not be less than the sum of the separate requirement for each use and provided, further, that the right for the continued use of such parking facilities is established to the satisfaction of the City Attorney.

(§ 2, Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.2812. - Location of parking facilities.
The location of off-street parking and garage spaces in relation to the use served shall be as set forth in this section. All distances set forth in this section shall be the walking distance between such parking spaces and a main entrance to the use served.

(a)Residential districts. Parking and garage spaces accessory to dwellings shall be located on the same zoning plot as the use served in residential districts. Spaces accessory to uses other than dwellings (such as churches) may be located on a plot adjacent to, or directly across the street or alley from, the plot occupied by the use served but in no event at a distance in excess of 100 feet from such use.(b)Commercial and manufacturing districts. All required spaces shall be located on the same zoning plot as the use served in commercial and manufacturing districts. Upon securing a use permit, required parking spaces may be provided up to 400 feet from the use; provided, however, no parking space accessory to a commercial district use shall be located in a residential district, unless approved by the Commission.
(§ 2, Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.2813. - Access to parking facilities.
(a)All required off-street parking spaces shall be non-tandem except as provided for accessory dwelling units in Article 4.5 of this chapter. All off-street parking spaces for residential uses shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking spaces. All off-street parking facilities shall be designed in a manner which will

least interfere with traffic movements.
(b)For multiple-family projects, street access to all parking spaces shall be limited to fifty (50%) percent of the total lot frontage, but in no event shall such access be greater than fifty (50′) feet.
(c)Residential driveways and access roadways shall provide a permanent, unobstructed passageway constructed to the following standards:(1)When any portion of an exterior wall of the first story of a structure is located more than 150 feet from Fire Department vehicle access, the driveway shall be considered the Fire Department access roadway and shall conform to the applicable provisions of the California~~Uniform~~ Fire Code.(2)A driveway serving one dwelling unit shall be a minimum of ten (10′) feet in width. For purposes of this subsection, a site containing an accessory dwelling unit shall be subject to the standards for a driveway serving one dwelling unit.(3)Driveways serving two (2) or more units shall be a minimum of ten (10′) feet in width for one-way traffic and twenty (20′) feet in width for two-way traffic.(4)Except as otherwise provided in this section, the maximum width for residential driveways shall be twelve (12′) feet for single driveways and twenty (20′) feet for double driveways.(d)With the agreement of participating owners, a common driveway may be utilized to provide access to parking facilities on adjacent properties. Such common driveways shall be a minimum width of twenty (20′) feet. Easements for the common use of such driveways shall be recorded in the office of the County Recorder.(e)No residential driveway shall be located closer than five (5′) feet from the curb return on corner lots.(f)Residential driveways for lots with forty (40′) feet of lot frontage or more shall be designed to provide at least one on-street parking space. For lots with less than forty (40′) feet of lot frontage, driveways shall be designed to provide at least one on-street parking space whenever feasible. Off-street parking in the form of parking bays may be substituted in lieu of such on-street requirements.(g)Single-family residential driveways on lots with more than fifty (50′) foot frontages may exceed the maximum driveway width requirement if the purpose of the driveway is to create more off-street parking or conform to the requirement of "swing" type parking, as permitted by applicable provisions of this Code. In no event shall the driveway access exceed more than fifty (50%) percent of the total lot frontage or forty (40′) feet, whichever is less. Driveways shall be designed to provide at least one on-street parking space for each lot.(h)The maximum width of any commercial driveway shall be thirty-five (35′) feet at the face of the curb. Where more than one driveway is to serve a given property frontage, the total width of all driveways shall not exceed seventy (70%) percent of the frontage where such frontage is 100 feet or less. Where the frontage is more than 100 feet, the total driveway width shall not exceed sixty (60%) percent of the frontage width. No commercial driveway shall be located closer than ten (10′) feet from the curb return on corner lots.
(§ 2, Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.2814. - Surfacing of parking areas.
All open off-street parking areas shall be surfaced with plant mix asphalt, concrete, or other surfacing so as to provide a durable, dust-free, all-weather surface which shall meet the requirements of all applicable laws and the approval of the City Engineer.

(§ 2, Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.2815. - Screening of parking areas.
All open automobile parking areas for more than ten (10) parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residential district by a wall, fence, or densely-planted, compact hedge not less than three (3′) feet nor more than six (6′) feet in height which shall be maintained in good condition.

(§ 2, Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.2816. - Lighting of parking areas.
Any lighting used to illuminate off-street parking areas shall be directed away from residential properties

in such a way as not to create a nuisance.

(§ 2, Ord. 497-C.S., eff. February 10, 1988)

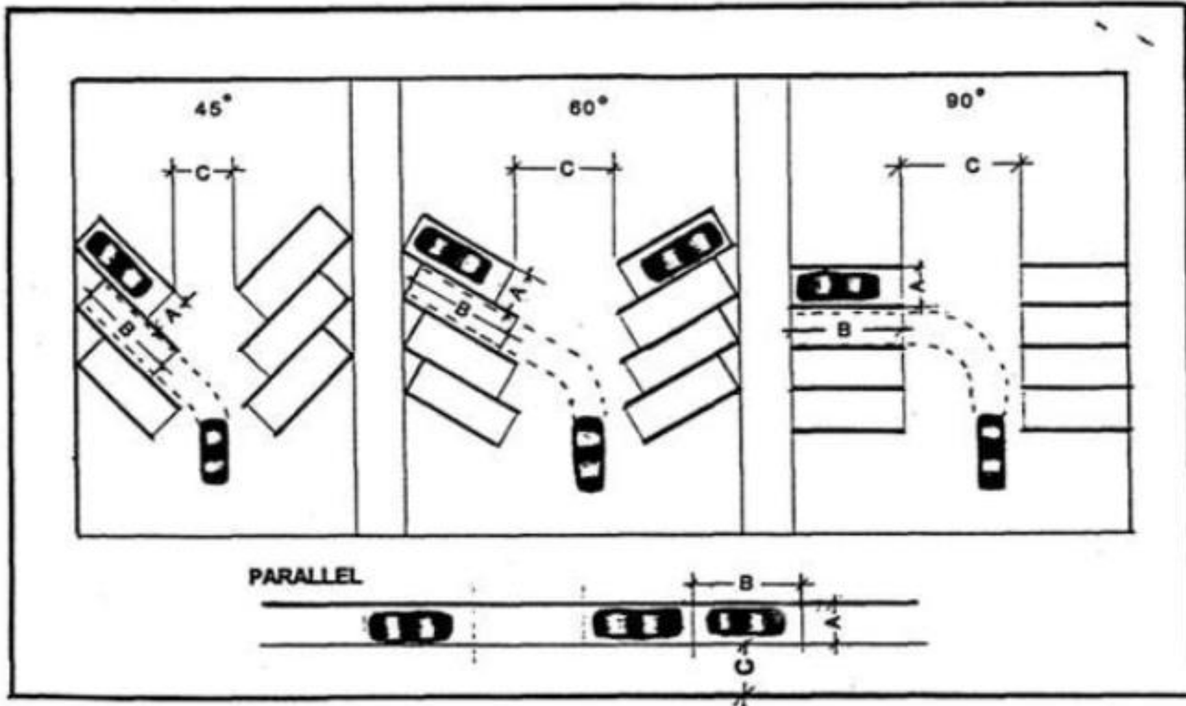
Sec. 9-4.2817. - Design standards for parking areas.
(a)All required covered off-street parking spaces shall have a minimum usable area of not less than 171 square feet, exclusive of access drives or aisles, and shall be of usable shape, location, and condition. The minimum dimensions of covered parking spaces shall be nine (9′) feet in width by nineteen (19′) feet in length. The vertical clearance shall be not less than seven (7′) feet over the entire area.(b)In any parking area with fifty (50) or less required off-street parking spaces, twenty (20%) percent of the total required spaces may be compact spaces. In any parking area with over fifty (50) required off-street parking spaces, thirty (30%) percent of the total required spaces may be compact spaces. All required covered spaces shall be full size.(c)The standards for the design of uncovered off-street parking areas shall be as follows:

"A" Stall Width*					
		Parallel	45 Angle	60 Angle	90 Angle
	Compact	7.5'	7.5'	7.5'	7.5'
	Full	8'	9'	9'	9'
	Handicapped	14'**	14'**	14'**	14'**
"B" Stall Width*					
	Compact	20'	16'	16'	16'
	Full	24'***	19'	19'	19'
	Handicapped	24'***	19'	19'	19'
"C" Aisle Width*					
	All One Way	15'	15'	18'	25'
	All Two Way	25'	25'	25'	25'

* Letters correspond to illustration below

** Individual spaces shall be 14 ft. wide and lined to provide a 9 ft. parking space and a 5 ft. wide and lined to provide a 9 ft. parking space and a 5 ft. loading area. Two spaces shall be 23 ft. wide to provide two 9 ft. wide spaces and one shared 5 ft. loading space.

*** The length of the end stall in a row of parallel spaces may be reduced to twenty (20) feet.



(d)Wheel stops or other barriers acceptable to the City Engineer shall be provided for all uncovered off-street parking spaces and may be included within the required minimum parking dimensions of such spaces. Wheel stops or other such barriers shall be located to allow a minimum overhang of three (3′) feet.
(e)Automobiles may overhang plantings in areas where the median between parking stalls is a minimum of six (6′) feet in width and a six (6″) inch curb is provided. The parking space length may be reduced two (2′) feet, and no wheel stop need be provided in such cases. Plantings shall be designed to not be damaged by the overhang of parked automobiles.
(f)Where posts, columns, or other architectural appenditures, other than wheel stops, are located within parking areas, such posts, columns, or other appenditures shall not be permitted to be calculated within the required minimum parking dimensions of spaces, or driveways serving such spaces, as required by the standards set forth in subsection (c) of this section. Further, such posts, columns, or other appenditures shall not be so located as to obstruct the facilitation of vehicular movement and the parking or the opening of vehicular doors.
(§ 2, Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.2818. - Number of parking spaces required.
The number of off-street parking spaces required for the uses set forth in this section shall be as follows:

Use	Requirements
(a) *Residential.*	
(1) Single-family and two-family	Two (2) garage spaces per unit. In addition, where adequate driveway length to accommodate a parked car does not exist or on-street parking is unavailable, a minimum of one guest parking space per unit shall be provided.
(2) Multi-family, including studio, townhouses and condominiums	One space for each studio, one and one-half (1 ½) spaces for each one-bedroom unit, and two (2) spaces for each unit of two (2) or more bedrooms. In addition, one space to accommodate guest parking shall be provided for each four (4) units. When the

	determination of the number of guest parking spaces results in the requirement of a fractional space, the fraction shall be disregarded. At least one of the required off-street parking spaces per unit shall be in a garage or carport.
(3) Residential projects within the Hillside Preservation District	Spaces shall be provided as required by Section 9-4.2258 of Article 22.5 of this chapter.
(4) Mobile home parks	Two (2) spaces for each site (parking may be tandem). For associated guest parking and recreation facilities, one space for each five (5) sites.
(5) Dwelling units especially designed for, and to be occupied by, persons sixty-two (62) years of age or more	One space for every two (2) units. In addition, one space to accommodate guest parking shall be provided for each five (5) units.
(6) Lodging houses and boardinghouses	One garage space for each two (2) lodging rooms, plus garage space for the owner or manager.
(7) Private clubs and lodges with sleeping facilities	One parking space for each two (2) lodging rooms, plus parking spaces equal in number to twenty (20) percent of the capacity, in persons, for the remainder of the building.
(8) Residential projects with affordable units	Projects which provide affordable units in accordance with the density bonus program as set forth in Article 41 of this chapter, which projects have ten (10) or more required spaces, may provide up to one-third (1/3) of the total required parking spaces for compact cars.
(9) Accessory dwelling units	Spaces shall be provided as required by Article 4.5 of this chapter.
(b) *Retail and service commercial.*	
(1) Hotels, motels, and inns	One parking space for each unit or lodging room, plus one additional parking space for the office or manager quarters.
(2) Retail stores and service establishments	One parking space for each 300 square feet of gross leasable space. Additional parking may be required in instances involving shopping centers, high intensity uses, and/or where the approval of site development plans is required.
(3) Automobile service stations and automobile repair	Three (3) parking spaces for each service bay.
(4) Automobile self-service station	One parking space for each employee on a maximum shift and one parking space for each rest room, with such spaces located as close as possible to the rest rooms.
(5) Automobile laundries	(i) Self-service, one parking space per washing bay
	(ii) Automatic, one-lane car wash, twelve (12) car stacking spaces, plus one space for each employee on a maximum shift, and two (2) lane car wash, twenty (20) car stacking spaces, plus one space for each employee on a maximum shift.
(6) Public establishments, bars, restaurants, taverns, and nightclubs	One parking space for each fifty (50) gross square feet of customer area, plus one parking space for each 200 gross square feet of all other floor areas.
(7) Drive-thru, drive-in, take-	One parking space for each fifty (50) square feet of gross floor

out, and fast food restaurants	area.
(8) Motor vehicle, boat, trailer, and machinery sales and service and equipment rental	One parking space for each 500 square feet of display floor area, one parking space for each 1,500 square feet of outside display area, one parking space for each 800 square feet of storage area, and one parking space for each 250 square feet of garage area.
(9) Theaters (indoor)	One parking space for each three (3) seats.
(10) Funeral homes and mortuaries	One parking space for each four (4) seats in each chapel or parlor room, plus one parking space for each employee, plus one parking space for each funeral vehicle kept on the premises.
(11) Commercial nurseries	One parking space for each 250 square feet of gross building area, plus one parking space for each 1,000 square feet of outside display or greenhouse area.
(12) Cannabis Retail Operations	One parking space for each 300 square feet of gross leasable space, plus additional spaces as necessary based on the unique needs of the Operation as determined by the Commission.
(c) *Business and professional users.*	
(1) Medical, dental, and veterinary offices and clinics	One parking space for each 200 square feet of gross floor area.
(2) Banks, financial insurance companies, and social services	One parking space for each 300 square feet of gross leasable space.
(3) General business and professional offices	One parking space for each 300 square feet of gross leasable space.
(4) Cannabis Manufacturing and Testing Operations	Two and seven-tenths (2.7) parking spaces for each 1,000 square feet of gross leasable space, plus additional spaces as necessary based on the unique needs of the Operation as determined by the Commission.
(d) *Industrial users*	
(1) Kennels, stables, and animal boarding	One parking space for each employee on a maximum shift, plus additional spaces as determined by the Commission.
(2) Salvage yards, junk yards, auto wrecking yards, storage facilities, and similar uses	One parking space per employee on a maximum shift and one parking space per 5,000 square feet of lot.
(3) Warehouses, wholesale businesses, and lumber yards	One parking space for each 2,000 square feet of lot area and one parking space for each employee on a maximum shift, plus loading spaces as required by Section 9-4.2819 of this article.
(4) Industrial and manufacturing plants, research or testing laboratories, bottling plants, food processing, printing shops, and recycling centers	One parking space for each 500 square feet of open or enclosed area devoted to the use, plus one parking space for each vehicle used in conjunction with the business, plus loading spaces as required by Section 9-4.2819 of this article.
(e) *Recreational uses.*	
(1) Auditoriums, clubs and lodges with no sleeping facilities,	One parking space for each five (5) seats and one parking space for each one hundred (100) square feet of assembly area without

conference and meeting facilities, and other places of public assembly	fixed seats. Eighteen (18) linear inches of bench shall be considered a fixed seat.
(2) Bowling alleys	Four (4) spaces for each alley, plus such spaces as may be required for affiliated uses, such as bars and restaurants.
(3) Game and athletic courts	Two (2) parking spaces for each court, plus one parking space for each employee on a maximum shift.
(4) Gymnasiums and skating rinks	One parking space for each five (5) seats, plus one parking space for each two hundred (200) square feet of recreational floor area.
(5) Health/fitness club	One parking space for each two hundred (200) square feet of gross floor area (indoor swimming pools shall count as floor area).
(6) Golf driving ranges and miniature or pitch and putt golf courses	One parking space for each driving tee or two (2) spaces for each hole.
(7) Swimming pools	One parking space for each two hundred (200) square feet of gross water surface area.
(8) Skateboard parks	One parking space for each three (3) users, based on maximum capacity.
(9) Beach access	See Section 9-4.2820 of this article.
(f) *Community services.*	
(1) Churches, chapels, and	religious meeting hallsOne parking space for each five (5) seats in areas with fixed seating and one parking space for each 100 square feet of assembly area without fixed seating. Eighteen (18) linear inches of bench shall be considered a fixed seat.
(2) Church classrooms and offices	One parking space for each classroom and office.
(3) Nursery and grade schools elementary and junior high schools	One parking space for each employee.
(4) High schools, colleges, and business, professional, and trade schools	One parking space for each employee, plus three (3) parking spaces for each twenty (20) students, based on the maximum capacity of the facility at any one time during any twenty-four (24) hour period.
(5) Hospitals	One and one-fourth (11/4) parking spaces for each permanent bed.
(6) Nursing and convalescent hospitals, sanitariums, asylums, and children's homes	One parking space for each three (3) beds.
(7) Libraries, art galleries, and museums	One parking space for each 250 square feet of gross floor area.
(8) Public utility and public service uses and governmental centers	One parking space for each employee on a maximum shift, plus parking spaces equal in number to ten (10%) percent of the capacity in persons of any conference and meeting room.
(g) *Mixed uses.*	
(1) Where two (2) or more uses under the same or different owners	The sum of the separate requirements for each use shall be provided as set forth in this section. In the event of multiple uses,

and/or managers are located in the same structure and/or in a common development	the Commission may require areas of less intensive use to provide a higher parking requirement if it is determined that the health, safety, and general welfare of the area requires the higher standard. No parking space, or portion thereof, shall serve as a required space for more than one use unless otherwise authorized by the Commission.
(2) In cases where shared uses complement each other	Parking requirements may be reduced as determined by the Commission.
(h) *Other uses.*	For uses not set forth in this section, parking spaces shall be provided as required by the Commission or Planning Administrator, as determined by conditions of the permit approval. The requirements set forth in this section shall be used as guidelines to determine the parking needs for unlisted uses.
(i) **[NOT CERTIFIED Ord. 823 2017].**	

(§ 2, Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.2819. - Required loading spaces.
(a)Off-street loading spaces. The off-street loading spaces required by the provisions of this section shall only be required where there is a public alley or driveway easement or where access can be provided from an adjacent off-street parking area. Where only street access is available, loading spaces shall not be required.
(b)Number of non mall-type loading spaces required. There shall be provided and maintained in all districts on the same zoning plot with every building, or portion thereof, having a gross floor area of 5,000 square feet or more, which building is to be occupied for the manufacturing, display, storage, or warehousing of goods, for retail sales, or as a hotel, hospital, mortuary, laundry, dry cleaning establishment, or for other uses similarly requiring the receipt or distribution by vehicles of materials or merchandise, at least one off-street loading space, plus one additional off-street space for each 20,000 square feet of floor area in the building.
(c)Number of mall-type loading spaces required. Off-street loading spaces for mall-type commercial or industrial developments shall be provided as required by the Commission; provided, however, in no event shall the requirement be less than one loading space for every building having a gross floor area of 5,000 square feet or more. One additional off-street loading space for each 20,000 square feet of gross floor area in the building may be required.
(d)Number of unspecified loading spaces required. Loading spaces adequate in number and size shall be provided as required by the Commission for uses not otherwise provided for in this article.
(e)Location and screening of loading facilities. All loading spaces shall be provided on the same zoning plot as the use served. Loading shall take place on the side or in the rear of the building. No loading or unloading shall be permitted in front of the premises. In districts abutting residential districts, all loading and unloading facilities shall be screened by a six (6′) foot high sight-obscuring fence or hedge.
(f)Size of loading spaces. Unless otherwise specified, loading spaces shall measure ten (10′) feet in width and twenty-five (25′) feet in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of fourteen (14′) feet.
(g)Surfacing of loading spaces. All open off-street loading spaces shall be surfaced with plant mix asphalt, concrete, or other surfacing so as to provide a durable, dust-free, all-weather surface which shall

meet the requirements of all applicable laws and the approval of the City Engineer.
(h)Use of loading spaces for parking. Spaces allocated to any off-street loading and unloading space, while so allocated, shall not be used to satisfy the space requirements for any off-street parking facility or portion thereof.
(i)Use of parking spaces for loading. Required loading spaces shall be used for loading purposes. Driveways and required parking spaces shall not be used for loading purposes.
(§ 2, Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.2820. - Beach access parking.
The location, design, and orientation of beach access parking facilities and the number of parking spaces provided therein shall be consistent with applicable sections of the City's Local Coastal Program Land Use Plan and Local Coastal Implementation Plan or, where specific guidelines are not provided, as determined by the Commission.

(§ 2, Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.2821. - Parking for disabled persons.
Parking spaces specifically designed, located, and reserved for vehicles licensed by the State for use by disabled persons shall be provided in all parking facilities (excluding residential uses) according to the following schedule:

Total Spaces Required	Minimum Handicapped Spaces	Beach Access Designed for Disabled
1 - 5	0	1
6 - 14	1	2
15 - 40	2	3
41 or greater	One additional space for each 40 required spaces or fraction thereof	One additional space for each 40 required spacesor fraction thereof

(§ 2, Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.2822. - Bicycle parking.
(a)Bicycle parking spaces shall be provided equal to ten (10%) percent of the required parking in all developments (excluding residential uses), with a minimum of two (2) spaces required.(b)Bicycle parking facilities shall be conveniently located and adjacent to on-site bicycle circulation and pedestrian routes and shall be of the following three (3) types as determined by the Commission or Planning Administrator, as appropriate:(1)A rack which secures the frame and both wheels; or(2)An enclosed bicycle locker; or(3)A fenced, covered, locked, or guarded bicycle storage area.(c)The spacing of bicycle units shall be figured on a width of three (3′) feet, height of three and one-half (3½′) feet, and length of six (6′) feet.
(§ 2, Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.2823. - Motorcycle parking.
(a)Where motorcycle parking spaces are provided for commercial or industrial uses, parking spaces otherwise required pursuant to this article may be omitted in accordance with the following provisions and subject to the following limitations:(1)One parking space may be omitted for each two (2) motorcycle

parking spaces provided.(2)In no instance shall credit for motorcycle parking exceed five (5%) percent of the total required parking spaces.(b)Motorcycle parking spaces shall be clearly marked for motorcycle parking only and shall be a minimum of three and one-half (3½′) feet in width and seven (7′) feet in length.
(§ 2, Ord. 497-C.S., eff. February 10, 1988)

Sec. 9-4.2824. - Exceptions.
(a)Applications: Issuance. In the event of practical difficulties and unusual hardship, the Commission may grant exceptions to the provisions of this article. Applications for exceptions shall be filed with the Planning Administrator on a form provided by the City. No public hearing need be held thereon, and the findings of the Commission need include only that the establishment, maintenance, and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in this article as are reasonably possible.(b)Parking assessment districts. The off-street parking requirements set forth in this article may be reduced or eliminated by the Commission or Planning Administrator, as appropriate, for any building or use located in a parking district established by the Council in connection with which land has been acquired for public parking purposes if the Commission finds that the parking needs for the particular structure or use are substantially met by the parking spaces provided in the district.
(§ 2, Ord. 497-C.S., eff. February 10, 1988)

Article 29. - Signs*
* Sections 9-4.2901 through 9-4.2911, codified from Ordinance No. 363, as amended by Ordinance Nos. 396 and 271-C.S., effective February 27, 1980, repealed by Ordinance No. 483-C.S., effective June 10, 1987.

Sec. 9-4.2901. - Purpose.
The City recognizes that signs have an impact on the City's character and, when regulated and controlled, can facilitate clarity, orderliness, an increase in commerce and tax revenues, and aesthetic appeal resulting in a positive impression upon residents and visitors alike.

The purpose of this article is to permit such signs that will not, by their reason, size, location, construction, or manner of display, endanger the public safety, confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger the public health, safety, and welfare; and to permit and regulate signs in such a way as to support and complement the land use objectives set forth in the General Plan and the other sections of this chapter to assist in the continuation of existing, and the introduction of new, commercial activities in architectural harmony with the existing and planned City, to provide that signs be tailored to individual businesses, and to encourage excellence in design which will provide signing compatible with the atmosphere of the City which attracts both residents and visitors.

(§ 1, Ord. 483-C.S., eff. June 10, 1987)

Sec. 9-4.2902. - Definitions.
For the purposes of this article, unless otherwise apparent from the context, certain words and phrases used in this article are defined as follows:

(a)Abandoned sign. A sign which no longer directs, advertises, or identifies a legal business establishment, product, or activity on or off the premises where such sign is displayed.(b)Animated sign. Any sign which is designed to give a message through a sequence of progressive changes of parts or lights or degree of lighting.(c)Awning. A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework.(d)Banner sign. A temporary

sign composed of lightweight material, either enclosed or not enclosed in a rigid frame.(e)Billboard. See off-site sign.(f)Building face. All window and wall areas of a building in one plane elevation.(g)Bulletin board. A board, either freestanding or attached to a wall, on which temporary bulletins or notices are posted.(h)Canopy. A permanent, roof-like shelter extending from part or all of a building face and constructed of some durable material which may or may not project over a public right-of-way.(i)Changeable copy sign. A sign on which copy is changed manually or electrically.(j)Commercial. Anything made, done, or operated primarily for profit.(k)Construction sign. A temporary on-site sign identifying the persons, firms, or businesses directly connected with a construction project.(l)Development project sign. A temporary sign identifying a proposed development project or one under construction.(m)Directional sign. An on-premises incidental sign designed to guide or direct pedestrian or vehicular traffic for safety purposes. Examples include "Exit" and "Enter" signs, "No Parking" signs, and the like.(n)Exempt sign. A sign exempted from normal permit requirements.(o)Externally illuminated sign. A sign whose illumination is derived entirely from an external artificial source.(p)Flashing sign. An illuminated sign which exhibits changing light or color effect by blinking or any other such means so as to provide a non-constant illumination.(q)Freestanding sign. A sign erected to a freestanding frame or support mast or pole and not attached to any building.(r)Freeway. A highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands, or in respect to which such owners have only limited or restricted right or easement of access, and which is declared to be such in compliance with the Streets and Highways Code of the State.(s)Freeway, landscaped. A section of freeway, which section is now, or in the future may be, improved by the planting, at least on one side of the freeway right-of-way, of lawns, trees, shrubs, flowers, or other ornamental vegetation which shall require reasonable maintenance. Plantings for the purpose of soil erosion control, traffic safety requirements, the reduction of fire hazards, or traffic noise abatement shall not change the character of a freeway to a landscaped freeway.(t)Frontage, business. The horizontal length of a business facing a public way or containing a public entrance.(u)Frontage, street. The horizontal length of a lot or parcel of land along or fronting on a street or streets.(v)Ground sign. See freestanding sign.(w)Height of sign. Measured from the ground to the top of the sign or supporting structure (if freestanding), whichever is higher.(x)Historical marker. A sign erected by a recognized historical society or authorized body.(y)Incidental sign. A small sign pertaining to goods, products, services, or facilities which are available on the premises where the sign occurs and intended primarily for the convenience of the public. Examples include credit card signs, "open" signs, and the like.(z)Interior sign. A sign which is located on the interior of a building or structure and is not visible from any public property or any right-of-way open to the public.(aa)Internally illuminated sign. A sign which is provided with illumination from behind a transparent or translucent surface.(ab)Logo. A symbol, picture, or other graphic representation used by a commercial enterprise to consistently identify itself.(ac)Marquee sign. A sign attached to or supported by a canopy.(ad)Monument sign. A freestanding sign with a solid base.(ae)Moving sign. Any sign or device which has any visible moving part, visible revolving part, visible mechanical movement of any description, or other apparent visible movement achieved by electrical, electronic, or kinetic means, including intermittent pulsations.(af)Mural. A picture or decoration which is painted on, or otherwise applied directly to, an external wall for commercial purposes.(ag)Multi-unit development, commercial. A building or group of buildings comprised of two (2) or more businesses which development is planned, developed, owned, and/or managed as a unit which houses retail stores and/or related services and facilities or industrial uses.(ah)Multi-unit development, residential. A building or group of building comprised of two (2) or more dwelling units which development is planned, developed, owned, and/or managed as a unit.(ai)Nameplate. A sign which designates the name and/or address of a person, or persons, occupying a commercial premises.(aj)Nonconforming sign. A sign lawfully erected and legally existing on June 10, 1987, but which does not conform to the provisions of this article.(ak)Off-site sign. Also known as off-premises, billboard, and poster panels, a sign which advertises goods, products, services, or facilities not sold or located on the premises on which the sign is located.(al)Parapet or parapet wall. That portion of a building wall which rises above the roof.(am)Planning Administrator. The person charged with the administration

and enforcement of appropriate provisions of this article. As used in this article, "Planning Administrator" shall mean the Planning Administrator or the Planning Administrator's designee.(an)Political sign. A sign which is designed to influence the action of voters to vote for or against any candidate, group of candidates, or measure in any national, State, County, district, or municipal election.(ao)Portable sign. A sign not permanently affixed to the ground or a structure on the premises it is intended to occupy.(ap)Projecting sign. A sign which is attached to, and projects from, the structure or building face and is not parallel to the structure to which it is attached.(aq)Public notice. A notice posted by a public officer in the performance of a duty or by any person for the purpose of giving legal notice, and a warning or informational sign required or authorized by government regulations.(ar)Public service information sign. A sign intended primarily to promote items of general interest to the community.(as)Real estate sign. A temporary sign pertaining to the sale, exchange, lease, or rental of land or buildings.(at)Roof line. The top edge of the roof or top of the parapet, whichever forms the top line of the building silhouette.(au)Roof sign. Any sign erected upon, against, or directly above a roof or top of or above the parapet of a building.(av)Sign. Any object, structure, symbol, display, banner, streamer, or other thing, with or without lettering, which is intended to, or does, identify or attract attention to any privately or publicly owned property or premises or is intended to inform the public of sales, rentals, leases, or other activities.(aw)Sign area. The space enclosed by the border or outer dimensions of the sign.(ax)Sniping. Affixing of advertising to a building, structure, or other surface without the consent of the owner or other responsible person authorized with control of the premises, excluding any posting by an authorized public officer or employee, or the giving of a notice required or authorized by law.(ay)Special events sign. A temporary sign advertising or pertaining to any special event of general public interest taking place.(az)Suspended sign. A sign which is suspended under an awning, canopy, porch, walkway covering, or similar covering structure.(ba)Temporary sign. A sign attached, applied, or suspended parallel to the interior of a window for a limited time, with the primary intention of being viewed from outside such window. Merchandise offered for sale shall not be considered a temporary sign.(bb)Vehicle display sign. Any sign affixed to a vehicle or trailer on a public right-of-way or public property unless the vehicle or trailer is intended to be used in its normal business capacity and not for the sole purpose of attracting people to a place of business.(bc)Wall sign. A sign which is attached to or erected against the wall of a structure and is affixed in such a way that the exposed face of the sign is parallel to the wall to which it is attached.(bd)Window sign. A permanent sign attached, applied, or suspended parallel to a window with the primary intention of being viewed from outside such window. Merchandise offered for sale shall not be considered a window sign.
(§ 1, Ord. 483-C.S., eff. June 10, 1987)

Sec. 9-4.2903. - Prohibited signs.
Unless otherwise provided by this article, the following signs shall be expressly prohibited:

(a)No person, except a duly authorized public officer or employee, shall erect, construct, maintain, paste, paint, print, nail, tack, or otherwise fasten any card, banner, handbill, poster, sign advertisement, or notice of any kind, or cause or suffer the same to be done, on any curbstone, lamp post, pole, bench, hydrant, bridge, wall, tree, sidewalk, or structure in, upon, or across any public street, alley, place, or property, except as may be required or permitted by ordinance or law;(b)Signs, advertising structures, or merchandise displays placed upon or attached to the ground on any portion of the public street, sidewalk, right-of-way, except as permitted by Chapter 2 of Title 7 of this Code;(c)Snipe signs or sniping;(d)Animated, moving, or flashing signs;(e)Vehicle display signs;(f)Banners, pennants, searchlights, twirling signs, balloons, or other inflatable figures displayed for commercial purposes. Such signs may be permitted at the opening of a new business or for special events with prior approval of the Planning Administrator only for a total period not exceeding thirty (30) days. Banners across Highway 1 may be permitted as set forth in Administrative Policy No. 40;(g)Signs emitting audible sounds, odors, or visible matter;(h)Sandwich boards, A-frames, or portable or wheeled signs, unless used for real estate purposes;(i)Any sign which utilizes visible guy wires, angle irons, and iron frame structures, unless

construction is otherwise impossible;(j)Roof signs;(k)Off-site signs, excluding real estate A-frames; and(l)Signs which have a design or lighting such that they might be mistaken for a traffic light or signal or are located so as to obstruct the view of, or conflict with, vehicular or pedestrian travel or with any traffic sign, signal, or traffic control device.
(§ 1, Ord. 483-C.S. eff. June 10, 1987)

Sec. 9-4.2904. - Exempted signs.
Except as otherwise indicated, the following signs shall be exempt from the permit requirements of this article:

(a)Automotive service station gasoline price signs shall require the approval of the Planning Administrator. The number and size of signs shall not exceed the minimum standards as set forth by the Department of Weights and Measures of the State;(b)Barber poles shall require the approval of the Planning Administrator;(c)Bulletin boards shall not exceed sixteen (16) square feet and shall require the approval of the Planning Administrator;(d)Construction signs shall be removed when the final occupancy permit is granted. The size shall not exceed thirty-two (32) square feet and shall be limited to one per site;(e)Development project signs shall require the approval of the Planning Administrator and shall be located on the subject property. The size shall not exceed thirty-two (32) square feet;(f)On-site directional signs shall require the approval of the Planning Administrator and shall be limited to four (4) square feet. Free-standing on-site directional signs shall be limited to four (4′) feet high. On-site directional signs attached to a wall shall be located no higher than (8′) feet above the ground level;(g)Incidental signs. The area of all such signs shall not exceed five (5) square feet per entrance;(h)Interior signs;(i)Historical markers shall require the approval of the Planning Administrator;(j)Holiday decorations commonly associated with any national, local, or religious holiday provided such decorations be displayed for a period of no more than forty-five (45) consecutive days or no more than ninety (90) days in one year;(k)Nameplates shall not exceed one square foot;(l)National or State flags shall not be illuminated, and flagpoles shall not exceed thirty-five (35′) feet, limited to two (2) flagpoles per site;(m)Political signs, see subsection (k) of Section 9-4.2906 of this article;(n)Public notices;(o)Public service information signs shall require the approval of the Planning Administrator;(p)Real estate signs shall be limited to one sign per property or business and shall not exceed six (6) square feet. Real estate signs shall be placed on the offered property and shall be removed within thirty (30) days after the sale, rental, or lease of the subject property. A-frames used for real estate purposes shall be allowed in addition to the limitations set forth in this subsection. Such signs shall be allowed off the site provided they are removed by sundown each day and are limited to the minimum number necessary for directional purposes. A-frames shall not be used to identify or advertise real estate offices or businesses;(q)Temporary signs, see subsection (f) of Section 9-4.2906 of this article;(r)Special events signs, see subsection (f) of Section 9-4.2903 of this article; and(s)Signs erected by a public agency, including, but not limited to, street signs, traffic signs, directional signs, and warning signs.
(§ 1, Ord. 483-C.S., eff. June 10, 1987)

Sec. 9-4.2905. - Sign permits required.
(a)Unless otherwise provided in this article, no sign shall be erected, relocated, constructed, or altered within the City until a sign permit for the sign has been issued by the Planning Administrator.(b)Except as otherwise provided in this article, no permit shall be required for the erection of the signs listed in Section 9-4.2904 of this article.(c)An application for a sign permit shall be filed for approval with the Planning Administrator. The application shall be on a form provided by the City and shall require the applicant to submit a plan showing the location, size, shape, color, materials, copy, and type of illumination for each proposed sign and any other information as deemed necessary by the Planning Administrator. Each application shall be accompanied by a nonrefundable fee, the amount of which shall be as determined by the Council.(d)A sign permit shall not be issued by the Planning Administrator unless the proposed sign complies with the provisions of this article and, where required by this article, authorization for such

issuance has been granted by the Commission.(e)Notwithstanding any other provision of this article, any sign which, in the opinion of the Planning Administrator, is proposed in a sensitive location or features a potentially controversial design may be referred to the Commission at the discretion of the Planning Administrator.(f)Upon the approval of a sign permit, the Planning Administrator may impose any condition deemed necessary to ensure that each proposed sign complies with the specific criteria and intent of this article.
(§ 1, Ord. 483-C.S., eff. June 10, 1987)

Sec. 9-4.2906. - Standards and requirements.
(a)General.(1)All signs shall be subject to the applicable provisions of the Uniform Building Code as adopted and amended by the City.(2)Except as otherwise provided in this section, signs listed in Section 9-4.2904 of this article shall be exempt from the limitations for total sign area.(3)Except as otherwise provided in this section, the total permitted sign area for any building shall not exceed seventy-five hundredths (.75 or ¾) square foot of signage per one foot of lineal street frontage, except that an additional five-tenths (.5 or ½) square foot of permanent window sign area per one foot of lineal street frontage shall be permitted.(4)For a building with more than one street frontage, additional sign area may be permitted according to the formula set forth in subsection (3) of this subsection. Permitted sign area may not be transferred between frontages and shall be used only on the frontage which generates the permitted sign area, unless an exception is granted by the Commission as provided in Section 9-4.2913 of this article.(5)There shall be no limit to the number of signs allowed provided the size limitation set forth in subsection (3) of this subsection is not exceeded; however, there shall be no more than one freestanding sign for each premises.(6)An individual sign which exceeds 150 square feet shall require the review and approval of the Commission.(7)All signs shall be maintained in good repair. Where necessary, the repainting, repair, or replacement of defective parts to maintain a sign in its original, permitted condition shall not require additional permits or approvals.(b)Freestanding signs. Applications for sign permits to erect freestanding signs shall require approval by the Commission. The Commission may approve the application and authorize the Planning Administrator to issue a sign permit only when the Commission makes the following findings:(1)A freestanding sign is necessary for the business or businesses located on the premises to achieve a reasonable degree of identification; and(2)The sign is consistent with the intent and provisions of this article; and(3)The sign does not exceed the square footage set forth in subsection (3) of subsection (a) of this section; and(4)The sign does not exceed a height of twenty (20′) feet above the sidewalk or paved area over which it is erected.(c)Window signs. Window signs shall be subject to the size limitation of subsection (3) of subsection (a) of this section; however, in no case shall window signs cover more than twenty-five (25%) percent of the total area of all glazed vertical surfaces of a business.(d)Wall signs. Wall signs shall be subject to the size limitation of subsection (3) of subsection (a) of this section; however, in no case shall wall signs exceed ten (10%) percent of the building face to which the signs are attached.(e)Projecting signs.(1)Projecting signs shall be placed a minimum of eight (8′) feet above the ground level and shall not be located above the roof line of the building of which they are attached.(2)Projecting signs shall not project into or over a public right-of-way.(3)Projecting signs shall be subject to the size limitation of subsection (3) of subsection (a) of this section.(f)Temporary signs. A business may install and maintain temporary signs for the purpose of advertising a bona fide special sale or promotion the premises, subject to the following conditions:(1)Temporary signs shall be permitted on the interior side of a window only and shall not be permitted on the walls, posts, roofs, awnings, or any other exterior portion of a structure or building, except that temporary signs may be painted on the exterior side of a window.(2)No more than twenty-five (25%) percent of the total area of all glazed vertical surfaces of a business may be covered by temporary signs.(3)Temporary signs shall be removed within thirty (30) days after the date of their installation.(4)Temporary on-site and off-site signs pertaining to an activity or event of a public, nonprofit, charitable, or religious organization shall be allowed subject to the following conditions:(i)A sign permit from the Planning Administrator shall be required.(ii)Such signs may be located at a maximum of five (5) sites and shall be limited to one sign per site.(iii)Each sign shall be limited to a maximum size of thirty-two (32) square feet.(iv)The signs shall not

be erected more than fifteen (15) days prior to the subject activity or event and shall be removed within forty-eight (48) hours after the activity or event.(v)The applicant shall submit a written statement of permission from the owner of the property upon which a temporary off-site sign is to be located.(5)Temporary garage sale and rummage sale signs shall be subject to the provisions of subsection (c) of Section 5-15.02 of Chapter 15 of Title 5 of this Code.(g)Murals. Applications for sign permits to erect murals shall require approval by the Commission. Murals shall not be subject to the size limitation of subsection (3) of subsection (a) of this section but shall be subject to the following conditions:(1)Murals shall be subject to the design criteria contained in the City's adopted Design Guidelines.(2)Any lettering or wording contained within or included as a part of a mural shall be subject to the size limitation of subsection (3) of subsection (a) of this section.(h)Awnings or canopy signs. Signs on awnings or canopies shall be subject to the size limitation of subsection (3) of subsection (a) of this section.(i)Suspended signs.(1)Suspended signs shall be subject to the size limitation of subsection (3) of subsection (a) of this section.(2)Such signs shall be located so as to provide clear and safe access to pedestrians who may pass under or near such signs.(j)Home occupation signs. Home occupation signs shall be subject to the provisions of Section 9-4.3111 of Article 31 of this chapter.(k)Political signs. Political signs shall be subject to the following conditions:(1)No political sign shall be placed or erected upon the property of another without first obtaining consent to do so from the owner or tenant of such property.(2)No political sign shall be posted in such a manner that it will obstruct the view of, or conflict with, vehicular or pedestrian travel or with any traffic sign, signal, or traffic control device.(3)No political sign shall be erected earlier than sixty (60) days prior to the election to which it relates.(4)The maximum size of political signs shall be thirty-two (32) square feet per face for any one sign.(5)Any political campaign committee or candidate who utilizes political signs shall register with the Building Official the name of a person within the political committee, or of the candidate, who shall be responsible for the political signs erected on behalf of, and by such committee or candidate, their placement, and their maintenance within the City. Such responsible person shall complete a registration form provided by the Building Official stating his name and address and agreeing to become responsible for such political signs.(6)All political signs shall be removed no later than the tenth (10th) day after the election to which they pertain. Political signs posted on behalf of candidates who have been successful in primary elections shall not remain posted for general election purposes, unless the general election is to be held not less than 100 days after the date of the primary election.(7)The removal of political signs no later than ten (10) days after the election, or when not posted in accordance with the provisions this section, shall be the responsibility of the responsible persons designated pursuant to subsection (5) of this subsection, the person who owns or placed the sign, and the owner of the property upon which such sign is posted.(8)A political sign not posted in accordance with the provisions of this article shall be deemed a public nuisance and may be removed by the Building Official or authorized representative and stored by the City.(9)If such sign is not retrieved within ten (10) days after the date of such removal, the sign shall be considered as abandoned and be disposed of by the Building Official.(10)Prior to the removal of a sign for nonconformity with this article; the Building Official shall give written notice to remove such sign to the property owner and responsible party, or persons who owned or placed the sign, at least five (5) days prior to its removal by the City.(11)If such sign has not been removed or brought into conformity within the provisions of this article within such period of time, the Building Official or authorized representative may remove such sign. The property owner, responsible party, and person who owned or placed the sign shall be responsible for the City's actual costs of removal, storage, and disposal.(12)The Building Official or authorized representative may summarily remove any political sign, regardless of where posted, which is an imminent peril to persons or property.(13)The provisions of this section shall not apply to political signs posted inside a building although visible from the exterior.
(§ 1, Ord. 483-C.S., eff. June 10, 1987)

Sec. 9-4.2907. - Master sign programs.
(a)A multi-unit development, as defined in Section 9-4.2902 of this article, shall be required to have an approved master sign program. In the case of a commercial multi-unit development which has lawfully

existing signs on June 10, 1987, a master sign program shall not be required unless and until one or more of the signs in the development falls under the criteria set forth in subsection (b) of Section 9-4.2911 of this article. In such a case, the owner or other persons in charge of the subject development shall present a master sign program for approval. Each sign in the development which thereafter falls under the criteria set forth in subsection (b) of Section 9-4.2911 of this article shall be brought into compliance with the approved master sign program.(b)Applications for master sign program approval shall be filed as set forth in Section 9-4.2905 of this article. Such applications shall include the required information for each sign in the development. The Planning Administrator, or designee, at their discretion, may approve a master sign program if consistent with the provisions of this article. However, master sign programs approved by the Commission may not be changed without prior Commission approval.(c)In addition to the design criteria contained in Section 9-4.2910 of this article, each sign in the master sign program shall be compatible in character and in quality of design with other signs in the program.(d)No more than one freestanding sign shall be allowed for each multi-unit development, unless the Commission finds that more than one freestanding sign is necessary for reasonable identification.(e)A freestanding sign or signs within a multi-unit development shall be subject to the provisions of subsection (b) of Section 9-4.2906 of this article, except that additional sign area shall be allowed as provided in subsection (f) of this section.(f)In addition to a freestanding sign or signs, a commercial multi-unit development shall be allowed one sign for each business provided the sign area for each business shall not exceed seventy-five hundredths (.75 or ¾) square foot of signage per one foot of business frontage, and five-tenths (.5 or ½) square foot of permanent window sign area per one foot of lineal business frontage.
(§ 1, Ord. 483-C.S., eff. June 10, 1987, as amended by § IX (A), Ord. 613-C.S., eff. April 13, 1994)

Sec. 9-4.2908. - Area of signs.
(a)The area of a sign shall be calculated to include all lettering, wording, and accompanying designs or symbols, together with any background material, surface, or color.(b)Where the sign consists of individual letters or symbols, the area shall be considered to be that of the smallest rectangle, circle, square, or triangle which can be drawn to encompass all of the letters or symbols.(c)In the case of double-faced or multi-faced signs, the advertising surface of each face shall be used in determining the sign area.(d)The structure supporting a sign shall not be included in determining sign area, unless the structure is designed in a way as to form part of the display or an integral background for the display.
(§ 1, Ord. 483-C.S., eff. June 10, 1987)

Sec. 9-4.2909. - Sign copy.
(a)Except as provided elsewhere in this article, commercial sign copy shall be limited to the name, address, telephone number, and hours of operation of the business and the name of the principal goods sold, services provided, or activity conducted. This subsection shall not apply to changeable copy signs.(b)Sign copy may include a logo only when such logo is representative of the name of the business which the sign identifies or is that of a product or service which is a principal product sold or principal service conducted on the premises.
(§ 1, Ord. 483-C.S., eff. June 10, 1987)

Sec. 9-4.2910. - Design criteria.
(a)In addition to the other provisions of this article, signs requiring a sign permit shall be subject to the design criteria for signs contained in the City's adopted Design Guidelines.(b)A sign permit shall not be issued by the Planning Administrator unless the subject sign is found to be consistent with the applicable design criteria contained in the City's adopted Design Guidelines.
(§ 1, Ord. 483-C.S., eff. June 10, 1987)

Sec. 9-4.2911. - Nonconforming signs.
(a)Any sign lawfully existing on June 10, 1987, or on the effective date of amendments to this article, which sign does not conform to the standards of this article shall be deemed a legal nonconforming sign

and may be continued, except as provided in subsection (b) of this section.(b)A legal nonconforming sign shall be removed or brought into conformance with the provisions of this article within forty-five (45) days after the date of written notice if such sign meets any of the following criteria:(1)The sign's use has ceased, or the structure upon which the sign has been erected or which the sign identifies has been abandoned by its owner, for a period of ninety (90) days or more;(2)The sign has been more than fifty (50%) percent destroyed, and the destruction is other than facial copy replacement, and the sign cannot be repaired within sixty (60) days after the date of its destruction;(3)The sign is remodeled or otherwise altered, and such remodeling or alteration is other than solely a change in sign copy;(4)The sign is affected by expansion, enlargement, or remodeling of the building or land use upon which the sign is located;(5)The sign is relocated;(6)The sign is temporary;(7)The sign is or may become a danger to the public or is unsafe;(8)The sign constitutes a traffic hazard not created by the relocation of streets or highways or by acts of the City or State.
(§ 1, Ord. 483-C.S., eff. June 10, 1987)

Sec. 9-4.2912. - Enforcement.
(a)It shall be the responsibility of the owner of real property and/or every other person in possession or control of such property, or the signs posted thereon, to erect and maintain signs on such property in strict compliance with this article.(b)Whenever a sign is found to be in violation of any provision of this article, or any other ordinance or law, the Planning Administrator shall order in writing that such sign be altered, repaired, reconstructed, demolished, or removed as may be appropriate to abate such condition. For permanent signs, a registered letter shall be sent, and any work to be done shall be completed within fifteen (15) calendar days after the date of such letter, unless extenuating circumstances warrant additional time, in which case the Planning Administrator may specify additional time for the completion of the required work. For temporary signs, any work to be done shall be completed within five (5) calendar days after the date of the written order, unless otherwise specified by the Planning Administrator.(c)In the event a sign is not altered, repaired, reconstructed, demolished, or removed as so ordered by the Planning Administrator within the specified time frame, the owner or other person in possession or control of the real property upon which the sign is erected, and any person other than the owner who is in possession or control of the sign, shall be subject to a penalty or penalties as set forth in this section.(d)If the owner or other person in possession or control of the real property upon which such sign is erected fails to comply with the provisions of this article within the time frame specified by the Planning Administrator, the Building Official or authorized representative may cause such sign to be removed.(e)The owner or any other person responsible for any such illegal posting shall be liable for the actual costs incurred by the City in the removal, storage, and disposal thereof, and the Building Official or designated representative is authorized to collect such cost. With the exception of paper handbills, removed signs shall be stored by the City and the owner thereof, if known, notified of the removal. If such sign is not claimed within ten (10) calendar days after removal, the sign may be considered abandoned and disposed of by the Building Official.(f)Any sign or handbill found posted or otherwise affixed upon any public property contrary to the provisions of this article may be removed by the Building Official or authorized representative without prior notice according to the provisions of subsection (d) of this section. The person responsible for such illegal posting shall likewise be responsible for costs as set forth in subsection (e) of this section.(g)Any person, whether principal, agent, employee, or otherwise, violating the provisions of this article shall be guilty of an infraction and, upon conviction thereof, shall be punishable as set forth in Section 1-2.01 of Chapter 2 of Title 1 of this Code.
(§ 1, Ord. 483-C.S., eff. June 10, 1987)

Sec. 9-4.2913. - Exceptions.
The Commission, after a public hearing thereon, may grant an exception to the strict provisions of this article only when the Commission makes all of the following findings:

(a)There are exceptional or extraordinary circumstances applicable to the property, building, or sign

involved which do not apply generally to other property, buildings, or signs in the vicinity. Such circumstances may include the shape, size, location, or surroundings of the subject property or buildings or the type or design of sign involved;(b)That, owing to such exceptional or extraordinary circumstances, the literal enforcement of the specified provisions of this article would result in practical difficulty or unnecessary hardship not created by, or attributable to, the applicant or owner of the property;(c)The granting of such exception will not constitute a grant of special privilege inconsistent with the limitations imposed on other properties or buildings in the vicinity;(d)The granting of such exception will not be materially detrimental to the public welfare or materially injurious to property or improvements in the vicinity; and(e)The granting of such exception will not be inconsistent with the general purpose or intent of this article.
(§ 1, Ord. 483-C.S., eff. June 10, 1987)

Sec. 9-4.2914. - Hearings: Notices.
The Commission shall hold a public hearing on each application for a sign permit requiring Commission approval, and notice of such hearing shall be given as set forth in Section 9-4.3302 of Article 33 of this chapter.

(§ 1, Ord. 483-C.S., eff. June 10, 1987)

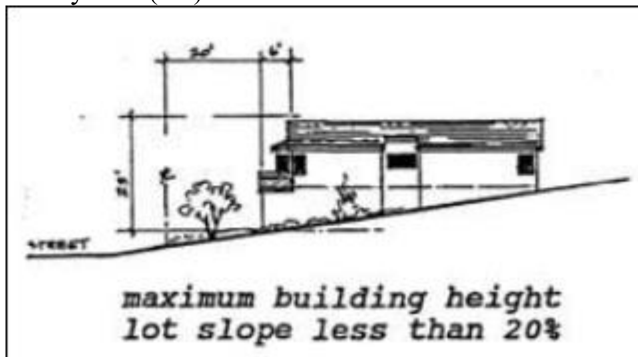
Sec. 9-4.2915. - Appeals.
(a)In the event an applicant or any aggrieved person is not satisfied with the action of the Planning Administrator on the application for a sign permit, he may appeal to the Commission. Such appeal shall be governed by the procedures set forth in subsection (b) of Section 9-4.3804 of Article 38 of this chapter.(b)In the event an applicant or any aggrieved person is not satisfied with the action of the Commission on the application for a sign permit, he may appeal to the Council. Such appeal shall be governed by the procedures set forth in Section 9-4.3208 of Article 32 and accompanied by a fee as set forth in Section 9-4.3602 of Article 36 of this chapter.
(§ 1, Ord. 483-C.S., eff. June 10, 1987, as amended by § 5, Ord. 630-C.S., eff. August 24, 1995)

Article 30. - Nonconforming Lots, Structures, and Uses*
* Article 30, consisting of Sections 9-4.3001 through 9-4.3007, codified from Ordinance No. 363, amended in its entirety by Ordinance No. 184-C.S., effective November 11, 1976. Article 30 entitled "Nonconforming Buildings and Uses", consisting of Sections 9-4.3001 and 9-4.3002, as added by said Ordinance No. 184-C.S., as amended by Ordinance No. 207-C.S., effective July 13, 1977, repealed by Section I, Ordinance No. 351-C.S., effective November 10, 1982.

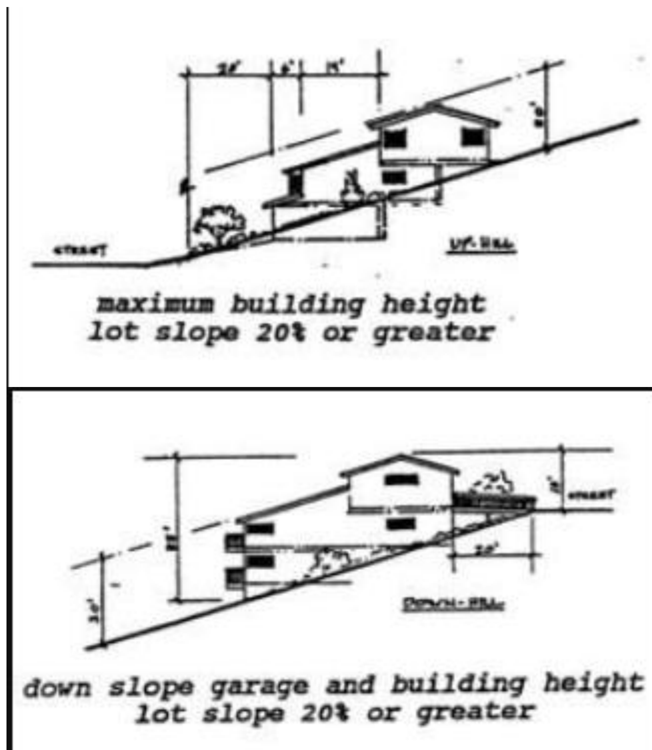
Sec. 9-4.3001. - Intent and applicability.
(a)Intent. The purpose of this article is to provide for lots, uses, buildings, and structures which are, or become, nonconforming with the standards of this Code, to specify the conditions under which nonconformities may continue, and to regulate the expansion of nonconformities.
(b)Applicability. The provisions of this article shall apply to all lots, uses, and structures which do not meet the standards of the current zoning regulations and, as such, are nonconforming. The lawful use of a building, structure, or land refers to any use conforming to the zoning ordinance under which it was commenced.
(c)Buildings and uses in violation of other zoning laws. The provisions of this article shall not be applicable to any use, building, or structure established in violation of any zoning law previously in effect, whether in the City, County, or other governmental agency having the jurisdiction to enact and enforce zoning laws.
(§ II, Ord. 351-C.S., eff. November 10, 1982)

Sec. 9-4.3002. - Continuance of nonconformities.
The lawful use of a building or of land which existed at the time of the adoption of this chapter or any amendment thereto, although such use does not conform to the regulations specified for the district in which the use is located, may be continued subject to the following provisions:

(a)Nonconforming lots. All lots which do not meet the minimum lot area or dimensional standards of the district in which they are located are hereby deemed nonconforming lots. Undeveloped, nonconforming lots may be considered legal building sites and have a structure or building erected upon them provided any new structure or building meets all applicable development standards, except that mergers of lots or parcels which come into common ownership on or after July 1, 1984, shall be accomplished pursuant to the merger procedures set forth in Article 12 of Chapter 1 of Title 10 of the Code. In addition, all regular building sites which contain three thousand nine hundred ninety-nine (3,999) square feet or less and are located in any residential district shall be used solely for one single-family residence, and may also include an accessory dwelling unit. Any structure for which a building permit is required and which is to be constructed on a nonconforming building site as described in this section shall require a site development permit, except an accessory dwelling unit or junior accessory dwelling unit which is constructed in accordance with all standards of Article 4.5 of this chapter, which shall be governed by the standards of Article 4.5 of this chapter, and except a new structure~~s~~ or ~~and~~modification~~s~~ to an existing structure other than an accessory dwelling unit or junior accessory dwelling unit, located in the R-1, Single-Family Residential District that ~~shall not require Site Development Permit if they~~ meets the development standards for lot coverage and landscaping and additional standards listed below:(1)For uphill lots with an average cross slope of less than twenty (20%) percent, the following standards shall apply:(i)The maximum floor area to lot area ratio (FAR) shall be fifty (50%) percent.(ii)Maximum building height, measured as the maximum vertical distance between the lowest point on the site covered by any portion of a building to the topmost point of the roof, shall be twenty-five (25′) feet.


maximum building height
lot slope less than 20%

(iii)Minimum front and garage setback shall be twenty (20′) feet.(iv)Minimum setback to upper floor livable area shall be twenty-six (26′) feet from the front property line.(v)Minimum rear setback shall be twenty (20′) feet from the rear property line.(vi)Minimum side setbacks shall be ten (10%) percent of the lot width but in no case less than three (3′) feet from the side property line.(vii)Bay windows, and projections including floor area, may encroach into required upper floor front setbacks provided the horizontal area of the feature does not exceed fifty (50%) percent of the setback depth nor exceed fifty (50%) percent of the building width.(2)For uphill lots with an average cross slope of twenty (20%) percent or greater, the following standards shall apply:(i)The maximum floor area to lot area ratio (FAR) shall be fifty-five (55%) percent.(ii)Maximum building height, measured as a plane parallel to the site's natural grade shall not exceed twenty (20′) feet. Natural grade shall be measured from the intersection of building walls and the natural grade.



(iii)Minimum front and garage setback shall be twenty (20′) feet from the front property line.(iv)Minimum second floor setback to livable area shall be twenty-six (26′) feet from the front property line.(v)Minimum third-floor setback to livable area shall be forty-five (45′) feet from the front property line.(vi)Minimum rear setback shall be twenty (20′) feet from the rear property line.(vii)Minimum side setbacks shall be ten (10%) percent of the lot width but in no case less than three (3′) feet from the side property line.(viii)Bay windows, and projections including floor area, may encroach into required upper floor front setbacks provided the depth and horizontal area of the feature does not exceed fifty (50%) percent of the setback depth nor exceed fifty (50%) percent of the building width.(3)Parking, for lots with frontage widths less than thirty (30′) feet, shall be designed as follows:(i)One garage space shall be provided and one additional space shall be provided within a carport.(ii)Maximum curb cut shall be fourteen (14′) feet.(iii)Maximum garage area shall be 300 square feet.(iv)If the improved street width is less than twenty-eight (28′) feet, one parking turnout shall be provided.(4)Parking, for lots with frontage widths thirty (30′) feet or greater, shall be designed as follows:(i)Two garage spaces shall be provided.(ii)Maximum curb cut shall be fourteen (14′) feet.(iii)Maximum garage area shall be 465 square feet.(iv)Maximum internal garage width shall not exceed eighteen (18′) feet.(5)Downslope lots shall be subject to all standards set forth for upslope lots except as follows:(i)Garage height shall not exceed fifteen (15′) feet measured from the intersection of the natural grade and the front property line.(ii)Second- and third-floor setbacks need not apply; however, side and rear setbacks shall be the same as those for upslope lots.(6)One, fifteen (15) gallon, drought-resistant tree shall be planted within the property's front setback.(7)On nonconforming lots on which a building presently exists, such building may be increased or altered; provided, that:(i)If a site development permit was previously approved by the Planning Commission, any significant alterations or modifications, excluding greenhouses, decks and minor exterior alterations, shall be approved by the Planning Commission.(ii)If no site development permit was previously approved, all required development standards must be met. For homes in R-1, Single-Family Residential Districts these standards shall include those described in subsections (a) (1) through (6) of this section. In all zones, except R-1, Single-Family Residential Districts, the addition or alteration may in no way result in a greater degree of nonconformity to the lot as determined in the plan-check process, and, if the lot has an

area of 3,999 square feet or less, a site development permit shall be required if an expansion of floor area, excluding the garage, of twenty-five (25%) percent or more, or a third-story addition is requested.(b)Nonconforming uses. All uses which are not listed as permitted in the district in which such use is being conducted, and all uses which, if presently initiated, would require a use permit but which do not have a use permit in force, shall be deemed nonconforming uses. Such uses shall be deemed lawful nonconforming uses if they comply with all the laws in existence at the time the use commenced.
The following provisions shall apply to nonconforming uses of land, nonconforming uses of conforming buildings, and nonconforming uses of nonconforming buildings, except that the use of buildings which do not meet the safety standards of the Building Code shall be regulated by subsection (1) of subsection (c) of this section:

(1)No nonconforming use shall be expanded or moved in whole or in part to any portion of the lot or parcel or to another building on the lot other than that occupied by such use at the time of the adoption of this chapter; nor may a nonconforming use be extended to occupy a greater area within any building than the area currently occupied, except as otherwise permitted with an approved use permit pursuant to subsection (5) of this subsection (b).(2)No nonconforming use may be changed to a different nonconforming use, except as otherwise provided in this section. However, nonconforming uses may be changed to a use of a similar or more conforming nature provided a use permit is obtained.(3)If a nonconforming use is discontinued for a period of twelve (12) months, such nonconforming use shall not be reestablished. However, if the cessation of the use is caused by circumstances over which the owner has no fault or control, the time limits of this section may be extended by the Commission. Applications for such extensions shall be made in writing before the expiration of the twelve (12) month period. The subsequent use of buildings shall conform with the zoning regulations and General Plan designations for the district in which such use is located.(4)Lawful nonconforming uses may be continued. Neither a General Plan nor a zoning amendment shall be required for the continuance of the nonconforming use if such use is sold or the lease transferred.(5)Uses which are or become lawful and nonconforming following the date of the adoption of the zoning district maps of this chapter may be deemed conforming by the Commission or Council pursuant to this subsection and the issuance of a conditional use permit and site development permit, coastal permit, or both. Written applications for conforming use status may be made with the Commission in accordance with the provisions of this chapter.(i)In order to approve any application for conforming use status, the Commission shall adopt findings as required for the applicable permits; provided, however, the Commission shall deny any such application unless each of the following specific findings can be made:(aa)Adequate parking facilities are, or will be, provided pursuant to the provisions of this Code; except that where inadequate on-site parking exists, and, in the opinion of the Commission, the parking requirements cannot be fully achieved, the Commission finds that:(1.1)Such parking as will be provided for uses in the Coastal Zone will not conflict with Local Coastal Land Use Plan policies regarding the maintenance of, and provision for, access to coastal resources by visitors to the surrounding area; and(1.2)Such parking will not impair the viability of adjacent business or have an adverse effect on residential areas in the vicinity of any proposed conforming use;(ab)The subject proposed conforming use does not or will not adversely affect traffic on surrounding streets to a greater extent than would uses allowed in the district and on the site on which the use is located, taking into account existing and potential surrounding land uses and traffic circulation patterns;(ac)The subject proposed conforming use is or will be conducted, improved, expanded, or modified in a manner which encourages the development, improvement, and continued maintenance of adjacent properties in the neighborhood, including consideration of factors which may have an effect on visitor-serving commercial uses in the Coastal Zone;(ad)The building within which such use is located conforms or will be improved in accordance with the applicable regulations of the Uniform Building Code or the Commission finds that additional improvement is not feasible or necessary based on the circumstances of the application;(ae)The proposed subject conforming use is located in a building which is nonconforming by virtue of its inconsistency with zoning district coverage or other development regulations of the district within which the use is located, and the Commission finds that either:(1.1)Such nonconformity will be corrected

through improvements to the site which, in the opinion of the Commission, approximate standards of the district within which the nonconforming use is located to the maximum extent possible given the circumstances of the particular case; or(1.2)Correction of such nonconformity is not feasible due to circumstances applicable to the subject property involving size, shape, topography, location, or surroundings; however, continuance of the nonconformity will not be detrimental to the development potential or viability of adjacent businesses or residential areas based on factors including, but not limited to, appearance, noise, hours of operation, odors, fumes, amount and type of traffic generation, and the like; and(af)The applicant has satisfactorily demonstrated that improvements either proposed or required by the Commission will be accomplished in a diligent and timely manner.(ii)The Commission may approve, deny, or conditionally approve any request for conforming use status. The Commission may impose such conditions as it deems necessary to secure the purpose of this subsection and may impose such requirements and conditions with respect to location, construction, maintenance and operation, site planning, and traffic control as the Commission deems necessary for the protection of adjacent properties, the public interest, and the implementation of the General Plan and Coastal Land Use Plan. The Commission may require tangible guarantees or evidence that such conditions are being, or will be, complied with.(iii)The findings and determinations made by the Commission in accordance with the provisions of this subsection shall be based on and bear a reasoned relation to substantial evidence contained in the record and submitted by the applicant as part of the application for conforming use status, including, but not limited to, plans, maps, studies, testimony, or any other information the Commission deems necessary to make the determination required by this subsection.(iv)Decisions of the Commission for any request for conforming use status may be appealed to the Council within ten (10) days after the date of any Commission action.(v)The provisions of this section shall not be construed to limit the City's ability to require compliance with other provisions of this article, including the treatment of:(aa)Nonconforming uses which existed on November 10, 1982, and which are not, or have not been determined to be, consistent with the provisions of this section;(ab)Nonconforming lots;(ac)Nonconforming uses of nonconforming structures;(ad)Nonconforming structures which existed on November 10, 1982, and which are not, or have not been determined to be, consistent with the provisions of this section; and(ae)Nonconforming uses which have been given conforming use status where:(1.1)The conditions of such Commission or Council action have not been fulfilled; or(1.2)Where assurances made by an applicant have not been implemented in accordance with such action.(vi)The effect of failure by an applicant to implement or maintain any part of an application approved pursuant to this section shall cause conferred conforming use status to be removed in the manner set forth in the City's revocation procedures.(c)Nonconforming buildings and structures.(1)Nonconforming uses of nonconforming buildings. Buildings which do not meet the safety standards of the Building and Mechanical Codes shall be deemed nonconforming buildings, and the following provisions shall apply:(i)The lawful nonconforming use of a nonconforming building may be continued, although the building does not conform to the regulations set forth in this chapter, unless the use is found by the Building Official to be hazardous based on life and fire risk, as defined in the appropriate section of the latest edition of the Uniform Building Code.(ii)The lawful nonconforming use of a nonconforming building may be changed to a use of the same or more restrictive nature provided a use permit shall be first obtained for each such use and that the use is found by the Commission, based on testimony by the Building Official, to be no more hazardous than that use which exists based on life and fire risk, as defined in the appropriate section of the Uniform Building Code.(iii)The lawful nonconforming use of a portion of a nonconforming building may not be extended throughout the building; provided, however, the use may be expanded with an approved use permit as provided in subsection (5) of subsection (b) of this section and provided the expansion of the use is found by the Commission to be no more hazardous than that use which exists based on life and fire risk.(iv)Notwithstanding the provisions of subsections (ii) and (iii) of this subsection, if a nonconforming use of a nonconforming building ceases for a continuous period of twelve (12) months, such use shall be considered abandoned, and the building shall be used thereafter only in accordance with the Uniform Building Code, zoning, and General Plan regulations.(2)Modifications to nonconforming structures. All structures, including, but not limited to,

main buildings, accessory buildings, walls, and fences, which do not meet the development regulations for the district within which the structure is located and any residential building in a commercial district shall be deemed nonconforming but lawful, and the following provisions shall apply:(i)No physical change, enlargement, extension, or remodeling which increases the extent of nonconformity shall be made without first securing a use permit.(ii)A physical change, enlargement, extension, or remodeling which does not increase the nonconformity may be made, as with a conforming structure, by securing the required building permits. The decision that the alteration will or will not increase the extent of the nonconformity shall be made by the Planning Administrator or designee. Decisions may be appealed to the Commission within fourteen (14) days after such action.(iii)Notwithstanding the provisions of this subsection (2), existing nonconformities shall be removed or corrected as part of the proposed change, enlargement, extension, or remodeling to enhance the public safety where deemed feasible in writing by the Planning Administrator. Decisions may be appealed to the Commission within fourteen (14) days after such action.(iv)A nonconforming building or structure damaged by fire, explosion, flood, earthquake, or other event to an extent of more than fifty (50%) percent of the market value, as determined by a certified appraiser hired by the property owners, may be restored only if made to conform to all the applicable regulations of the district in which such structure is located; provided, however, a nonconforming structure or building so damaged may be restored upon the approval of a use permit and site development permit and adherence to any applicable performance standards deemed appropriate by the Commission or Council pursuant to subsection (5) of subsection (b) of this section.(v)Where the damage, as described in subsection (iv) of this subsection, to a nonconforming structure or building does not exceed fifty (50%) percent, such building may be restored to a total floor area not exceeding that of the former structure.(vi)On a residential lot or parcel where the required number of covered off-street parking spaces has not been provided, additional covered off-street parking spaces shall be required when the addition increases the number of bedrooms of the existing building. Such additional required parking shall meet the requirements of this chapter to the maximum extent feasible as determined by the Planning Administrator or designee.(vii)The provisions of subsections (i) and (ii) of this subsection requiring a use permit for any increase in the extent of nonconformity shall not apply to nonconforming structures which have been, or will be, improved in accordance with performance standards in the manner set forth in subsection (5) of subsection (b) of this section. Such increases in nonconformity shall be considered as an amendment to permits.
(§ II, Ord. 351-C.S., eff. November 10, 1982, as amended by § 1, Ord. 430-C.S. eff. November 21, 1984, § 2, Ord. 456-85, eff. December 25, 1985, § XII (A), Ord. 491-C.S., eff. October 28, 1987, § 2, Ord 554-C.S., eff. June 13, 1990, § III (A)—(I), Ord. 613-C.S., eff. April 13, 1994 and § X, Ord. 641-C.S., eff. May 8, 1996)

Article 31. - Home Occupation Permits*
* Sections 9-4.3101 through 9-4.3110, codified from Ordinance No. 180, repealed by implication by Ordinance No. 55-C.S., effective July 26, 1972.

Sec. 9-4.3101. - Definitions.

For the purposes of this article, "home occupation" shall mean an occupation carried on by the occupants of a dwelling unit as a secondary use to the customary residential purpose or an occupation carried on by a renter with the written consent of the landlord or his agent, which consent shall be attached to the application for a permit. The following criteria shall be determinative of a valid home occupation:

(a) It shall not unreasonably generate pedestrian or vehicular traffic beyond that normal to the zone in which it is located. No more than three (3) people per day, including customers and sales persons shall come to and from the dwelling in conjunction with the home occupation. Music teachers and other teachers may be permitted additional commercial clientele upon approval by

the Planning Administrator and conformance with conditions limiting the number of hours of commercial activity. In such case, adjacent owners and residents shall be notified prior to approval of the home occupation.

(b) It shall not involve the use of commercial vehicles for the delivery of materials to or from the premises (vehicles not over three-fourths (¾) ton carrying capacity excepted). No vehicle over three-fourths (¾) ton carrying capacity shall be used for home occupation purposes. All commercial vehicles associated with the home occupation shall be parked on site in accordance with all applicable parking regulations; such commercial vehicles shall not be parked or stored on the street. No more than two (2) commercial vehicles that are associated with the home occupation may be parked on the site.

(c) It shall only allow signs as expressly permitted by Section 9-4.3111 of this article.

(d) It shall not involve more than two hundred (200') square feet of the dwelling floor area, whether the home occupation use is conducted within the dwelling, or in an accessory building, or a combination of both.

(e) Stock-in-trade may be used or kept within a home occupation permitted area provided the stock-in-trade or any commodity or product manufactured off the premises is not brought on the premises for resale purposes there. Not more than 100 square feet shall be used for storing stock-in-trade.

(f) In no way shall the appearance of the structure or premises be so altered, or the conduct of the occupation within the structure or premises be such, that the structure or the premises may be reasonably recognized as serving a nonresidential use (either by color, materials, construction, lighting, noise, vibration, or the like). In particular, a home occupation shall not cause any adverse impacts such as offensive odors or excessive noise, lighting, or traffic which are incompatible with the residential area, or in violation of the provisions of any applicable laws or regulations.

(g) No mechanical or electrical equipment shall be used or stored which causes undue noise or electrical interference.

(h) A home occupation may be conducted only within an enclosed building, whether the building constitutes part of the main building or is an accessory building. A home occupation may not be conducted within an accessory building which is located within a required setback area, unless storage is the only proposed use. The Zoning Administrator, after a notice to adjoining landowners located within two hundred (200') feet of the subject property, may authorize a home occupation in other than an enclosed building upon the determination that the home occupation will not damage neighboring properties.

(i) A home occupation may be conducted in a garage provided the home occupation does not unreasonably conflict with the required parking for such residential structure.

(j) A home occupation shall not involve the employment of help other than resident members of the family within the residence. No provision of this article shall be deemed to prohibit service occupations carried on off the premises, nor to prohibit the employment of persons off the premises. Where special conditions exist and are disclosed on the application, the Zoning Administrator may modify this requirement.

(k) A home occupation which involves the handling, processing, packaging, or repackaging of foodstuff or involves other elements of food preparation may be permitted by the Planning Administrator; provided that all County Health Department permits, inspections, or approvals are obtained and the home occupation will not adversely effect surrounding residential uses.

(1) A home occupation shall not involve the storage or sale of firearms, other weapons, explosives, or ammunition.

(l) It shall not involve a cannabis operation as that term is defined in Article 48 of this chapter or any activity involving cannabis or cannabis products.

(§ 1, Ord. 55-C.S., eff. July 26, 1972, as amended by § I, Ord. 446-85, eff. June 27, 1985, § XIII (A), Ord. 491-C.S., eff. October 28, 1987, and §§ 1—6, Ord. 583-C.S., eff. February 12, 1992; § 16, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Sec. 9-4.3102. - Home occupation permits.
No person shall commence or carry on any home occupation, as set forth in Section 9-4.3101 of this article, within the City without first having procured a permit from the Zoning Administrator. The Zoning Administrator shall issue a permit when the applicant shows that the home occupation meets all the requirements of Section 9-4.3101 of this article. Every home occupation shall fully comply with all City, County, and State Codes, ordinances, rules, and regulations.

(§ 1, Ord. 55-C.S., eff. July 26, 1972)

Sec. 9-4.3103. - Permit applications: Form and content.
Applications for home occupation permits, as set forth in Section 9-4.3102 of this article, shall be filed, in writing, with the Zoning Administrator by the person who intends commencing or carrying on a home occupation. The application shall be upon a form furnished by and in the manner prescribed by the Zoning Administrator.

(§ 1, Ord. 55-C.S., eff. July 26, 1972)

Sec. 9-4.3104. - Permits not transferable.
No home occupation permit issued pursuant to the provisions of Section 9-4.3102 of this article shall be transferred or assigned, nor shall the permit authorize any person, other than the person named therein, to commence or carry on the home occupation for which the permit was issued.

(§ 1, Ord. 55-C.S., eff. July 26, 1972)

Sec. 9-4.3105. - Notices and appeals.
Within ten (10) working days after the filing of an application for a home occupation permit, the Zoning Administrator shall either issue or deny the permit and shall serve a notice of such action upon the applicant by mailing a copy of such notice to the applicant at the address appearing on the application. Any person aggrieved by the action of the Zoning Administrator upon an application for such permit may appeal such action by filing a written notice of appeal with the Zoning Administrator within ten (10) days after the date of the mailing of the notice of such action. The Zoning Administrator shall refer all appeals to the Commission, and the Commission will consider the appeal at the earliest available meeting. The applicant shall be given notice of the time and date set for such consideration.

An appeal of the decision of the Commission may be made by filing a notice of appeal with the City Clerk. The appeal shall be determined according to the procedures set forth in Chapter 4 of Title 1 of this Code, except that the notice of appeal shall be filed within ten (10) days after the decision of the Commission.

(§ 1, Ord. 55-C.S., eff. July 26, 1972, as amended by § 8, Ord. 444-85, eff. June 12, 1985)

Sec. 9-4.3106. - Suspension, revocation, and appeals.
Any home occupation permit issued pursuant to the provisions of Section 9-4.3102 of this article may be suspended or revoked when it appears that the home occupation authorized by the permit has been or is being conducted in violation of any City, County, and/or State Code, ordinance, rule, or regulation, including the provisions of this article, or in a disorderly manner, or to the detriment of the general public, or when the home occupation being carried on is different from that for which the permit was issued. Any home occupation permit which has been issued shall not be revoked or suspended unless a hearing shall first have been held by the Zoning Administrator. Written notice of the time and place of such hearing shall be served upon the permittee at least ten (10) days prior to the date set for such hearing. The notice shall contain a brief statement of the grounds for revoking or suspending the permit. The notice shall be served by mailing, by registered mail, a copy of such notice to the person to be notified at the address appearing on the permit. Any person aggrieved by the action of the Zoning Administrator may appeal to the Commission by filing a written notice of appeal with the Zoning Administrator within ten (10) days after the date of the mailing of the Zoning Administrator's action. Appeals shall be processed as set forth in Section 9-4.3105 of this article.

(§ 1, Ord. 55-C.S., eff. July 26, 1972, as amended by § 13, Ord. 444-85, eff. June 12, 1985)

Sec. 9-4.3107. - Inspection fees.
(§ 1, Ord. 55-C.S., eff. July 26, 1972; repealed by § 1, Ord. 319-C.S., eff. February 10, 1982)

Sec. 9-4.3108. - Business licenses required.
Every home occupation permittee shall obtain a business license. If the business license is not renewed annually, the home occupation permit shall automatically expire.

(§ 1, Ord. 55-C.S., eff. July 26, 1972, as amended by § 7, Ord. 583-C.S., eff. February 12, 1992)

Sec. 9-4.3109. - Business license exceptions.
(Repealed by § 8, Ord. 583-C.S., eff. February 12, 1992)

Sec. 9-4.3110. - Exceptions.
The provisions of this article shall not apply to the deaf or blind or to other cases of severe physical disability.

(§ 1, Ord. 55-C.S., eff. July 26, 1972).

Sec. 9-4.3111. - Signs.
Interior window signs shall be permitted for home occupations as follows:

(a)Standards. Signs for home occupations shall meet the following criteria:(1)The maximum size for such signs shall be four (4) square feet or twenty-five (25%) percent of the window area, whichever is less.(2)No more than one home occupation sign shall be allowed.(3)Such signs may identify the name of the business, the type of the business, and the telephone number of the business.(4)Such signs may not be illuminated.(b)Application process. Applicants for home occupation signs shall submit their requests to the Planning Administrator in writing, accompanied by a dimensioned drawing of the sign and its location. The Planning Administrator shall notify abutting property owners and residents of the application. Decisions of the Planning Administrator may be appealed to the Commission.
(§ II, Ord. 446-85, eff. June 27, 1985)

Article 32. - Site Development Permits

Sec. 9-4.3201. - Required.

(a)No building permit shall be issued by the Building Official for any new construction or any addition which increases an existing structure's gross square footage by fifty (50%) percent or more in any R-1-H, R-3, R-3.1, R-3-G, R-3/L.D., R-5, or Commercial District, except upon an application and the issuance of a site development permit to the property owner in accordance with the provisions of this article. Except, however, that construction of an accessory dwelling unit or junior accessory dwelling unit shall not require issuance of a site development permit if undertaken in accordance with all standards of Article 4.5 of this chapter.

(b)The securing of a permit in accordance with the provisions of this article may be required as a condition of the granting of a use permit or variance in any district.

(c) A site development permit shall be required for any new construction upon substandard lots in the R-1 (Single-Family Residential) or R-2 (Two-Family Residential) zoning districts Except, however, that a site development permit shall not be required for construction of an accessory dwelling unit or a junior accessory dwelling unit which is undertaken in accordance with all standards of Article 4.5 of this chapter. Consideration of a site development permit for a single-family dwelling with a proposed accessory dwelling unit and/or junior accessory dwelling unit shall not include consideration of the accessory dwelling unit or junior accessory dwelling unit use, but may consider the physical characteristics of the development, other than parking, including without limitation lot coverage, floor area ratio, landscaping, distance between structures, and Design Guidelines consistency. ~~A site development permit shall be required for any new single-family construction upon substandard lots or for the new construction or legalization of second residential units if determined by the Planning Administrator that the project does not meet all applicable development standards.~~

(d)**[NOT CERTIFIED ORD. 771-C.S. 2010]**

(§ 13.01, Ord. 363, as amended by § II (A), Ord. 489-C.S., eff. October 14, 1987, § 3, Ord. 541-C.S., eff. January 10, 1990, § 3, Ord. 582-C.S., eff. January 8, 1992, and § II (A), Ord. 613-C.S., eff. April 13, 1994,)

Sec. 9-4.3202. - Applications: Fees: Accompanying data.

Applications for site development permits shall be filed with the Commission on the prescribed forms, together with the materials required therein and as indicated by the Planning Administrator. Such applications shall be accompanied by a fee as set forth in Article 37 of this chapter.

(§ 13.02, Ord. 363, as amended by § II (B), Ord. 489-C.S., eff. October 14, 1987)

Sec. 9-4.3203. - Hearings: Notices.

The Commission shall hold a public hearing on each application for a site development permit and shall give notice of such hearing by publication in a newspaper of general circulation within the City at least ten (10) days prior to the hearing and by mailing notice not less than ten (10) days prior to the date of the hearing to the owners of the property within a radius of three hundred (300') feet of the exterior boundaries of the property which is the subject of the application, using for such purpose the last known name and address of such owners as shown upon the assessment roll of the County. The failure of any person to receive such notice shall not invalidate the site development permit proceedings.

(§ 13.02, Ord. 363, as amended by § II (C), Ord. 489-C.S., eff. October 14, 1987)

Sec. 9-4.3204. - Issuance: Conditions.

(a)A site development permit shall not be issued if the Commission makes any of the following findings:(1)That the location, size, and intensity of the proposed operation will create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood;(2)That the accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will create a hazardous or

inconvenient condition to adjacent or surrounding uses;(3)That insufficient landscaped areas have been reserved for the purposes of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, and separating or screening parking lots from the street and adjoining building areas from paved areas to provide access from buildings to open areas;(4)That the proposed development, as set forth on the plans, will unreasonably restrict or cut out light and air on the property and on other property in the neighborhood, or will hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof;(5)That the improvement of any commercial or industrial structure, as shown on the elevations as submitted, is substantially detrimental to the character or value of an adjacent R District area;(6)That the proposed development will excessively damage or destroy natural features, including trees, shrubs, creeks, and rocks, and the natural grade of the site, except as provided in the subdivision regulations as set forth in Chapter 1 of Title 10 of this Code;(7)That there is insufficient variety in the design of the structure and grounds to avoid monotony in the external appearance;(8)That the proposed development is inconsistent with the City's adopted Design Guidelines; or(9)That the proposed development is inconsistent with the General Plan, Local Coastal Plan, or other applicable laws of the City.(b)The Commission may impose such conditions in connection with the site development permit as it deems necessary to secure the purposes of this chapter and may require guarantees and evidence that such conditions are being or will be complied with.(c)No building permit shall be issued in any case where a site development permit is required by this chapter until ten (10) days after the granting of such site development permit by the Commission, or after the granting of such site development permit by the Council in the event of an appeal, and then only in accordance with the terms and conditions of the site development permit granted.
(§ 13.02, Ord. 363, as amended by § II (D), (E), and (F), Ord. 489-C.S., eff. October 14, 1987)

Sec. 9-4.3205. - Time limits.
Site development permits granted in accordance with the provisions of this article shall become null and void if not exercised within one year after the effective date of such permit, unless the terms of the permit allow a greater period of time. The permit shall not become null and void if:

(a)A building permit has been issued by the Building Official and construction started on the site and diligently pursued toward completion; or(b)A certificate of occupancy has been issued by the Building Official for the site or structure for which the permit was issued.
(§ 13.06, Ord. 363, as renumbered by § II (H), Ord. 489-C.S., eff. October 14, 1987)

Sec. 9-4.3206. - Renewal.
Site development permits may be renewed for an additional period not to exceed one year provided, prior to the expiration of the permit, an application for renewal is filed with the Commission. The Commission may grant or deny an application for renewal.

(§ 13.07, Ord. 363, as renumbered by § II (H), Ord. 489-C.S., eff. October 14, 1987)

Sec. 9-4.3207. - Revocation: Hearings: Notices.
(a)Violations. Any site development permit granted pursuant to the provisions of this article may be revoked if any of the conditions or terms of such permit were violated or if any law is violated in connection therewith.(b)Hearings: Notices. The Commission shall hold a public hearing on the proposed revocation of such permit after giving written notices to the permittee and to the owners of adjacent property, as set forth in Section 9-4.3302 of Article 33 of this chapter, at least ten (10) days prior to the hearing and shall submit its recommendations to the Council. The Council shall act thereon within thirty (30) days after the receipt of the recommendations of the Commission.
(§§ 16.01, 16.02, and 16.03, Ord. 363, as amended by § II (G), Ord. 489-C.S., eff. October 14, 1987, as renumbered by § II (H), said Ord. 489-C.S.)

Sec. 9-4.3208. - Appeals: Council action.
(a)In the event the applicant or any aggrieved person is not satisfied with the action of the Commission on the application for a site development permit, within ten (10) days he may appeal, in writing, to the Council. Such appeal shall be filed with the City Clerk and accompanied by a fee as set forth in Section 9-4.3602 of Article 36 of this chapter.(b)Upon the receipt of the appeal, the Council may consider the appeal in one of the following ways:(1)By holding a public hearing, using the same procedures as set forth in Section 9-4.3302 of Article 33 of this chapter; or(2)By referral back to the Commission for reconsideration.(c)Upon considering the appeal, the Council may approve, deny, or modify the site development permit.
(§ 13.05, Ord. 363, as amended by § 10, Ord. 444-85, eff. June 12, 1985, as renumbered by § II (H), Ord. 489-C.S., eff. October 14, 1987, as amended by § 7, Ord. 630-C.S., eff. August 24, 1995)

Sec. 9-4.3209. - Conformance.
It shall be unlawful and a violation of the provisions of this chapter for any person to construct, erect, alter, or modify any structure except in strict conformity with any site development permit issued.

(§ 13.04, Ord. 363, as renumbered by § II (H), Ord. 489-C.S., eff. October 14, 1987)

Article 33. - Use Permits

Sec. 9-4.3301. - Applications: Accompanying data: Fees.
Applications for use permits shall be made to the Commission, in writing, on forms prescribed by the Commission, shall be accompanied by the plans and elevations necessary to show the detail of the proposed use of the building, and shall include such information as is required on said application. Such applications shall be accompanied by a fee as set forth in Article 37 of this chapter.

(§ 14.02, Ord. 363, as amended by § 7, Ord. 538-C.S., eff. December 27, 1989)

Sec. 9-4.3302. - Applications: Hearings: Notices.
The Commission shall hold a public hearing on each application for a use permit and shall give notice of such hearing by publication in a newspaper of general circulation within the City at least ten (10) days prior to the hearing and by mailing a post card notice not less than ten (10) days prior to the date of the hearing to the owners of the property within a radius of 300 feet of the exterior boundaries of the property which is the subject of the application, using for such purpose the last known name and address of such owners as shown upon the assessment roll of the County. The failure of any person to receive such notice shall not invalidate the use permit proceedings. The public hearing shall be conducted as set forth in Chapter 2 of Title 2 of this Code.

(§ 14.03, Ord. 363, as amended by § 8, Ord. 538-C.S., eff. December 27, 1989)

Sec. 9-4.3303. - Granting: Findings: Conditions.
(a)The Commission shall grant a use permit only upon making all of the following findings:(1)That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City;(2)That the use or building applied for is consistent with the applicable provisions of the General Plan and other applicable laws of the City and, where applicable, the local Coastal Plan; and(3)Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.(b)Based upon the findings set forth in subsection (a) of this section, the Commission may grant, conditionally grant, or deny an application for a use permit and may impose such conditions in connection with the use permit as the Commission deems

necessary to secure the purposes of this chapter and may require guarantees or evidence that such conditions are being or will be complied with.(c)Findings shall be in writing and shall be based upon substantial evidence in view of the whole record.
(§§ 14.04, 14.05, and 14.06, Ord. 363, as amended by § III (A), Ord. 489-C.S., eff. October 14, 1987, and § 9, Ord. 538-C.S., eff. December 27, 1989)

Sec. 9-4.3304. - Appeals: Council action.
In the event the applicant or any aggrieved person is not satisfied with the action of the Commission on the application for a use permit, he may appeal to the Council. Such appeal shall be governed by the procedures set forth in Section 9-4.3208 of Article 32 and accompanied by a fee as set forth in Section 9-4.3602 of Article 36 of this chapter.

(§ 14.07, Ord. 363, as amended by § 2, Ord. 458, § 9, Ord. 444-85, eff. June 12, 1985, § III (B), Ord. 489-C.S., eff. October 14, 1987, and § 6, Ord. 630-C.S., eff. August 24, 1995)

Sec. 9-4.3305. - Issuance.
Use permits, which shall be revocable, conditional, or valid for a term period, may be issued for any of the uses or purposes for which such permits are required or permitted by the provisions of this chapter.

(§ 14.01, Ord. 363)

Sec. 9-4.3306. - Prerequisite to issuance of building permits.
No building permit shall be issued in any case where a use permit is required by the provisions of this chapter until ten (10) days after the granting of such use permit by the Council in the event of an appeal, and then only in accordance with the terms and conditions of the use permit granted.

(§§ 14.08 and 14.09, Ord. 363, as amended by § III (D), Ord. 489-C.S., eff. October 14, 1987, as renumbered by § III (E), said Ord. 489-C.S.)

Sec. 9-4.3307. - Time limits.
Use permits granted in accordance with the provisions of this chapter shall become null and void if not exercised within one year after the effective date of such permit, unless the terms of the permit allow a greater period of time. The permit shall not become null and void if:

(a)A building permit has been issued by the Chief Building Official and construction has been started on the site and diligently pursued toward completion; or(b)A certificate of occupancy has been issued by the Chief Building Official for the site or structure for which the permit was issued.
(§§ 14.10 and 14.11, Ord. 363, as renumbered by § III (E), Ord. 489-C.S., eff. October 14, 1987)

Sec. 9-4.3308. - Renewal.
Use permits may be renewed for an additional period not to exceed one year provided, prior to the expiration of the permit, an application for renewal is filed with the Commission. The Commission may grant or deny an application for renewal. No public hearing shall be required for renewal; provided, however, no condition of the use permit may be added, altered, or amended without first holding a public hearing pursuant to the provisions of Section 9-4.3302 of this article.

(§§ 14.12 and 14.13, Ord. 363, as renumbered by § II (E), Ord. 489-C.S., eff. October 14, 1987)

Sec. 9-4.3309. - Revocation: Hearings: Notices.
(a)Violations. Any use permit granted pursuant to the provisions of this article may be revoked if any of the conditions or terms of such permit are violated or if any law is violated in connection

therewith.(b)Hearings: Notices. The Commission shall hold a public hearing on the proposed revocation of such permit after giving written notices to the permittee and to the owners of adjacent property, as set forth in Section 9-4.3302 of this article, at least ten (10) days prior to the hearing and shall submit its recommendations to the Council. The Council shall act thereon within thirty (30) days after the receipt of the recommendations of the Commission.
(§§ 16.01, 16.02, and 16.03, Ord. 363, as amended by § III (E), Ord. 489-C.S., eff. October 14, 1987)

Article 34. - Variances

Sec. 9-4.3401. - Authorized: Limitations.
Where practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of this chapter may result from the strict application of certain provisions thereof, a variance may be granted as provided in this article; provided, however, such procedure may not be used to change the use of land. The granting of any variance, when conforming to the provisions of this article, is hereby declared to be an administrative function of the Commission and shall be final and conclusive, except in the event of an appeal as provided in this article.

(§ 15.01, Ord. 363)

Sec. 9-4.3402. - Applications: Accompanying data: Fees.
Applications for variances shall be made to the Commission on forms supplied by the Planning Administrator and shall be accompanied by a fee, as set forth in Article 37 of this chapter, and statements, plans, elevations, and other information as indicated on such forms.

(§ 15.02, Ord. 363, as amended by § IV (A), Ord. 489-C.S., eff. October 14, 1987)

Sec. 9-4.3403. - Applications: Hearings: Notices.
The Commission shall hold a public hearing on each application for a variance, and notice of such hearing shall be given as set forth in Section 9-4.3302 of Article 33 of this chapter.

(§ 15.03, Ord. 363)

Sec. 9-4.3404. - Granting or denial: Findings: Conditions.
(a)The Commission shall grant a variance only when all of the following findings are made:(1)That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification;(2)That the granting of such variance will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the subject property and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the area;(3)Where applicable, that the application is consistent with the City's adopted Design Guidelines; and(4)If located in the Coastal Zone, that the application is consistent with the applicable provisions of the Local Coastal Plan.
(b)On the basis of such findings, the Commission may grant, conditionally grant, or deny the application for a variance.
(c)In granting any variance, the Commission shall impose such conditions as will ensure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
(§ 15.04, Ord. 363, as amended by § IV (B), Ord. 489-C.S., eff. October 14, 1987)

Sec. 9-4.3405. - Appeals: Council action.

In the event the applicant or any aggrieved person is not satisfied with the action of the Commission on the application for a variance, he may appeal to the Council. Such appeal shall be governed by the procedures set forth in Section 9-4.3208 of Article 32 and accompanied by a fee as set forth in Section 9-4.3602 of Article 36 of this chapter.

(§ 15.05, Ord. 363, as amended by § 1, Ord. 458, § 11, Ord. 444-85, eff. June 12, 1985, § IV (C), Ord. 489-C.S., eff. October 14, 1987, and § 8, Ord. 630-C.S., eff. August 24, 1995)

Sec. 9-4.3406. - Time limits.
Variances granted in accordance with the provisions of this chapter shall become null and void if not exercised within one year after the effective date of such variance or if the structure for which the variance was granted has been removed or demolished. The variance shall not become null and void if:

(a)A building permit has been issued by the Chief Building Official and construction has been started on the site and diligently pursued toward completion; or(b)A certificate of occupancy has been issued by the Chief Building Official for the site or structure for which the variance was issued.
(§ 15.06, Ord. 363, as amended by § IV (D), Ord. 489-C.S., eff. October 14, 1987)

Sec. 9-4.3407. - Renewal.
Variances may be renewed for an additional period not to exceed one year provided, prior to the expiration of the variance, an application for renewal is filed with the Commission. The Commission may grant or deny the application for renewal.

(§ 15.07, Ord. 363, as amended by § IV (E), Ord. 489-C.S., eff. October 14, 1987)

Sec. 9-4.3408. - Revocation: Hearings: Notices.
(a)Violations. Any variance granted pursuant to the provisions of this article may be revoked if any of the conditions or terms of such variance are violated or if any law is violated in connection therewith.(b)Hearings: Notices. The Commission shall hold a public hearing on the proposed revocation of such variance after giving written notices to the permittee and to the owners of adjacent property, as set forth in Section 9-4.3302 of Article 33 of this chapter, at least ten (10) days prior to the hearing and shall submit its recommendations to the Council. The Council shall act thereon within thirty (30) days after the receipt of the recommendations of the Commission.
(§§ 16.01, 16.02, and 16.03, Ord. 363, as amended by § IV (F), Ord. 489-C.S., eff. October 14, 1987)

Article 35. - Amendments

Sec. 9-4.3501. - Scope.
The provisions of this chapter may be amended by changing the boundaries of districts or by changing any other provision thereof, whenever the public necessity and convenience and the general welfare require such amendment by using the procedure set forth in this article.

(§ 18.01, Ord. 363)

Sec. 9-4.3502. - Initiation.
An amendment may be initiated by:

(a)The verified petition of one or more owners of property affected by the proposed amendment, which petition shall be filed with the Commission and be accompanied by a fee, as set forth in Article 37 of this chapter;(b)A resolution of intention of the Council; or(c)A resolution of intention of the Commission.
(§ 18.02, Ord. 363)

Sec. 9-4.3503. - Hearings by the Planning Commission: Text amendments: Notices.
The Commission shall hold one public hearing on any proposed amendment and shall give notice thereof by at least one publication in a newspaper of general circulation, published and circulated within the City, at least ten (10) days prior to such hearing. Such notice shall include a general explanation of the matter to be considered and a general description of the area affected.

(§§ 18.03 and 18.04, Ord. 363)

Sec. 9-4.3504. - Hearings by the Planning Commission: District boundary changes: Notices.
In the event the proposed amendment consists of a change of the boundaries of any district so as to reclassify property from any district to any other district, the Commission shall give additional notice of the time and place of such hearing and of the purpose thereof by mailing a postal card notice, not less than ten (10) days prior to the date of such hearing, to the owners of property within a radius of 300 feet of the exterior boundaries of the property to be changed and to the owners of all property within such boundaries, using for such purpose the last known name and address of such owners as shown upon the assessment roll of the County.

Such notice shall include a general explanation of the matter to be considered and description of the property affected in the proposed change of district, the time and place at which the public hearing on the proposed change will be held, and any other information which the Commission may deem to be necessary. The failure of the Commission to mail such notices, or the failure of any owner to receive such notices, shall not invalidate the hearing proceedings.

(§§ 18.05 and 18.06, Ord. 363)

Sec. 9-4.3505. - Planning Commission action: Resolutions.
After the hearing the Commission shall render its decision in the form of a written recommendation to the Council. Such recommendation shall include the reasons for the recommendation and shall be transmitted to the Council in the form of a resolution.

Such resolution shall be made within ninety-six (96) days after the publication of the notice of the hearings, as set forth in Sections 9-4.3503 and 9-4.3504 of this article; provided, however, such time limit may be extended upon the consent of the owners of the property affected by the proposed amendment.

(§ 18.07, 18.08 and 18.09, Ord. 363)

Sec. 9-4.3506. - Hearings by the Council: Notices.
Upon the receipt of the recommendation of the Commission, as provided in Section 9-4.3505 of this article, the Council shall hold a public hearing; provided, however, if the matter under consideration is an amendment to change property from one district to another, and the Commission has recommended against the adoption of such amendment, the Council shall not be required to take any further action thereon unless an owner of the property affected shall request such hearing by filing a written request with the City Clerk within ten (10) days after the Commission files its recommendations with the Council.

A notice of the time and place of the hearing shall be given in the time and manner provided for the giving of the notice of the hearing by the Commission as set forth in Section 9-4.3503 of this article. Any such hearing may be continued from time to time.

(§§ 18.10 and 18.11, Ord. 363, as amended by § XV (A), Ord. 491-C.S., eff. October 28, 1987)

Sec. 9-4.3507. - Council action.
The Council may approve, modify, or disapprove the recommendation of the Commission; provided, however, any modification of the proposed ordinance or amendment by the Council not previously considered by the Commission during its hearing shall first be referred to the Commission for a report and recommendation, but the Commission shall not be required to hold a public hearing thereon. Failure of the Commission to report within forty (40) days after the reference, or such longer period as may be designated by the legislative body, shall be deemed to be approval of the proposed modification. After the receipt of such report, or after such forty (40) days have passed, the Council may adopt the amendment.

The decision of the Council shall be rendered within sixty (60) days after the receipt of the resolution from the Commission or, in the event of a modification, after the expiration of the additional thirty (30) days.

(§§ 18.12, 18.13, and 18.14, Ord. 363, as amended by § 1, Ord. 164-C.S., eff. February 11, 1976)

Sec. 9-4.3508. - Prezoning.
The City may prezone unincorporated territory adjoining the City for the purpose of determining the zoning which will apply to such property in the event of subsequent annexation to the City. The prezoning of territory shall be accomplished by using the procedures set forth in Sections 9-4.3502 through 9-4.3507 of this article; provided, however, the notice of hearing required by the provisions of Sections 9-4.3503 and 9-4.3506 of this article shall be published at least once in a newspaper of general circulation published and circulated in the area to be prezoned, and if there is no such newspaper, the notice shall be posted in at least three public places in the area to be prezoned. The ordinance prezoning a territory shall become effective thirty (30) days after its adoption or upon the effective date of the ordinance or resolution annexing such territory to the City, whichever shall occur later.

(§§ 18.15 and 18.16, Ord. 363)

Sec. 9-4.3509. - Interim ordinances for nonprezoned annexations.
The City shall adopt an interim ordinance in accordance with the provisions of Section 65858 of the Government Code of the State to zone territory annexed to the City which has not been prezoned.

(§ 18.17, Ord. 363)

Article 36. - Appeals

Sec. 9-4.3601. - Commission action.
The Commissions shall have the power to hear and decide appeals based on the enforcement or interpretation of the provisions of this chapter.

(§ 17.01, Ord. 363)

Sec. 9-4.3602. - Commission action: Appeals to the Council.
In the event an applicant or any aggrieved person is not satisfied with the action of the Commission, he or she may appeal to the Council.

The appeal shall be heard and determined according to the procedures set forth in Section 9-4.3208 of Article 32 of this chapter.

In addition, each appeal shall be accompanied by a fee as set forth in City Administrative Policy No. 2.

(§§ 17.02 and 17.03, Ord. 363, as amended by § 14, Ord. 444-85, eff. June 12, 1985, § 3, Ord. 560-C.S., eff. November 7, 1990, and § 2, Ord. 630-C.S., eff. August 24, 1995)

Sec. 9-4.3603. - Council action.
The Council shall render its decision within sixty (60) days after the filing of the appeal provided for in Section 9-4.3602 of this article.

(§ 17.04, Ord. 363, as amended by § 1, Ord. 72-C.S., eff. April 25, 1973)
Article 37. - Fees

Sec. 9-4.3701. - Required.
Applications for use permits, variances, amendments, specific plan permits, minor modifications, and site development permits shall be accompanied by a fee to cover the costs of such of the following items as are required for each particular case:

(a)Field investigations;(b)The preparation of necessary reports;(c)The preparation of site maps;(d)The preparation of environmental impact reports;(e)Mailing notices; and(f)Printing and posting notices and legal publications.
(§ 20.01, Ord. 363, as amended by § 3, Ord. 69-C.S., eff. December 27, 1972)

Sec. 9-4.3702. - Nonreturnable: Payment: Deposit.
(§ 20.01, Ord. 363; repealed by § 1, Ord. 319-C.S., eff. February 10, 1982)

Sec. 9-4.3703. - Enumerated.
(§ 20.02, Ord. 363, as amended by § 3, Ord. 69-C.S., eff. December 27, 1972, § 1, Ord. 103-C.S., eff. May 22, 1974, and § 3, Ord. 156-C.S., eff. November 26, 1975; repealed by § 1, Ord. 319-C.S., eff. February 10, 1982)

Sec. 9-4.3704. - Appeals.
Council appeals of Planning Commission action shall be accompanied by a fee as set forth in City Administrative Policy No. 2.

(§ 3, Ord. 630-C.S., eff. August 24, 1995)

Article 38. - Administration*
* Sections 9-4.3801 through 9-4.3808, codified from Ordinance No. 363, as amended by Ordinance Nos. 410, 421, and 444-85, effective June 12, 1985, amended in their entirety by Ordinance No. 491-C.S., effective October 28, 1987.

Sec. 9-4.3801. - Zoning Administrator: Office created.
There is hereby created the office of Zoning Administrator, the duties of which shall be carried out by the Planning Administrator.

(§ XVI, Ord. 491-C.S., eff. October 28, 1987)

Sec. 9-4.3802. - Zoning Administrator: Powers and duties.
(a)The Zoning Administrator shall have all the powers and duties of a Board of Zoning Adjustment as set forth in Sections 65900 through 65907 of Article 3 of Chapter 4 of Title 7 of the Government Code of the State.
(b)Except as otherwise provided and if authorized by the Commission, the Zoning Administrator may

hear and decide the following:
(1)Minor modifications;
(2)Site development permits;
(3)Use permits;
(4)Variances;
(5)Sign permits; ~~and~~
(6) Reasonable accommodation requests; and
(7) Other planning permits.
In connection with the applications provided for in this subsection, the Zoning Administrator shall have all the duties and responsibilities set forth in this chapter for the Commission.

(c)At any public hearing the Zoning Administrator shall be governed by the provisions of this chapter in the granting of permits and variances and shall grant the same only when making the findings required by the pertinent provisions of this chapter.
(d)The Zoning Administrator may refer any application or permit or variance directly to the commission without a hearing or without making a decision thereon, and the Commission shall then proceed to hear such applications as provided in this chapter for hearings by the Commission in such cases.
(1) This subsection shall not apply to reasonable accommodation requests filed in accordance with Article 51 of this chapter when no related discretionary approval is sought.
(e)As used in this chapter, any of the powers of the Planning Administrator or Zoning Administrator may be performed by the Planning and Building Director.
(§ XVI, Ord. 491-C.S., eff. October 28, 1987, as amended by § VI (A), Ord. 613-C.S., eff. April 13, 1994)

Sec. 9-4.3803. - Minor modifications.
(a)Defined. For the purposes of this section, "minor modification" shall mean:(1)A maximum of a twenty (20%) percent reduction in area, yard requirements, or distances between buildings or a maximum increase of twenty (20%) percent in coverage;(2)A maximum of a twenty (20%) percent increase in the height limit in fence, wall, and hedge requirements; provided, however, in the case of corner lots, for modifications to front yard fences, walls, and/or hedges, the City Engineer's office shall be consulted; or(3)A maximum reduction of one parking space in the off-street parking and loading requirements, the provision of tandem parking, or minor deviations from the parking design standards.(b)Process. The Zoning Administrator shall use the procedure and make the findings required by the provisions of Article 34 of this chapter prior to granting minor modifications; provided, however, a public hearing shall not be required.(c)Granting: Notices. Notices of applications approved by the Zoning Administrator shall be mailed to all abutting property owners who shall have the right of appeal.
(§ XVI, Ord. 491-C.S., eff. October 28, 1987)

Sec. 9-4.3804. - Appeals.
Appeals from decisions of the Zoning Administrator may be made to the Commission within ten (10) days after the action of the Zoning Administrator. Such appeals shall be in writing and shall be filed with the Zoning Administrator. Upon the receipt thereof, the Zoning Administrator shall forward the appeal, together with the record on the matter, to the Commission. The Commission shall give notice of such hearing as set forth in Section 9-4.3302 of Article 33 of this chapter.

(§ XVI, Ord. 491-C.S., eff. October 28, 1987)

Sec. 9-4.3805. - Effect of permits, ~~and~~ variances, and approvals.
No use permit, permit granting a variance, reasonable accommodation approval, or other planning permit shall have any force or effect until the applicant therefor actually received such permit or approval designating the conditions of its issuance thereon and signed by the Zoning Administrator. No such

permit or approval shall be issued until the time for filing appeal from decisions of the Zoning Administrator has expired or, in the event of such appeal, until after the expiration of the appeal period after the final determination thereof by the Commission.

(§ XVI, Ord. 491-C.S., eff. October 28, 1987)

Article 39. - Enforcement: Violations: Penalties

Sec. 9-4.3901. - Issuance of permits and licenses.
All departments, officials, and public employees of the City vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter and shall issue no permit or license for uses, buildings, or purposes in conflict with the provisions of this chapter, and any such permit or license issued in conflict with the provisions of this chapter shall be null and void.

The Chief Building Official shall not issue any building permit for the construction of any building, structure, facility, or alteration the construction of which, or the proposed use of which, would constitute a violation of the provisions of this chapter.

(§§ 21.01 and 21.02, Ord. 363)

Sec. 9-4.3902. - Enforcement.
It shall be the duty of the Chief Building Official to enforce the provisions of this chapter pertaining to the erection, construction, reconstruction, moving, conversion, or alteration of buildings and structures.

(§ 21.01, Ord. 363)

Sec. 9-4.3903. - Violations: Public nuisances: Abatement.
Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this chapter, and any use of any land, building, or premises established, conducted, operated, or maintained contrary to the provisions of this chapter shall be, and the same are hereby declared to be, unlawful and a public nuisance, and the City Attorney, upon an order of the Council, shall immediately commence an action or proceeding for the abatement, removal, and enjoinment thereof in the manner prescribed by law and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person from setting up, erecting, building, maintaining, or using any such building contrary to the provisions this chapter.

(§ 21.04, Ord. 363)

Sec. 9-4.3904. - Violations: Penalties.
Any person, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable as set forth in Chapter 2 of Title 1 of this Code.

(§ 21.03, Ord. 363)

Article 40. - Coastal Development Permits
*   Sections 9-4.4000 through 9-4.4014, codified from Ordinance No. 335-C.S., effective June 9, 1982, repealed by Ordinance No. 610-C.S., effective March 16, 1994.

Article 41. - Density Bonus Program*

* Sections 9-4.4100 through 9-4.4106, as added by Ordinance No. 404-C.S., effective May 23, 1984, repealed by Ordinance No. 475-86, effective December 10, 1986.

Sec. 9-4.4100. - Intent.
The purpose of the density bonus program is to encourage the provision of affordable housing and of rental housing. The density bonus program offers the incentive of increased density and flexibility in development standards in exchange for housing which will help meet the City's need to provide affordable and rental housing.

(§ I, Ord. 475-86, eff. December 10, 1986)

Sec. 9-4.4101. - Definitions.
For the purposes of this article, unless otherwise apparent from the context, certain words and phrases used in this article are defined as follows:

(a)"Affordable housing" shall mean housing with a maximum sales price or rent that is affordable by lower and/or very low income households, as published by the State Department of Housing and Community Development based upon information from the Department of Housing and Urban Development (HUD) for San Mateo County. Affordable housing costs shall be calculated by the City according to the formula set forth in Section 9-4.4105 of this article.(b)"Density Bonus" shall mean a program which allows projects providing residential rental units, affordable housing, or housing for elderly or disabled persons to exceed the otherwise maximum residential zoning density and the maximum General Plan residential density of the site when approved by the Planning Commission. Density bonus units shall not be included when calculating the number of affordable units required to qualify for a density bonus.(c)"Elderly persons" shall mean persons sixty-two (62) years of age or older, or fifty-five (55) years of age or older in a residential development with at least 150 units targeted for elderly persons.(d)"Housing for the disabled" shall mean housing accessible to the disabled, as defined by the HEW 504 regulations.(e)"Moderate income units" shall mean housing with a maximum sales price or rent that is affordable by moderate income households, as published by the State Department of Housing and Community Development based upon information from the Department of Housing and Urban Development (HUD) for San Mateo County. Moderate income unit housing costs shall be calculated by the City according to the formula set forth in Section 9-4.4105 of this article.
(§ I, Ord. 475-86, eff. December 10, 1986, as amended by § 1, Ord. 587-C.S., eff. February 12, 1992)

Sec. 9-4.4102. - Amount of density bonus.
(a)Rental housing.(1)Projects constructed entirely as market rate multiple-family rental housing may be entitled to a fifteen (15%) percent density bonus above the maximum density designation for the site.(2)Qualifying projects shall remain available as rental housing for a minimum of thirty (30) years after the issuance of the certificate of occupancy.(b)Affordable housing.(1)Projects providing at least twenty (20%) percent of the total units for lower income households or at least ten (10%) percent of the total units for very low income households shall be entitled to a twenty-five (25%) percent density bonus and an additional incentive as set forth in Section 9-4.4104(2)Projects providing both twenty (20%) percent of the total units for lower income households and ten (10%) percent of the total units for very low income households shall not be entitled to more than one density bonus, unless otherwise determined by the Planning Commission, but shall be entitled to one additional incentive as set forth in Section 9-4.4104(3)Projects which receive a twenty-five (25%) percent density bonus pursuant to subsection (1) above may be granted up to a fifty (50%) percent density bonus as follows:(i)To qualify for up to a fifty (50%) percent density bonus, the maximum feasible number of very low income, lower income, and/or moderate income units shall be provided in addition to the minimum requirements for a twenty-five (25%) percent density bonus contained in this section. The feasible number of very low, lower, and/or

moderate income units to be provided shall be determined by the Planning Commission.(ii)Units shall be provided within the lowest income categories feasible, as determined by the Planning Commission.(c)Housing for the elderly or disabled.(1)Projects providing at least fifty (50%) percent of the total units for elderly persons shall be entitled to a twenty-five (25%) percent density bonus.(2)Projects providing housing exclusively for elderly or disabled persons may be granted up to a fifty (50%) percent density bonus provided that all of the bonus units are provided within the very low, lower, and/or moderate income categories. Additional affordable and/or moderate income units shall be provided if determined feasible by the Planning Commission. Units shall be provided within the lowest income categories feasible, as determined by the Planning Commission.
(§ I, Ord. 475-86, eff. December 10, 1986, as amended by § 2, Ord. 587-C.S., eff. February 12, 1992)

Sec. 9-4.4103. - Development standards.
(a)Affordable housing units shall be integrated into the overall design and layout of the development and shall be architecturally compatible with the market rate units on the subject property.(b)Where phasing of the construction is necessary, a phasing plan shall be submitted showing the ratio of affordable bonus units and market rate units to ensure the affordable housing units are constructed and made available for sale or rent at the same time as the market rate units.(c)A use permit shall be required.(d)When numbers are rounded for density bonus calculations, exact numbers shall be used, and rounding shall only occur at the final calculation.(e)The density bonus program shall apply to housing Developments consisting of five (5) or more dwelling units. The Planning Commission may, however, grant density bonuses to projects with fewer than five units provided that the site is physically suitable for the proposed density.
(§ I, Ord. 475-86, eff. December 10, 1986, as amended by § 3, Ord. 587-C.S., eff. February 12, 1992)

Sec. 9-4.4104. - Incentives.
(a)Rental housing. Any rental housing project constructed in accordance with the density bonus program which project has ten (10) or more required parking spaces may provide up to one-third () of the required parking spaces for compact cars.(b)Affordable Housing. Projects which provide affordable units in accordance with the density bonus program shall be entitled to at least one of the following incentives unless the Planning Commission finds that such incentive is not required in order to provide for affordable housing costs pursuant to Government Code Section 65915(b):(1)For projects with ten (10) or more required parking spaces, up to one-third (1/3) of the total required spaces may be for compact cars; or(2)Affordable units may have up to twenty (20%) percent less interior floor area than the average interior floor area of market rate units with the same number of bedrooms; provided that the affordable units meet the minimum dwelling unit size and floor area specified in this Code and the Uniform Building Code; or(3)A maximum of a twenty (20%) percent reduction in required lot area; or(4)A maximum reduction of twenty (20%) percent in setback requirements; or(5)A maximum increase of twenty (20%) percent in lot coverage; or(6)A reduction of planning application fees; or(7)Other incentive or incentives, as determined by the Planning Commission, which can be shown to result in identifiable construction cost reductions.(c)Housing for the elderly or disabled. Projects which provide housing for the elderly or disabled in accordance with the density bonus program shall be entitled to at least one of the following incentives:(1)Required parking for housing for the elderly may be provided at a ratio of one parking space for every two (2) units;(2)One of the incentives listed in subsection (b) of this section.(d)The specific incentives, as listed in subsections (b) and (c) of this section, to be granted to a housing development shall be subject to the approval of the Planning Commission. The following regulations also apply:(1)A developer may submit a preliminary proposal for a housing development to the Planning Administrator prior to any formal project application. Within ninety (90) days of submission, the Planning Administrator shall notify the developer of the procedures for implementing the density bonus program.(2)A developer may request a waiver or modification to zoning or development standards which the developer contends would inhibit the utilization of a density bonus on a specific site. If the incentive requested by a housing developer involves a modification to zoning or development standards, the developer must submit evidence to prove that the modification is necessary to make the housing units

economically feasible.(3)The Commission may also grant additional incentives if such additional incentives are necessary to make the housing units economically feasible.(4)The Commission may deny the request for an incentive only if it finds and establishes that the development, with the affordable units, would be economically feasible without the incentive.
(§ I, Ord. 475-86, eff. December 10, 1986, as amended by §§ 4 and 5, Ord. 587-C.S., eff. February 12, 1992)

Sec. 9-4.4105. - Income, rent, and cost structure.
(a)Rent structure: San Mateo County Housing Authority. Rental units may be administered by the County Housing Authority in accordance with the following regulations:(1)Rental rates shall follow the most current Section 8 Fair Market Rent Schedule.(2)The County Housing Authority shall be responsible for annually qualifying households and distributing Section 8 certificates.(3)Qualified City residents shall be granted preference in obtaining Section 8 certificates.(b)Rent structure — City of Pacifica. Rental units may be administered by the City in accordance with the following regulations:(1)Units for lower income households shall be offered at a rent that does not exceed thirty (30%) percent of sixty (60%) percent of the most current household size-adjusted median income for San Mateo County as established by HCD. The maximum rent for units targeted for lower income households shall be calculated by using the following formula:
[.60 × Household size - adjusted Area Median Income × .30] ÷ 12.

(2)Units for very low income households shall be offered at a rent that does not exceed thirty (30%) percent of fifty (50%) percent of the nost current household size-adjusted median income for San Mateo County as established by HCD. The maximum rent for units targeted for very low income households shall be calculated using the following formula:
[.50 × Household size-adjusted Area Median Income × .30] ÷ 12

(3)Units for moderate income households shall be offered at a rent that does not exceed thirty (30%) percent of eighty (80%) percent of the most current household size-adjusted median income for San Mateo County as established by HCD. The maximum rent for units targeted for moderate income households shall be calculated using the following formula:
[.80 × Household size-adjusted Area Median Income × .30] ÷ 12

(4)Monthly rental costs, for the purpose of this subsection, shall include water, garbage, and sewer costs.(5)The household to which a unit is rented shall be qualified as a very low, lower or moderate income household as defined in this article by either the City or its designee.(c)Ownership housing costs.(1)Lower income units shall be sold at a price where households earning seventy (70%) percent of the most current household size-adjusted median income for San Mateo County as established by HCD would spend no more than thirty-three (33%) percent of their gross monthly income toward all monthly housing costs.(2)Very low income units shall be sold at a price where households earning sixty (60%) percent of the most current household size-adjusted median income for San Mateo County as established by HCD would spend no more than thirty-three (33%) percent of their gross monthly income toward all monthly housing costs.(3)Moderate income units shall be sold at a price where households earning between eighty (80%) and one hundred (100%) percent of the most current household size-adjusted median income for San Mateo County as established by HCD would spend no more than thirty- three (33%) percent of their gross monthly income toward all monthly housing costs. Units shall be provided at the low end of the range if determined feasible by the Planning Commission.(4)Monthly housing costs, for the purpose of this subsection, shall include mortgage, insurance, taxes, and any required monthly or yearly association fees unless otherwise determined by the Planning Administrator.(5)The household to which a unit is sold shall be qualified as a very low, lower or moderate income household as defined by HUD by either the City or designee.(d)Ownership and management. Affordable rental units provided in accordance with the density bonus program, which units are within ownership housing projects, shall be

owned and managed as a unit by the developer. The ownership may be transferred; however, the units shall not become the responsibility of a homeowner's association. The monthly maintenance fees shall be paid by the owner or shall be subtracted from the maximum rent allowed.(e)For the purposes of determining household size for affordable units, the following chart shall be used:

Unit Size	Household Size
0 bedroom (studio)	1 person
1 bedroom	2 persons
2 bedrooms	3 persons
3 bedrooms	4 persons
4 bedrooms	6 persons
5+ bedrooms	8 persons

(§ I, Ord. 475-86, eff. December 10, 1986, as amended by §§ 6 and 7, Ord. 587-C.S., eff. February 12, 1992)

Sec. 9-4.4106. - Guarantees of continued availability of affordable density bonus housing.
(a)Rental units.(1)Affordable rental units shall be rented to qualifying households and shall be maintained at rent levels established in accordance with the most current City calculations derived from the income, rent, and cost structure provisions set forth in Section 9-4.4105 of this article.(2)The developer and/or owner shall agree and bind any successors to maintain rent levels as established pursuant to subsection (1) of this subsection. Agreements regarding rent levels shall be by legal arrangements approved as to form by the City Attorney.(3)Affordable units shall be maintained at affordable rents as defined in this article for a minimum of thirty (30) years. However, if no incentive is granted as set forth in Section 9-4.4104 of this article, the affordable units shall be maintained at affordable prices for a minimum of ten (10) years.(4)For rental units within an otherwise for-sale development, rental units may be converted to ownership housing provided the converted rental unit is affordable to the same income group it was originally intended to serve (see Section 9-4.4105 of this article) and it meets the requirements of this section relative to ownership housing. Ownership units which are subsequently rented shall be required to conform to the rent structure set forth in said Section 9-4.4105(b)Ownership housing.(1)Resale controls shall be by legal arrangements approved as to form by the City Attorney. Resale controls shall be incorporated into the deed as a deed restriction and shall be incorporated as part of the covenants, conditions, and restrictions where applicable in order to guarantee the occupancy of affordable units by lower and very low income households for a minimum of thirty (30) years. However, if no incentive is granted as specified in Section 9-4.4104 of this article, occupancy of the affordable units by lower and very low income households shall be guaranteed for minimum of ten (10) years.(2)Resale controls shall limit the appreciation of equity to the increase in the permissible sales price between the time of the purchase and the time of the sale as established by the City or its designee in accordance with the standards set forth in Section 9-4.4105 of this article.(c)Housing for the elderly or disabled.(1)For housing developments qualifying for a density bonus that provide housing for the elderly and/or disabled, the developer and/or owner shall be required to agree and to bind any successors to maintain the units a minimum of thirty (30) years for such housing. However, if no incentive is granted as specified in Section 9-4.4104 of this article, the units shall be maintained for such housing for a minimum of ten (10) years. Legal arrangements regarding occupancy and costs shall be approved as to form by the City Attorney.(2)Affordable elderly or disabled units shall be maintained as such for a minimum of thirty (30) years. However, if no incentive is granted as specified in Section 9-4.4104 of this article, affordable elderly or disabled units shall be maintained as such for a minimum of ten (10) years.
(§ I, Ord. 475-86, eff. December 10, 1986, as amended by § 8, Ord. 587-C.S., eff. February 12, 1992)

Article 42. - Transfer of Residential Development Rights

Sec. 9-4.4200. - Purpose and findings.
It is the purpose of this article to provide a mechanism to relocate potential development from areas

where environmental or land use impacts could be severe to other areas more appropriate for development, to preserve significant open space resource areas within the City, to encourage protection of natural, scenic, recreational and agricultural values of open space lands, to control development and minimize damage in potentially hazardous and flood prone areas, and to implement the policies of the Seismic and Safety, Open Space and Land Use Elements of the Pacifica General Plan and of the Pacifica Local Coastal Land Use Plan, by the transfer of rights to develop from properties in such areas to qualified properties in other parts of the City, while still granting appropriate residential development rights to each property. This method is found to be a reasonable approach to achieve such purposes and is further supported by the following:

(a)The establishment of a transfer of development rights program was recommended as an appropriate technique by the City of Pacifica Open Space Task Force Report (1988), and the City Council concurs that such a program is an appropriate method to help accomplish the Open Space Task Force Goals; and(b)The establishment of a transfer of development rights program has been incorporated into the Pacifica General Plan and Local Coastal Land Use Plan and is consistent with the goals of the General Plan and Local Coastal Land Use Plan; and(c)A transfer of development rights program will assist the City in moving forward to implement its responsibilities under the General Plan and Local Coastal Land Use Plan; and(d)The establishment of such a program will promote flexibility and innovation in land use planning so as to encourage existing development potential to occur on lands deemed to be more appropriate; and(e)The authority to establish a transfer of development rights program is within the scope of the City's police power established in Article XI, Section 7 of the State Constitution and such a program is necessary and appropriate to the exercise of the City's planning and zoning authority as set forth in the State Planning and Zoning Law, Title 7, Division One, of the California Government Code.
(§ 1, Ord. 539-C.S., eff. December 27, 1989)

Sec. 9-4.4201. - Definitions.
(a)Development rights. The residential building rights permitted to a lot, parcel or area of land under the base density of the General Plan and zoning ordinances of the City, measured in maximum dwelling units per acre based upon gross acreage. In the event of any conflict between the General Plan and zoning ordinance, the density standards of the General Plan shall control. It is not the purpose of this article to create any such potential which would not otherwise exist.(b)Sending areas and parcels. An undeveloped area that is designated in this article or by further action of the Planning Commission as one from which it is appropriate to transfer development rights. A sending parcel or site is an undeveloped parcel or site located in a sending area.(c)Receiving areas and parcels. An area that is designated in this article or by further action of the Planning Commission as appropriate for residential development beyond its base density through the transfer of development rights. A receiving parcel or site is one located in a receiving area.(d)Base density. The number of dwelling units per gross acre permitted by the City's General Plan and zoning ordinances for a parcel in a receiving area without the use of transfer of development rights or a density bonus.(e)Transfer units. The additional units of dwellings allowed on a receiving parcel over base density through the use of transfer of development rights.
(§ 1, Ord. 539-C.S., eff. December 27, 1989)

Sec. 9-4.4202. - Transfer of development rights permitted.
Notwithstanding any other provisions of this Code regarding residential density, including minimum lot size, minimum lot area per dwelling unit, minimum building site area and minimum lot width, the number of dwelling units permitted to be built upon a sending parcel may be transferred and built upon a receiving parcel. In approving a transfer of development rights pursuant to this article, the Planning Commission may find that such a transfer is consistent with the existing General Plan and zoning designation of the receiving parcel. Such a transfer of development rights shall only be permitted to occur under the circumstances and according to the procedures set out in this article. Such a transfer may be in addition to any density bonus for affordable or rental housing granted pursuant to Article 41 of Chapter 4

of this title. However, no density bonus shall be allowed for the sending area or the transfer units.

(§ 1, Ord. 539-C.S., eff. December 27, 1989)

Sec. 9-4.4203. - Sending areas.
(a)Designated sending areas. All of the land in the following categories is designated to be sending areas:(1)An open space area designated in the 1988 Pacifica Open Space Task Force Report Inventory;(2)Any undeveloped area identified as appropriate for density transfer or as containing potential development hazards in the City's General Plan or Local Coastal Land Use Plan;(3)Any undeveloped area identified as subject to a Class I-IV landslide in the 1982 Landslide Inventory Map, Appendix A (Howard Donley Associates);(4)Any undeveloped area identified as subject to flood hazard in the most currently adopted Flood Insurance Study of the Federal Insurance Administration; or(5)Other undeveloped areas specifically designated by the Planning Commission or City Council as set forth herein from which residential development rights may be transferred.(b)Designation of other sending areas. In addition to those areas which qualify as sending areas according to the criteria set out in subsection (a) of this section, the Planning Commission may approve additional areas as sending areas. Eligibility for designation of other sending areas shall be determined upon submittal of a transfer of development rights application to the Planning Commission.(c)Criteria for eligibility. Criteria used by the Planning Commission for approval of other sending areas shall include:(1)Suitability of the area for development;(2)Existence of any physical hazards or constraints to development, such as slope, wave action, or erosion;(3)Area size; and(4)Whether the natural, scenic, recreational, open space or agricultural values of the proposed sending area are such as to warrant preservation.
(§ 1, Ord. 539-C.S., eff. December 27, 1989)

Sec. 9-4.4204. - Receiving areas.
(a)Designated receiving areas. All of the areas in the following underlying zoning categories are designated to be receiving areas:(1)R-2 (two-family - residential district);(2)R-3 (multiple-family - residential district);(3)R-3-G (multiple-family - residential garden district);(4)R-3.1 (multiple-family - residential district);(5)P-D (planned development district);(6) ~~Land designated as R-1 (single-family - residential district) is eligible to receive transfer units only for the purpose of construction of a second residential unit on a single building site. The density limitations of Section 9-4.453 of this Code shall not apply to such a transfer~~ Repealed by Ordinance No. 825-C.S.~~.~~(7)No area in the coastal zone which is designated as "Special Area" or "Open Space Residential" in the Pacifica General Plan or Coastal Land Use Plan shall be designated as a receiver site with the exception of the Pacifica Quarry due to its disturbed condition. This prohibition shall not extend to intrasite transfers within such areas.(b)Designation of other receiving areas. In addition to those areas which qualify as receiving areas according to the criteria set out in subsection (a) of this section, the Planning Commission may approve additional areas as receiving areas. Eligibility for designation of other receiving areas shall be determined upon submittal of a transfer of development rights application to the Planning Commission.(c)Criteria for eligibility. Criteria used by the Planning Commission for approval of other receiving areas shall include:(1)Whether the proposed receiving area contains adequate public facilities and infrastructure, including roads, traffic capacity, parking, and storm drainage systems, to accommodate the transfer of development rights;(2)Whether the higher density resulting from the addition of transfer units in a receiving area will result in a significant adverse change in the basic character of the adjacent neighborhood, or result in an appropriate pattern of development;(3)Whether the transfer of development rights to any particular receiving area will provide a net public benefit and an overall reduction in environmentally damaging consequences and cumulative impacts when compared to the alternative of development in both the sending and receiving areas;(4)Whether such increased development is compatible with the goals and policies of the General Plan and Coastal Land Use Plan;(5)Whether the proposed receiving area is physically suitable for such a transfer, considering, among other factors, the slope, visibility, geotechnical constraints, and recreational and environmental values of the area.

(§ 1, Ord. 539-C.S., eff. December 27, 1989)

Sec. 9-4.4205. - Transfer of development rights within one parcel or site.
Transfer of development rights within one parcel which has more than one zoning or General Plan designation, or between commonly owned parcels which have more than one zoning or General Plan designation and are planned as a unit, may occur upon discretionary approval of the Planning Commission after review of an application for transfer of development rights. The sending and receiving areas in such a proposed transfer shall meet the criteria set forth in this article for designation of such areas and be so designated prior to approval of such transfer.

(§ 1, Ord. 539-C.S., eff. December 27, 1989)

Sec. 9-4.4206. - Transfer units.
In any transfer of units, the sending parcel or area must transfer all of its development rights to a receiving parcel or parcels, regardless of how many transfer units the owner of the receiving parcel or parcels elects to apply for or use. No partial transfers shall be permitted.

(§ 1, Ord. 539-C.S., eff. December 27, 1989)

Sec. 9-4.4207. - Procedures and requirements for approval of transfer of development rights.
(a)Initiation. An application for transfer of development rights shall be initiated as follows:(1)The process of transferring development rights shall be initiated by submittal of an application for a transfer of development rights permit (TDR Permit) by the owner of the receiving parcel to the Planning Commission.(2)An application for a TDR permit may only be accepted for filing concurrently with an application for the associated development project pursuant to the requirements of Title 9 of this Code.(3)The Planning Administrator shall submit the TDR permit application to the Planning Commission for discretionary approval concurrently with the proposed development project according to the procedures of this Code.(b)Submittal requirements. All requirements for a TDR permit shall include the following:(1)A map showing the location and boundaries of the receiving parcel and sending parcel;(2)The acreage of the receiving parcel and sending parcel;(3)The zoning and current allowable base density of the receiving and sending parcels;(4)Written consent to the transfer from all registered owners of all property subject to the transfer of development rights;(5)A calculation of the number of units available to be transferred from the sending parcel and the total number of dwelling units requested to be transferred to the receiving parcel. Any fraction of a unit of .50 or greater shall be considered as a whole unit;(6)A site plan that demonstrates that all applicable design standards and parking requirements can be met with the additional transfer units;(7)A statement of how the sending and receiving parcels fulfill the criteria set forth in this article;(8)The Planning Administrator may require the submission of other data, information, or drawings as deemed necessary to accomplish the purposes of this chapter.(c)Approval process and criteria.(1)The procedures for approval of an application for a TDR permit shall be as set forth in Article 32 of Chapter 4 of Title 9 of this Code. The Planning Commission shall approve a TDR permit only upon making the following findings: (a) that the criteria set out in Section 9-4.4204 (b) herein are met; and, (c) that the transfer will result in the permanent preservation of open space land with natural, scenic, agricultural, or recreational value, or in the preservation of undeveloped land subject to geotechnical hazard or flooding.(2)Approval of an application for a TDR permit is discretionary. The Planning Commission or City Council on appeal may approve, deny or conditionally approve such a permit, and may impose such conditions as it deems appropriate to accomplish the goals of this article and to mitigate any adverse impacts of such application.(d)Requirements for final approval. Approval of a TDR permit shall not be finalized until such time as the following have been accomplished:(1)Final approval of the concurrent development project according to the provisions of this Code;(2)Execution of an instrument legally sufficient in both form and content to effect such development rights transfer;(3)Recordation of either an open space or

conservation easement or deed restriction, as specified by the City, on all of the sending parcels from which development rights are obtained. A copy of the recorded easement or deed restriction shall be submitted to the Planning Administrator, who shall certify that all of the development rights on each sending parcel are removed, and, in the case of an easement, that the easement has been offered to the City or other qualified public agency or nonprofit entity;(4)The open space or conservation easement or deed restriction shall be approved as to form and content by the City Attorney. The document shall notify all owners and successors that the transfer and its concomitant restrictions shall run with the land and be binding on all future owners. For all sending parcels, the easement or deed restriction shall be sufficient to retire all development rights upon the sending parcel.
(§ 1, Ord. 539-C.S., eff. December 27, 1989)

Sec. 9-4.4208. - Exemption from fees and other requirements.
(a)With the exception of those Code requirements set out in Section 9-4.4202 herein, a development project which relies upon a transfer of development rights shall comply with all other applicable requirements of this Code for such a project. However, in order to encourage the use of the transfer of development rights program, projects containing approved transfer units may be exempted from certain fees and requirements normally imposed by the City. Such exemption may be appropriate because there is a clear public benefit to be gained through the program in the preservation of valuable environmental, open space and recreational resources. In addition, exemptions from certain City fees will prevent a duplication of requirements for owners of receiving parcels who are providing open space and recreation land through the purchase of transferable development rights. Any such exemptions shall only be granted pursuant to the procedures set out in this section.(b)Upon application for TDR permit, the applicant may make application for exemption from park land dedication requirements as set out in Section 10-1.803 of the City's subdivision title. Such a request shall be reviewed according to the procedures set out in Section 10-1.803 and must be approved by the Planning Commission.(c)Upon application for a TDR permit, the applicant may also apply for a reduction or exemption from the following fees for the transfer units:(1)Capital improvement fees pursuant to Article 2 of Chapter 4 of Title 7 of this Code; and(2)Traffic impact mitigation fees pursuant to Title 8 of this Code.
Such reduction or exemption must be approved by the City Council.

(d)In conjunction with the TDR permit, an applicant may also apply to the Planning Commission for a reduction from open space, setback, coverage, landscaping and parking requirements for the transfer units upon a showing that such will not adversely impact project residents, adjacent residents or the character of the adjacent neighborhood. Any such reduction is discretionary and shall be approved by the Planning Commission in conjunction with its review of the TDR permit and project application.
(§ 1, Ord. 539-C.S., eff. December 27, 1989)

Article 43. - Coastal Zone Combining District

Sec. 9-4.4300. - Purpose.
The purpose of this article is to establish a Coastal Zone Combining District, known as the CZ District, for the entire Pacifica Coastal Zone. This District will be superimposed over the underlying basic zones and will supplement the regulations and requirements of those zones. Consistent with the California Coastal Act, the intent of these regulations is to:

(a)Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone and its natural and built resources;(b)Assure orderly, balanced use and conservation of resources within the coastal zone, taking into account the social and economic needs of the people of the state;(c)Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners;(d)Assure priority for coastal-dependent and coastal-related development over other

types of development in the coastal zone;(e)Encourage state and local initiatives and cooperation in procedures used to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4301. - Applicability.
The provisions of this article shall apply to all areas within the CZ District and supplement regulations of the underlying basic zones. In case of conflict between the provisions of this article and those of the underlying basic zones, the provisions of this article shall prevail.

(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4302. - Definitions.
Unless otherwise apparent from the context, certain words and phrases used in Article 43, Coastal Zone Combining District; Article 44, Coastal Development Regulations; and Article 45, Special Area Combining Districts are defined below:

(a)Access, Public Shoreline. "Public shoreline access" means a path, trail, or area which provides physical or visual public access to the shoreline. Types of access include lateral access along a coastal bluff or along a beach, or vertical access to or across a coastal bluff, beach, scenic overlook, or viewing area.(b)"Adverse environmental impact" shall mean a change or effect brought on by an action or land use which has a negative or degrading effect on the surrounding environment.(c)"Aggrieved person" shall mean any person who, in person or by other appropriate means, informs the City of concerns about coastal development permit requirements or procedures, and wishes to appeal any action approving or denying such a permit. For purposes of appeal to the Coastal Commission, this means any person who, in person or through a representative, appeared at a City public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the City of the nature of their concerns or who for good cause was unable to do either.(d)"Appeal" shall mean a request for a decision to be reviewed by an appeals board or other hearing body, made by an aggrieved person or public agency.(e)"Applicant" shall mean a person, partnership, corporation, sole proprietorship, or state or local government agency applying for a coastal development permit.(f)"Buffer" shall mean an area of land adjacent to primary habitat, which may include secondary habitat as defined by a qualified biologist or botanist, and which is intended to separate primary habitat areas from new development in order to ensure that new development will not adversely affect the San Francisco garter snake and wetlands habitat areas.(g)"California Environmental Quality Act (CEQA)" shall mean the law, enacted in 1970, which sets forth requirements for California governmental agencies to develop standards and procedures necessary to protect environmental quality and establishes regulations for environmental review of projects which may result in an adverse environmental impact unless adequate mitigation measures are ensured.(h)"California Coastal Act" shall mean the law, enacted in 1976 by the California State Legislature, which sets forth goals and policies for the conservation and development of the State's 1,110-mile coastline.(i)"California Coastal Commission" shall mean the permanent coastal management and regulatory agency to assure that goals and policies regarding coastal development are reflected in state and local decisions.(j)"Categorical exemption from CEQA" shall mean projects which do not have a significant effect on the environment are exempt from the provisions of the CEQA guidelines, including:(1)Activities which are not projects as defined in Section 15378 of CEQA; or(2)Projects which have been granted an exemption by statute or categorical exemption; or(3)Activities which are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.(k)"City Council" shall mean the City Council of the City of Pacifica.(l)"Cluster development" shall mean a method of development in which many dwelling units are placed close together or attached, usually for

the purpose of preserving nearby open space.(m)"Coastal bluff" shall mean a natural high bank or bold headland with a broad, almost perpendicular cliff face overlooking the ocean, subject to coastal erosion and with a vertical relief of at least ten (10′) feet in height.(n)"Coastal dependent use" shall mean any development or use which requires a site on or adjacent to the coast in order to be functional.(o)"Coastal developmental permit" shall mean a permit for any development within the coastal zone required pursuant to the California Coastal Act, Section 30600(a).(p)Coastal Development Permit, Administrative. "Administrative coastal development permit" shall mean a coastal development permit which can be administratively issued by the Director in cases where proposed development is deemed minor in nature, but nevertheless requires coastal development permit review. Administrative permits are intended to reduce processing time and shorten hearing agendas.(q)Coastal Development Permit, Emergency. "Emergency coastal development permit" shall mean an emergency permit is an authorization by the Director to proceed with any development which is remedial, immediate, and temporary to respond to an urgent and critical situation provided that later compliance with local coastal planning permit requirements is assured if the development is to be permanent.(r)"Coastal emergency" shall mean a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.(s)"Coastal view corridor" shall mean an area, identified in the LCP Land Use Plan, as significant for providing visual access to and of the Pacific Ocean.(t)"Coastal zone, appeals zone" shall mean the area, including the following projects, which may be appealed to the California Coastal Commission pursuant to the California Coastal Act, Section 30603:(1)Developments approved by the City Council between the sea and the first through public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line where there is no beach, whichever is the greater distance; or(2)Developments approved by the City Council that are not included in (t)(1) above but are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff; or(3)Developments approved by the City Council that are not included in (t)(1) or (t)(2) above that are located in a sensitive coastal resource area; or(4)Any development which constitutes a major public works project or a major energy facility.(u)Coastal Zone, California. "California Coastal Zone" shall mean a zone which generally extends inland 1,000 yards from the mean high tide line of the sea from California's border with Oregon to the border of the Republic of Mexico. In areas of significant coastal estuarine, habitat, and recreational value, the coastal zone extends inland to the first major ridgeline paralleling the sea or five (5) miles from the mean high tide line of the sea, whichever is less.(v)Coastal Zone, Pacifica. "Pacifica Coastal Zone" shall mean that portion of the California coastal zone which lies within the City of Pacifica, as established by the California Coastal Act and as may be subsequently amended by the State of California.(w)"Dedication" shall mean the granting by an owner or developer of interest in private land for public use, and the acceptance of such interest in land for such use by the governmental agency having jurisdiction over the public function for which it will be used.(x)"Deed restriction" shall mean a restriction which describes limitations placed on a property and its use, usually made as a condition of sale, and which under certain circumstances may bind both current and future owners.(y)"Department" shall mean the City of Pacifica Planning ~~and Building~~ Department.(z)"Development" shall mean on land, or in or under water within the Pacifica Coastal Zone, the following:(1)The placement or erection of any solid material or structure;(2)The discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste;(3)The grading, removing, dredging, mining or extraction of any material;(4)A change in the density or intensity of use of land, including subdivisions and any other division of land, except where a division occurs as a result of a purchase by a public agency for public recreational use;(5)A change in the intensity of use of water, or of access thereto;(6)The construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal utility; and(7)The removal 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.(aa)"Director" shall mean the City of Pacifica Planning ~~and Building~~ Director, or her/his designee.(ab)"Easement" shall mean a legal agreement between a property owner(s) and a permitting authority to restrict development of property, or portions thereof. An easement limits the type and amount of activity that can be done on the property in order to protect a significant valuable resource, including outdoor recreation and education, public access, scenic enjoyment, agricultural lands, and/or natural habitat.(ac)"Environmental Impact Report (EIR)" shall mean a report prepared pursuant to CEQA which details the impact or consequence which a particular project will have on the surrounding environment.(ad)"Environmentally sensitive habitat" shall mean an 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 would be easily disturbed or degraded by human activities or development.(ae)"Feasible" shall mean capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.(af)"Habitat survey" shall mean a field survey conducted by a qualified biologist or botanist hired by the applicant to identify potential environmentally sensitive habitats.(ag)"Improvement" shall mean physical changes to a structure which do not:(1)Change the intensity of its use;(2)Increase the floor area, height, or bulk of the structure by more than ten (10%) percent;(3)Block or impede access; or(4)Result in a seaward encroachment by the structure.(ah)Local Coastal Program, Pacifica. "Pacifica Local Coastal Program" shall mean the long-term coastal management plan of Pacifica. The Local Coastal Program (LCP) includes a land use plan, a zoning ordinance, zoning district maps, and implementing actions for sensitive coastal resource areas, which together meet the requirements of and implement the provisions and policies of the California Coastal Act at the local level.(ai)LCP Land Use Plan, Pacifica. "Pacifica LCP Land Use Plan" shall mean relevant portions of the Local Coastal Program adopted by the Pacifica City Council and certified by the California Coastal Commission as the governing land use plan for the Pacifica Coastal Zone to indicate the kinds, location, and intensity of land uses, and applicable resource protection and development policies.(aj)"Mitigation measures" shall mean actions or measures taken to ameliorate, alleviate, eliminate or avoid an undesirable occurrence to the extent reasonably feasible.(ak)"Native vegetation" shall mean plants which are native to a particular area.(al)"Negative declaration" shall mean a written statement briefly describing the reasons that a proposed project will not result in any significant adverse environmental impacts and therefore does not require an EIR.(am)"Net developable area" shall mean the area of a parcel determined by a geologist to remain usable throughout the design life of the project and determined to be adequate to withstand a 100-year hazard event.(an)"Planning Commission" shall mean the Planning Commission of the City of Pacifica.(ao)"Public works" shall mean the following:(1)All production, storage, transmission and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.(2)All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.(3)All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.(4)All community college facilities.(ap)"Prominent ridgeline" shall mean a designation assigned to the ridgeline portion of the most visible and scenic of the City of Pacifica's ridge areas.(aq)"Rare and/or endangered species" shall mean those animal or plant species identified as rare, endangered, and/or threatened by the United States Department of Interior Fish and Wildlife Service, or the California Department of Fish and ~~Game~~Wildlife.(ar)"Ridgeline development" shall mean development on a crest of a hill or prominent landform which has the potential to create a silhouette or other substantially adverse environmental impact when viewed from a common public viewing area, such as a public road.(as)"Safety improvements" shall mean improvements made to a home or facility which improve the structural and emergency safety of the building.(at)"Sensitive coastal resource" shall mean identifiable and geographically bounded land and water areas within the coastal zone which are of vital interest and sensitivity, including:(1)Special marine and land habitat, wetlands, lagoons, and estuaries, as mapped and designated in Part 4 of the California Coastal Plan;(2)Areas possessing significant recreational value;(3)Highly scenic areas;(4)Archeological 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-income and moderate-income persons; and(7)Areas where land divisions could substantially impair or restrict coastal access.(au)"Shoreline" shall mean natural contour, materials, topography, and biology of the ocean edge, extending inland to the mean high tide line as recorded during the winter months.(av)"Visitor-serving use" shall mean commercial and recreational uses which provide goods and/or services needed by, or of particular interest to, visitors. Such uses shall include, but not be limited to:(1)Motels;(2)Hotels;(3)Restaurants;(4)Delicatessens;(5)Crafts and art galleries;(6)Retail uses of interest to visitors;(7)Recreational and sporting equipment sales and rentals;(8)Campgrounds; and(9)Bait and tackle shops.(aw)"Wetland" shall mean land which may be covered periodically or permanently with shallow water, including saltwater marshes, freshwater marshes, streams, creeks, open or closed brackish water marshes, swamps, mudflats, or fens.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4303. - Coastal development permit requirement.

(a) Applicability. The provisions of this section shall apply to any person, partnership, corporation, or state or local government agency wishing to undertake any development within the CZ District.
(b) Procedures. The provisions of Section 9-4.4304, Coastal Development Permit Procedures and Findings, shall apply to the issuance of all coastal development permits within the CZ District. A coastal development permit application shall be submitted to the Director in writing, on a form prescribed by the Department. This application shall include information required in Section 9-4.4304 and any other information deemed necessary by the Director to adequately assess and evaluate the proposed development with respect to applicable City policies and environmental constraints.
(c) Appeals. The provisions of Section 9-4.4305, Coastal Development Permit Appeal, shall apply to any person aggrieved by any decision, action, interpretation, or enforcement of this article. Any person aggrieved by any action or decision of the Planning Commission, may appeal to the City Council and to the California Coastal Commission where authorized by the California Coastal Act.
(d) Administrative coastal development permit. The provisions of Section 9-4.4306, Administrative Coastal Development Permit, shall apply to all cases where the Director determines that an administrative coastal development permit is appropriate because the proposed development is minor in nature.
(e) Emergency coastal development permit. The provisions of Section 9-4.4307, Emergency Coastal Development Permit, shall apply where the Director determines that an emergency coastal development permit is necessary as an urgency measure to protect life and property from imminent danger or to restore, repair, or maintain public works, utilities, or services during and immediately following a natural disaster or serious accident within the CZ District. The decision to issue an emergency permit may be made solely at the discretion of the Director.
(f) Permanent environmental protection. The provisions of Section 9-4.4308, Permanent Environmental Protection, shall apply where it is determined that permanent land restrictions are required for coastal development permit approval in order to protect sensitive coastal resources or to ensure public shoreline access within the CZ District.
(g) Neighborhood commercial district supplementary regulations. The provisions of Section 9-4.4410, Neighborhood Commercial District Supplementary Regulations, shall apply to all property zoned C-1, Neighborhood Commercial, and C-2, Community Commercial, located in the CZ District. The purpose of these regulations is to encourage the establishment of new visitor-serving commercial uses, thereby providing convenient and functional shopping and services for persons using the coastal zone, while still assuring that nearby residents retain a range of services and retail uses.
~~(g)~~(h) Exemptions. The following projects shall be exempt from the requirement for a coastal development permit from the City of Pacifica:
    (1) Development on tidelands, submerged lands, or public trust lands which require a permit from

the California Coastal Commission pursuant to the California Coastal Act, Section 30519; and

(2) Improvements of less than ten (10%) percent increase in building height, bulk or floor area to existing single-family structures and improvements normally associated with a single-family residence, such as accessory dwelling units as described in Section 9-4.453(d) or (e) and junior accessory dwelling units which meet all of the criteria as set forth in Article 4.5 of this chapter, garages, swimming pools, fences, storage sheds, and landscaping~~, but not including guest houses or self-contained residential units~~. However, a permit shall be required in the following situations because they involve a risk of adverse environmental impact:

   (i) Improvements to a single-family structure on, abutting, or adjacent to a beach or wetland, or where the structure or proposed improvement would encroach within fifty (50′) feet of a coastal bluff,

   (ii) Significant alteration of landforms, including removal or placement of vegetation on a beach, wetland, or sand dune, or within fifty (50′) feet of a coastal bluff,

   (iii) Expansion, replacement or construction of wells or septic systems, or

   (iv) Property located between the sea and the first public road paralleling the sea or within 300 feet of a beach or of the mean high tide line where there is no beach, whichever is the greater distance; or

   ~~(iv)~~(v) New accessory dwelling units as described in Section 9-4.453(c) which meet all of the criteria as set forth in Article 4.5 of this chapter.

(3) Improvements of less than ten (10%) percent increase in building height, bulk or floor area to existing structures other than single-family residences or public works facilities. However, a permit is required in the following situations because they involve a risk of adverse environmental effect:

   (i) Improvements to any structure on, abutting, or adjacent to a beach or wetland or where the structure or proposed improvement would encroach within fifty (50′) feet of a coastal bluff,

   (ii) Significant alteration of landforms, including removal or placement of vegetation on a beach, wetland, or sand dune, or within 100 feet of the edge of a coastal bluff,

   (iii) Expansion or construction of wells or septic systems,

   (iv) Property located between the sea and the first public road paralleling the sea or within 300 feet of a beach or of the mean high tide line where there is no beach, whichever is the greater distance, or

   (v) Any improvement to a structure which changes the nature of the use;

(4) Repair or maintenance activities and safety improvements to seawalls, revetments, bluff retaining walls, breakwaters, groins, or other similar activities that do not result in an addition to, or enlargement or expansion of the improvement or maintenance activities. However, a permit is required for the following types of repair of maintenance because they involve a risk of adverse environmental impact:

   (i) Substantial alteration of the foundation of the protective work, including pilings and other surface or subsurface structures,

   (ii) Placement, whether temporary or permanent, of riprap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, and lakes, or on a shoreline protective work,

   (iii) Replacement of twenty (20%) percent or more of the materials of an existing structure with materials of a different kind,

   (iv) Presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any land area, beach or bluff, or within twenty (20′) feet of a beach, wetland or coastal stream, and

   (v) Replacement of fifty (50%) percent or more, under one ownership, unless the object of repair was destroyed by natural disaster;

(5) Installation or replacement of any necessary utility connection between an existing service facility and any approved development. The City may require reasonable conditions to mitigate

any adverse environmental impacts on sensitive coastal resources, where necessary;

(6) Repair and maintenance activities that do not result in an addition to, or enlargement or expansion of the improvement or maintenance activities such as:
  (i) Repaving of existing roadways, bikeways and sidewalks, periodic maintenance of roadway landscaping and rest stops,
  (ii) Repair, maintenance and minor alteration of utilities, sewers, flood control and public work facilities that do not increase in capacity or are required to restore service or prevent service outages,
  (iii) Installation, maintenance and repair of underground electrical facilities and the conversion of existing overhead facilities to underground facilities, provided the work is limited to public road or railroad rights-of-way or public utility easements and provided the site is restored as closely as reasonably possible to its original condition,
  (iv) Removal of minor vegetation of maintenance purposes. Within environmentally sensitive habitats, the weed abatement exemption shall apply only to removal of non-native species,
  (v) Installation of new safety devices and pollution control facilities within existing structures or equipment where land coverage, height, or bulk will not be increased,
  (vi) Grading of fifty (50) cubic yards or less outside an established public or private right-of-way, provided that this exemption shall not apply within an environmentally sensitive habitat area,
  (vii) Repair and maintenance of existing public parks, including the repair or modification of existing public facilities where the level or type of public use or the size of structures will not be altered,
  (viii) Repair and maintenance necessary for on-going operations of an existing facility which does not expand the footprint, floor area, height, or bulk of an existing facility, and the minor modification of existing structures required by governmental safety and environmental regulations where necessary to preserve existing structures which does not expand the footprint, floor area, height, or bulk of an existing structure,
  (ix) Interior remodeling except where such remodeling changes the nature of the use;

(7) Replacement of any structure, other than a public works facility, destroyed by natural disaster. Nonconforming buildings and uses destroyed by natural disaster shall comply with the provisions set forth in Article 30, Section 9-4.3002, Continuance of Nonconformities;

(8) Projects undertaken by federal agencies;

(9) Developments authorized by a valid coastal development permit issued by the California Coastal Commission or in areas where the California Coastal Commission retains the original permit jurisdiction;

(10) Land divisions brought about in connection with the acquisition of such land by a public agency for recreational purposes; and

(11) Replacement of any structure, other than a public works facility, destroyed by natural disaster. Nonconforming buildings and uses destroyed by natural disaster shall comply with the provisions set forth in Article 30, Section 9-4.3002, Continuance of Nonconformities.

~~(h)~~(i) Categories of excluded development. Pursuant to Public Resources Code (PRC) Section 30610(e), specific developments within the coastal zone of the City are categorically excluded from the coastal development permit requirements of the Coastal Act and the Pacifica Local Coastal Program as specifically provided under the categories listed below.

(1) Lot line and boundary adjustments. Lot line and boundary adjustments as defined in Section 66412(d) of the California Government Code (Subdivisions Map Act) between two (2) or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created. However, a costal development permit shall be required if the lot line or boundary adjustment would:
  (i) Result in a parcel that did not meet all of the area and dimension requirements of the zoning district in which the parcel is located,

(ii) Result in a greater degree of nonconformity to a parcel, including structures thereon, where a nonconformity to zoning area and dimension requirements already exists, and

(iii) Result in a parcel whose only buildable area is located within one or more of the exceptions under subsection (i)(7) of this section;

(2) Classes of single-family residences no larger than two (2) stories, built on lots zoned for single-family residences as a principal permitted use and which meet all zoning standards.

(i) New single-family residences no larger than two (2) stories, built on lots zoned for single-family residences as a principal permitted use and which meet all zoning standards. However, a coastal development permit shall be required for new single-family residences within the Coastal Commission's appeal jurisdiction as defined in Section 30603(a) of the Public Resources Code because a risk of adverse environmental impact is involved.,

(ii) Additions to existing single-family residences provided that the structure, including the addition, does not exceed two (2) stories and meets all zoning standards. In addition, single-family residential projects within the appeal jurisdiction shall be less than a ten (10%) percent increase in building height, bulk, or floor area of the existing structure,

(iii) Improvements normally associated with single-family residences such as garages, swimming pools, fences, storage sheds, and landscaping, but not including guest houses or self-contained residential units, and

~~(i)~~ (iv) ~~Second residential~~Accessory dwelling units and junior accessory dwelling units which meet all of the criteria as set forth in ~~Pacifica Municipal Code 9-4.4.5~~Article 4.5 of this chapter~~.~~

(iv) ~~However, a coastal development permit shall be required for new single-family residences and for new second residential units located within~~ and located outside of the Coastal Commission's appeal jurisdiction. ~~as defined in PRC 30603(a)1-5 because a risk of adverse environmental impact is involved~~ However, a coastal development permit shall be required for new accessory dwelling units and junior accessory dwelling unit located outside the Coastal Commission's appeal jurisdiction if they do not meet all of the criteria set forth in Article 4.5 of this chapter. The Director shall consider a coastal development permit application for an accessory dwelling unit administratively without a public hearing pursuant to the procedures in Section 9-4.4306, Administrative coastal development permit.;

(3) Grading. Grading of fifty (50) cubic yards or less;

(4) Removal of nonheritage trees and vegetation. Removal of vegetation or any tree which is not a heritage tree. (A heritage tree is defined as follows: All trees (excluding eucalyptus) which have a trunk with a circumference if fifty (50″) inches (approximately sixteen (16″) inches in diameter) or more, measured at twenty-four (24″) inches above the natural grade; or a tree or grove of trees, including eucalyptus, designated by resolution of the Council to be of special historical, environmental, or aesthetic value.) However, a permit shall be required for 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 and if located within one or more of the resource areas defined in subsection (i)(7) of this section, Exceptions;

(5) Minor improvements to public works and public facilities. Reconstruction, upgrading, replacement or rehabilitation, of minor public facilities (including, but not limited to parking lots, minor road improvements, curbs, sidewalks, bicycle lanes, water and sewer systems and drainage inputs). However, a permit shall be required if the improvement constitutes a major public works project as defined under Section 13012 of the California Code of Regulations;

(6) Temporary events. Temporary events not involving the construction of any permanent structures, including but not limited to the following activities:

(i) Commercial promotional events. Sidewalk sales, not lasting more than three (3) days, and flea markets, rummage sales, festivals, bazaars, or other similar temporary activities not lasting more than two (2) weeks, the primary purpose of which is to promote proposed or

existing businesses, may be established on public or private property within any commercial district. No person or group shall undertake or establish such activities without first securing written approval from the Zoning Administrator pursuant to the review procedure within Section 9-4.2302(a)(1—6) of the zoning code. However, a coastal development permit shall be required for temporary events which occupy sandy beach areas not within the coastal commission's permit jurisdiction if it is determined that the event would pose an adverse effect on sensitive coastal resources, including plant and animal habitats, or would preclude the general public from use of a public recreational area for a significant period of time in all zoning districts,

(ii) Commercial uses outside structures. Sidewalk sales, not including peddlers, on public or private property, not lasting more than three (3) days, and conducted in a manner sufficient to allow safe pedestrian and wheelchair passage onto or along the sidewalk where such activity is being conducted shall be allowed in any commercial district, and

(iii) Christmas trees, pumpkins, and fireworks. The sale, display, and storage of Christmas trees and accessories therefor on vacant lots or other open areas in commercial districts or undeveloped areas for a temporary period of time between Thanksgiving and December 26 of any year, and the sales, displays, and the storage of pumpkins between October 1 and November 5 of any year as provided in Section 9-4.2308

(7) Exceptions. Any project described in subsections (i)(1) through (6) of this section which is located within the following areas is not excluded and will require a coastal development permit:

(i) Any development within tide and submerged lands, beaches, and all lands and waters subject to the public trust (i.e., the Coastal Commission's permit jurisdiction) and lots or parcels immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach (i.e., the City's permit jurisdiction),

(ii) Development located within an area of deferred certification,

(iii) Development located within an environmentally sensitive habitat area,

(iv) Development located within the 100-foot-wide buffer area of an environmentally sensitive habitat area, as measured from the outside edge of the habitat area,

(v) Development within a known or potential landslide area,

(vi) Development located on a slope in excess of thirty-five (35%) percent,

(vii) Development which would preclude the general public from use of, or access to, a public recreational area for a significant period of time, and

(viii) Development located on a ridge-top.

(§ VI, Ord. 610-C.S., eff. March 16, 1994, as amended by § I, Ord. 620-C.S., eff. December 14, 1994)

Sec. 9-4.4304. - Coastal development permit procedures and findings.

(a)Applicability. Except as provided in Sections 9-4.4306, Administrative Coastal Development Permit, and 9-4.4307, Emergency Coastal Development Permit, the provisions of this section shall apply to the issuance of all coastal development permits within the CZ District.

(b)Preapplication conference. An applicant may request a preapplication conference with the Director prior to formal submittal of a coastal development permit application. The purpose of this conference is to:(1)Acquaint the applicant with applicable City policies, plans, and requirements as they apply to particular property;(2)Inform the applicant of all steps necessary prior to formal action on the project; and(3)Determine, based on background documentation found in the LCP Land Use Plan, currently available resource information, or through the Director's on-site investigation, if any of the following surveys or plans are required as established by Article 44, Coastal Development Regulations:(i)Habitat Preservation, Section 9-4.4403(b),(ii)Geotechnical Suitability, Section 9-4.4404(b),(iii)Grading and Drainage, Section 9-4.4405(a),(iv)Shoreline Protection, Section 9-4.4406(b),(v)Public Shoreline Access, Section 9-4.4407(a), and(vi)Coastal View Corridors, Section 9-4.4408(a).

(c)Application. A coastal development permit application shall be submitted to the Director in writing on

a form prescribed by the Department. This application shall include the following information:(1)Location map identifying the area to be developed in relation to nearby properties, streets, highways and major natural features such as the ocean, beaches, wetlands and major landforms;(2)Site plan;(3)Building elevations;(4)Special studies, surveys, reports, or similar supplemental information to adequately review and assess development, as prescribed in Article 44, Coastal Development Regulations;(5)A nonrefundable filing fee which shall be established by the City Council;(6)Any such other information deemed necessary by the Director to adequately assess and evaluate the proposed development with respect to applicable City policies and environmental constraints; and(7)Any materials and information required for public notice.

(d)Application review. The Director shall review all coastal development permit applications. An application shall be accepted as complete only if it contains all required materials. Once an application is received, it shall be reviewed as follows:(1)The application review period shall not exceed thirty (30) calendar days from the date the application was received by the Department;(2)The proposed development will be evaluated to ensure conformance with all requirements of the underlying basic zone and consistency with applicable regulations, the LCP Land Use Plan, the California Coastal Act, and the Interpretive Guidelines of the California Coastal Commission;(3)Upon completion of the review, the Director shall determine if additional information is necessary in order to evaluate the project and whether the application is complete;(4)On or before the end of the thirty (30) day review period, the applicant shall be notified in writing that the application is either complete or incomplete. If the application is incomplete, the applicant will be notified of any additional requirements and the manner in which the application can be made complete. The applicant may appeal the Director's request for additional information to the Planning Commission;(5)The Director shall make an environmental determination as to whether the proposed project is subject to or exempt from CEQA; and(6)If a project is subject to CEQA, an environmental information form shall be completed by the applicant. Based on the initial study, the Director shall determine whether the project requires an EIR or whether a negative declaration may be filed for the project.

(e)Posting. Within ten (10) calendar days after an application for a coastal development permit is accepted as complete for filing, the applicant shall post, in a conspicuous place on the development site and at the nearest public library, a notice provided by the Director indicating that a coastal development permit application has been submitted. This notice shall include the file number and a general description of the proposed project along with the telephone number of the ~~Community Development and Services~~ Department. Failure by the applicant to post or maintain such a notice throughout the permit review process shall constitute grounds for the suspension of the permit process by the Director, Planning Commission or City Council.

(f)Planning Commission hearing. The Director shall determine whether a public hearing shall be held before the Planning Commission, and shall so notify the applicant within seven (7) calendar days after the application has been determined complete.

(g)Notice by mail. At least seven (7) calendar days prior to the first public Planning Commission hearing on a proposed coastal development, the Director shall provide notice by first-class mail of the pending coastal development permit application to:(1)The applicant and agent;(2)Property owners within 300 feet and residents within 100 feet, of the proposed project;(3)Anyone who has requested to be on the mailing list for the proposed development or the mailing list for all coastal decisions within the City; and(4)The California Coastal Commission.

(h)Content of notice by mail. Public notice by mail shall contain the following information:(1)A statement that the development is within the CZ District;(2)Name of the applicant;(3)Application file date and number;(4)Description of the nature of the proposed development and its proposed location;(5)Date, time, and place at which the application will be heard by the Planning Commission, or the City Council on appeal;(6)Brief description of the procedure for conduct of hearings and actions; and(7)The procedure for local and California Coastal Commission appeals, including any local fees required.

(i)Posted notice. At least seven (7) calendar days prior to the first public Planning Commission hearing on a coastal development permit application, the Director shall post notices in at least three (3) public places

near the proposed development.
(j)Published notice. At least ten (10) calendar days prior to the first public Planning Commission hearing on a coastal development permit application, the Director shall publicly notice the pending coastal development permit application in a published newspaper having general circulation within the City. Such notice shall contain the information required in subsection (h) above, excluding (h)(6) and (h)(7).
(k)Public hearing and required findings. A coastal development permit may be issued after a public hearing by the Planning Commission, or the City Council on appeal, based on specific, detailed findings that:(1)The proposed development is in conformity with the City's certified Local Coastal Program; and(2)Where the Coastal Development Permit is issued for any development between the nearest public road and the shoreline, the development is in conformity with the public recreation policies of Chapter 3 of the California Coastal Act.(l)Effective date of coastal development permit.
(1)For non-appealable projects, the coastal development permit shall be effective at the conclusion of the final action by the City.(2)For appealable projects, the City's final action shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired, unless the permit is appealed to the California Coastal Commission where such appeal is authorized by law. The effective date in such circumstances shall then be the date of final action by the Commission.
(m)Final local action. Final local action is the date when the Planning Commission or, in the case of an administrative permit, the Director has approved or denied a coastal development permit, or if appealed, the City Council has approved or denied a coastal development permit.
(n)Notice of final local action. Within seven (7) calendar days of the date of the final local action on a coastal development permit, a notice shall be sent to the California Coastal Commission and to any person who specifically requests such notice by submitting a self-addressed, stamped envelope. Such notice shall include:(1)Written findings of fact required for permit approval or denial;(2)Conditions of approval, if any; and(3)Procedures for appeal of the action to the California Coastal Commission if the development is within the Appeals Zone.
(o)Effect of coastal development permit on any other local permit. No other local permit shall be effective where a coastal development permit is required until the effective date of the coastal development permit. A permit shall be effective only in accordance with the terms and conditions of the coastal development permit granted.
(p)Consolidation of permit actions. A coastal development permit application shall be made prior to or concurrently with application for any other permit or approvals required for the project. To the extent feasible, action on a coastal development permit shall be taken concurrently with other required permits in accordance with the coastal development permit hearing and noticing provisions of this section. To the maximum extent feasible, all functionally related developments to be performed by the applicant should be the subject of one permit application.
(q)Expiration. Coastal development permits shall become null and void if not exercised within one year after the effective date of such permit. The permit shall not become null and void if a building permit has been issued and remains valid.
(r)Renewal. Coastal development permits may be renewed for a period not to exceed one year for any renewal provided, prior to expiration of the permit, an application for renewal is filed with the Director. The Director may grant or deny an application for renewal for one year at a time; provided, however, that no condition of the permit may be added, altered, or amended without meeting all applicable provisions of this section.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4305. - Coastal development permit appeal.
(a)Applicability. The provisions of this section shall apply to any person aggrieved by any decision, action, interpretation, or enforcement of this article.
(b)City Council. Any person aggrieved by any action or decision of the Planning Commission, may appeal to the City Council in writing within ten (10) calendar days pursuant to Article 36 of this chapter ~~accompanied by a fee as set forth in City Administrative Policy No. 2~~. Upon appeal, the City Council may

approve, deny, or modify the decision of the Planning Commission or refer the matter back to the Planning Commission for reconsideration.
(c)California Coastal Commission. Actions on coastal development permits may be appealed to the California Coastal Commission, in accordance with the California Coastal Act, Section 30603, provided that all public hearings established by this article have been completed, and that local appeals to the City Council have been exhausted.
(§ VI, Ord. 610-C.S., eff. March 16, 1994, as amended by § 4, Ord. 630-C.S., eff. August 24, 1995)

Sec. 9-4.4306. - Administrative coastal development permit.
(a)Applicability. The provisions of this section shall apply to all cases where the Director determines that an administrative coastal development permit is appropriate because the proposed development is minor in nature, including improvements to an existing structure; a single-family dwelling; an accessory dwelling unit; junior accessory dwelling unit; ~~-~~and development specifically authorized as a principal permitted use in the Pacifica Zoning Code not requiring a use permit, variance, subdivision map, planned development permit, or site development permit.
(b)Limitations. The Director may not issue an administrative permit if the proposed development:(1)Lies within the California Coastal Commission's continuing permit jurisdiction pursuant to the California Coastal Act, Section 30519, or is appealable to the Commission pursuant to the California Coastal Act, Section 30603. Except, however, the Director may issue an administrative permit for an accessory dwelling unit or junior accessory dwelling unit within the "coastal zone, appeal zone" subject to the provisions in subsection (m); or(2)Involves a structure or similar integrated physical construction that lies partly within and partly outside the California Coastal Commission's Appeal Zone. In this case, the entire structure or similar integrated physical construction must be subject to at least one public hearing. As an exception to the public hearing requirement, the Director shall not conduct a public hearing when considering an administrative permit for an accessory dwelling unit or junior accessory dwelling unit in accordance with the provisions in subsection (m); or(3)Will have a significant adverse environmental impact, either individually or cumulatively, on sensitive coastal resources.
(c)Application. An applicant shall submit the materials and information required in Section 9-4.4304, Coastal Development Permit Procedures and Findings, subsections (c)(1), (c)(2), (c)(3), (c)(5), (c)(6) and (c)(7).(d)Application review. If the Director receives an application that does not qualify for an administrative coastal development permit, the applicant will be notified that the application must comply with the coastal development permit application procedures set forth in Section 9-4.4304, Coastal Development Permit Procedures and Findings.

(e)Notice. Prior to the first public hearing on a proposed coastal development, the Director shall provide notice as provided in this subsection. (1) *Posting*. Post notice of receipt of a coastal development permit application pursuant to the procedures of subsection (e) of Section 9-4.4304, Coastal Development Permit Procedures and Findings.

(2) *Notice by mail*. Provide notice by first-class mail of the pending public hearing to consider the coastal development permit application pursuant to the procedures of subsections (1) through (4) of subsection (g) of Section 9-4.4304, Coastal Development Permit Procedures and Findings. The content of a mailed notice shall include the information specified in subsection (h) of Section 9-4.4304.

(3) *Posted notice*. Post notice of the pending public hearing to consider the coastal development permit application pursuant to the procedures of subsection (i) of Section 9-4.4304, Coastal Development Permit Procedures and Findings.

(4) *Published notice*. Publish notice of the pending public hearing to consider the coastal development permit application pursuant to the procedures and content requirements of subsection (j) of Section 9-4.4304, Coastal Development Permit Procedures and Findings. ~~by mail. At least seven (7) calendar days prior to the first public hearing on a proposed coastal development, the Director shall provide notice by~~

~~first-class mail of the pending coastal development permit application to all persons known to be adversely affected who have stated in writing that they wish to receive such notice. Notice shall also be posted and publicized pursuant to the procedures of Section 9-4.4304, Coastal Development Permit Procedures and Findings, subsections (e), (i) and (j)~~.

(f)Action. The Director may deny, approve or conditionally approve an administrative coastal development permit.

(g)Effective date of administrative permit. An administrative coastal development permit issued by the Director shall be reported in writing to the Planning Commission and the California Coastal Commission at their first regularly scheduled meeting after the permit is approved. The Director shall prepare and submit a report describing the work administratively authorized to the Planning Commission. Such report shall be available at the meeting and be mailed to all known adverse parties and persons having stated in writing that they wish to receive such notice. The administrative permit shall not be deemed final and effective until the following conditions have been met:(1)If three (3) members of the Planning Commission so determine, the issuance of an administrative permit shall be declared invalid, but may, if the applicant wishes to pursue the application, be resubmitted as a coastal development permit application, subject to all provisions of Section 9-4.4304, Coastal Development Permit Procedures and Findings. However, the Planning Commission may not invalidate an administrative coastal development permit for an accessory dwelling unit or junior accessory dwelling unit; and(2)The Director has made a decision on the application, the Planning Commission has reviewed the permit application, and all required findings have been adopted and no appeal has been made.

(h)Amendments. Amendments to an administrative coastal development permit may be approved by the Director. However, if any amendment would, in the opinion of the Director, change the nature of the project so that it no longer satisfies the criteria established for accepting the application as an administrative permit pursuant to Section 9-4.4306, Administrative Coastal Development Permit Procedures and Findings, then the application shall thereafter be treated in the manner established in Section 9-4.4304, Coastal Development Permit Procedures and Findings.

(i)Appeal. The decision of the Director may be appealed to the Planning Commission within ~~seven~~ ten (~~7~~10) calendar days pursuant to ~~the Pacifica Municipal Code, Title 1, Chapter 4~~Article 36. Upon appeal, the Planning Commission may approve, deny or modify the decision of the Director. . The Planning Commission's decision to approve, deny or modify the decision of the Director may be appealed to the City Council within ten (10) calendar days pursuant to Article 36 of this chapter. Any appeal to the Planning Commission or City Council related to consideration of an accessory dwelling unit or junior accessory dwelling unit shall be conducted as a public hearing.

(j)Compliance. Any deviation from the application and plans on file with the City shall constitute grounds for the City to revoke the administrative permit and to require a coastal development permit for the entire project, as well as possible enforcement action and penalties.

(k)Expiration. Administrative coastal development permits shall become null and void if not exercised within one year after the effective date of such permit. The permit shall not become null and void if a building permit has been issued and remains valid.

(l)Renewal. Administrative coastal development permits may be renewed for a period not to exceed one year for any renewal provided, prior to expiration of the permit, an application for renewal is filed with the Director. The Director may grant or deny an application for renewal for one year at a time; provided, however, that no condition of the permit may be added, altered, or amended without meeting all applicable provisions of this section.

(m) *Accessory dwelling units and junior accessory dwelling units*. The provisions of this section shall apply to processing an application for a coastal development permit to construct an accessory dwelling unit, as defined in Article 4.5 of this chapter, except as modified by this subsection.

(1) *Public hearing.* The Director shall consider a coastal development permit application for an accessory dwelling unit or a junior accessory dwelling unit administratively without a public hearing.

(2) *Notice.* Where this section requires public notice to be provided, the procedures for providing public notice set forth in subsection (e) shall apply to an application to construct an accessory dwelling unit or junior accessory dwelling unit, and to appeals of any approval of an accessory dwelling unit or junior accessory dwelling unit.

(i) Notice of the Director's consideration of a coastal development permit to construct an accessory dwelling unit or junior accessory dwelling unit shall indicate that a public hearing will not be conducted. The notice shall also indicate the date by which public comments must be received by the Director in order to be considered prior to a decision on the application, with such deadline not less than ten (10) calendar days from the date of the notice. The notice shall further specify that only written public comments will be accepted, shall include the mailing address to which comments may be submitted, and whenever possible, shall include provisions to submit public comments electronically either by electronic mail, an online form, or other comparable means. Additionally, the notice shall indicate whether the coastal development permit is subject to appeal to the Coastal Commission.

(ii) Notice of an appeal hearing before the Planning Commission or City Council shall be provided in accordance with the standard provisions of subsection (e) for public hearings.

(3) *Findings.* The findings required for approval of a coastal development permit to construct an accessory dwelling unit or junior accessory dwelling unit specified in article 4.5 of this chapter shall be those findings specified in Section 9-4.4304(k) and, for an accessory dwelling unit, in subsections (i) and (ii) below, except that the Director shall not include consideration of the propriety of the accessory dwelling unit use when making findings. The Director's review may include all other permissible considerations, including, without limitation, the potential physical or environmental impacts from development of the site.

(i) Supplementary Finding No. 1: If the proposed accessory dwelling unit would not provide the required number of off-street parking spaces described in Article 4.5 of this chapter due to an exception, any anticipated on-street parking associated with the accessory dwelling unit will not have a detrimental impact on coastal access, including, without limitation, the availability of on-street parking for use by coastal visitors.

(ii) Supplementary Finding No. 2: If the proposed accessory dwelling unit would reduce or eliminate existing off-street parking facilities, including, without limitation, parking spaces provided in a garage, carport, or driveway, any anticipated on-street parking associated with the accessory dwelling unit will not have a detrimental impact on coastal access, including, without limitation, the availability of on-street parking for use by coastal visitors.

(4) *Appeals.* The Director's determination on an administrative coastal development permit for an accessory dwelling unit or junior accessory dwelling unit shall be subject to the same appeal procedures applicable to all administrative coastal development permits, including that the Planning Commission or City Council shall conduct a public hearing.

(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4307. - Emergency coastal development permit.
(a)Applicability. The provisions of this section shall apply where the Director determines that an emergency coastal development permit is necessary as an urgency measure to protect life and property from imminent danger or to restore, repair or maintain public works, utilities or services during and immediately following a natural disaster or serious accident within the CZ District. The decision to issue an emergency permit may be made solely at the discretion of the Director, consistent with the provisions of this section.(b)Limitations. The Director shall not grant an emergency permit for any development that

lies within the California Coastal Commission's continuing permit jurisdiction pursuant to the California Coastal Act, Section 30519. In such areas and for such developments, a request for an emergency permit must be made directly to the California Coastal Commission.(c)Application. An emergency coastal development permit application shall be made to the Director in writing, or if, in the opinion of the Director, time does not allow written application, the application may be made verbally in person or by telephone within three (3) calendar days of the disaster or discovery of danger. The application shall:(1)Describe the nature or cause of the emergency;(2)Identify the location of the protective or preventative work either needed or accomplished to deal with the emergency;(3)Explain the circumstances of the emergency that justify the actions taken, including the probable consequences of failing to take action; and(4)Complete and file a coastal development permit application within thirty (30) calendar days, as established in Section 9-4.4304, Coastal Development Permit Procedures and Findings.(d)Application review. The Director shall submit an informational report explaining the granting of an emergency permit to the California Coastal Commission and the Planning Commission at their next scheduled meetings.(e)Expiration. An emergency coastal development permit is valid for sixty (60) calendar days from the date of issuance by the Director. The Director may extend an emergency permit for an additional sixty (60) calendar days if a coastal development permit application is on file but has not been processed.(f)Coastal development permit required. Prior to the expiration of the emergency permit, if the Director requests, the applicant shall submit a coastal development permit application for the proposed development as set forth in Section 9-4.4304, Coastal Development Permit Procedures and Findings. Issuance of an emergency coastal development permit may not constitute approval of the development on a permanent basis. Pursuant to Section 9-4.4304, Coastal Development Permit Procedures and Findings, the City of Pacifica may determine that the emergency coastal development shall be removed, replaced or modified.(g)Compliance. Failure to comply with the provisions of this section or failure to properly notice and report by the applicant may result in the removal of the development undertaken pursuant to the emergency permit in its entirety and restoration of the site to its previous condition.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4308. - Permanent environmental protection.
(a)Applicability. The provisions of this section shall apply where the Director, the Planning Commission, or the City Council determines that permanent environmental protection is required for coastal development permit approval in order to protect sensitive coastal resources or to ensure public shoreline access within the CZ District. Permanent environmental protection may be required as a condition of approval, prior to the issuance of a coastal development permit.(b)Findings. The Director, the Planning Commission, or the City Council may determine that the proposed development is required to include a continuous and binding land use restriction through either a deed restriction, easement, offer of dedication, or other conveyance, as a condition of project approval based on any of the following findings:(1)Such a restriction is necessary to provide public access to the shoreline, as designated in the Access Component of the LCP Land Use Plan. Where access is not appropriate due to safety concerns or environmental conditions, the applicant may be required to pay an in-lieu fee as established by the City Council, to contribute to the provisions of public shoreline access elsewhere in the CZ District; or(2)Such a restriction is necessary to protect sensitive coastal resources, including environmentally sensitive habitat, open space and view corridors; or(3)A deed restriction, easement, offer of dedication, or other conveyance describing limitations placed on the property and its use is deemed necessary. This restriction shall be recorded prior to the issuance of a coastal development permit.(c)Procedures. Where required pursuant to this section, an offer of dedication of an easement or fee title may be required to be held by and kept on file with the California Coastal Commission for a period of twenty-one (21) years. During this period, the City may choose to act as grantee and accept the offer of dedication. If so, a public access or conservation easement, or fee simple dedication, shall be prepared. All coastal development permits subject to conditions which require the recordation of deed restrictions, easements, offers to dedicate or agreements imposing restrictions on real property shall be subject to the following procedures:(1)The City

Planning Director shall transmit to the Executive Director of the California Coastal Commission for review and approval all legal documents specified in the conditions of approval of a coastal development permit which are necessary to find the development consistent with the Coastal Land Use Plan.(2)Prior to the issuance of a coastal development permit by the City, the City Planning Director shall forward, by registered mail, a copy of the permit conditions and findings of approval and copies of the legal documents to the Executive Director of the California Coastal Commission for the review and approval of the legal adequacy and consistency with the requirements of potential accepting agencies.(3)The Executive Director of the California Coastal Commission shall have fifteen (15) working days from the receipt of the documents in which to complete the review and notify the City Planning Director of recommended revisions, if any.(4)The Planning Department may issue the coastal development permit upon the expiration of the fifteen (15) working day period if notification of inadequacy has not been received by the Department within that time period.(5)If the Executive Director of the California Coastal Commission has recommended revisions to the applicant, the coastal development permit shall not be issued until the deficiencies have been resolved to the satisfaction of said Executive Director.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Article 44. - Coastal Development Regulations

Sec. 9-4.4400. - Purpose.
The purpose of this article is to establish coastal development regulations that address the variety of special conditions within the CZ District. The intent of these regulations is to:

(a)Give priority to coastal-dependent commercial uses while at the same time providing sufficient neighborhood-serving commercial uses for local residents;(b)Protect scale and character of existing neighborhoods;(c)Protect sensitive coastal resources and environmentally sensitive habitat;(d)Ensure geotechnical suitability for all development;(e)Minimize alteration of the natural topography and major landforms;(f)Establish protection measures to minimize coastal bluff erosion and to stabilize the shoreline;(g)Maximize public access to and along the shoreline, while protecting the established rights of private property owners; and(h)Preserve and enhance coastal view corridors.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-9.4401. - Applicability.
The provisions set forth in this article shall apply to all new development in the CZ District and shall supplement regulations established in the underlying basic zones. If any provisions of this article conflict with any other regulations of this title, the provisions of this article shall prevail.

(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4402. - Definitions.
Unless otherwise apparent from the context, certain words and phrases used this article are defined in Article 43, Coastal Combining District, Section 9-4.4302.

(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4403. - Habitat preservation.
(a)Intent. The provisions of this section shall apply to all new development requiring a coastal development permit in the CZ District and shall be subject to the regulations found in Article 43, Coastal Zone Combining District. The intent of these provisions is to protect, maintain, enhance and restore the following types of environmentally sensitive habitat as identified in the LCP Land Use Plan:(1)San Francisco garter snake and its primary and secondary habitat, a species acknowledged as endangered by Federal and State policy; and(2)Wetlands.(b)Required survey. A habitat survey, prepared by a qualified

biologist or botanist, may be required to determine the exact location of environmentally sensitive habitat areas and to recommend mitigation measures that minimize potential impacts to the habitat. This survey shall be submitted to and approved by the Director pursuant to Section 9-4.4304, Coastal Development Permit Procedures and Findings, for all new development that meets one or more of the following criteria:(1)The project site is located within an environmentally sensitive habitat area as documented in the LCP Land Use Plan, or through the Director's on-site investigation and review of resource information; or(2)The projected site is or may be located within 100 feet of an environmentally sensitive habitat area and/or has the potential to negatively impact the long-term maintenance of the habitat.(c)Survey contents. All habitat surveys shall include, at a minimum, the following information:(1)Survey methodology;(2)Location map and topographical site plan indicating all existing and proposed structures and roads;(3)Any rare and/or endangered plant and animal species, including the habitat envelope and the number of species observed;(4)Delineation of all wetlands, streams and water bodies;(5)Direct and indirect threats to habitat resulting from new development;(6)Delineation of the secondary habitat buffer area to be provided along the periphery of the primary habitat; and(7)Mitigation measures to reduce impacts and to allow for the long-term maintenance of environmentally sensitive habitats.(d)Development standards for San Francisco garter snake habitat and habitat buffer areas. The following minimum standards shall apply to new development within a San Francisco garter snake habitat area.(1)No new development shall be permitted within a recognized primary habitat area;(2)Limited new development may be permitted within a recognized habitat buffer area subject to the following standards:(i)Public access shall be limited to low-intensity recreational, scientific or educational uses, provided that it is strictly managed, controlled and confined to designated trails and paths;(ii)During breeding season, public access and construction activities shall be prohibited or controlled as recommended in the habitat survey;(iii)Habitat shall be protected and enhanced to facilitate propagation of the San Francisco garter snake;(iv)Alteration of the natural topography shall be minimized;(v)Runoff and sedimentation shall not adversely affect habitat areas;(vi)Alteration of landscaping shall be minimized unless the alteration is associated with restoration and enhancement of the habitat;(vii)Where required, necessary permits shall be obtained from the California Department of Fish and Game and/or the United States Fish and Wildlife Service;(viii)All portions of the buffer shall be protected pursuant to Section 9-4.4308, Permanent Environmental Protection;(ix)The location and extent of development shall result in maximum amount of contiguous open space adjacent to the habitat;(x)Potential impacts identified in the habitat survey shall be mitigated to a level of insignificance where feasible; and(xi)Mitigation measures identified in the habitat survey shall be made conditions of project approval where necessary to mitigate impacts.(3)In the event that new development is not possible because the size of the buffer has rendered the site undevelopable, the buffer may be reduced in width if it can be demonstrated that a narrower buffer is sufficient to protect the habitat and new development may be permitted subject to standards established in subsection (d)(2) above.(e)Development standards for wetlands and wetland buffer areas. The following minimum standards shall apply to a wetlands and wetlands habitat area.(1)No new development shall be permitted within a recognized wetlands habitat area;(2)Limited new development may be permitted within a recognized wetlands habitat buffer area subject to the following standards:(i)Wastewater shall not be discharged into any wetland without a permit from the California Regional Water Quality Control Board finding that such discharge improves the quality of the receiving water;(ii)All diking, dredging and filling activities shall comply with the provisions of the California Coastal Act, Sections 30233 and 30607.1;(iii)Dredge spoils shall not be deposited permanently in areas subject to tidal influence or in areas where public access would be adversely affected;(iv)Public access through wetlands shall be limited to low-intensity recreational, scientific or educational uses. Where public access is permitted, it shall be strictly managed, controlled and confined to designated trails and paths as a condition of project approval;(v)Alteration of the natural topography shall be minimized;(vi)Runoff and sedimentation shall not adversely affect habitat areas;(vii)Alteration of landscaping shall be minimized unless the alteration is associated with restoration and enhancement of wetlands;(viii) Where required, a permit shall be obtained from the Army Corps of Engineers;(ix)New development adjacent to the buffer shall not reduce the biological productivity or

water quality of the wetlands due to runoff, noise, thermal pollution or other disturbances;(x)All portions of the buffer shall be protected pursuant to Section 9-4.4308, Permanent Environmental Protection;(xi)Potential impacts identified in the habitat survey shall be mitigated to a level of insignificance where feasible; and(xii)Mitigation measures identified in the habitat survey shall be considered and made conditions of project approval where necessary to mitigate impacts.(3)In the event that new development is not possible because the size of the buffer has rendered the site undevelopable, the buffer may be reduced in width if it can be demonstrated that a narrower buffer is sufficient to protect the habitat and new development may be permitted subject to standards established in subsection (e)(2) above.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4404. - Geotechnical suitability.
(a)Intent. The provisions of this section shall apply to all new development requiring a coastal development permit in the CZ District and shall be subject to the regulations found in Article 43, Coastal Zone Combining District. The intent of these provisions is to minimize risks to life, property, and the natural environment by ensuring geotechnical suitability for all development.(b)Required survey. A geotechnical survey, consistent with the City's Administrative Policy No. 34 and prepared by a registered geologist or geotechnical engineer, shall be submitted to the Director pursuant to Section 9-4.4304, Coastal Development Permit Procedures and Findings, for all new development located in the following settings:(1)Areas showing evidence of landslides or landslide potential;(2)Areas showing evidence of ground shaking or earth movement;(3)Within fifty (50′) feet of a coastal bluff;(4)On all slopes greater than fifteen (15%) percent; or(5)Within sand dune habitats.(c)Survey contents. All geotechnical surveys shall, at a minimum, include the following information:(1)Geologic conditions, including soil, sediment, and rock types, and characteristics and structural features such as bedding, joints and faults;(2)Evidence of past or potential landslide conditions and their implications for future development, as well as the potential effects of proposed development on landslide activity on-site and off-site;(3)Potential ground shaking and earth movement effects of seismic forces;(4)Net developable areas;(5)Commonly accepted geotechnical standards, including hazard setbacks; and(6)Mitigation measures demonstrating that potential risks could be reduced to acceptable levels.(d)Development standards. The following standards shall apply to new development in areas identified in Section 9-4.4404(b).(1)Except for drainage improvements or unless it can be demonstrated to the Director that no other buildable area exists on the parcel which would permit economically viable development, development shall be prohibited on slopes greater than thirty-five (35%) percent and prominent ridgelines, as defined in the LCP Land Use Plan.(2)Land divisions for purposes of development which create parcels whose only buildable areas exist on slopes greater than thirty-five (35%) percent or on prominent ridgelines shall be prohibited;(3)The density of new development shall be based on the net developable area, as established in the required geotechnical survey;(4)Where the net developable area of a legal lot existing prior to the effective date of this article is determined to be less than the minimum area per dwelling unit allowed in the underlying basic zone, one dwelling unit per parcel shall be permitted provided it complies with all geotechnical standards set forth in this section;(5)Consistent with the City's Seismic Safety and Safety Element, new development shall be set back from the coastal bluffs an adequate distance to accommodate a 100-year event, whether caused by seismic, geotechni-cal or storm conditions, unless such a setback renders the site undevelopable. In such case, the setback may be reduced to the minimum extent necessary to permit economically viable development of the site, provided a qualified geologist determines that there would be no threat to public safety and health;(6)Proposed access roads shall not significantly contribute to geologic instability, erosion or landslide potential;(7)Areas determined by the geotechnical study to be unsuitable for development shall be protected pursuant to Section 9-4.4308, Permanent Environmental Protection;(8)Potential impacts as identified in the geotechnical survey shall be mitigated to a level of insignificance; and(9)Mitigation measures identified in the geotechnical survey shall be considered and made conditions of project approval where necessary to mitigate impacts.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4405. - Grading and drainage.
(a)Intent. The provisions of this section shall apply to all new development requiring a coastal development permit and a grading permit in the CZ District, and shall be subject to the regulations found in Article 43, Coastal Zone Combining District. The intent of these provisions is to minimize alteration of the natural topography and major landforms, to foster resource preservation, and to reduce hazards.(b)Required plan. A grading and drainage plan, prepared by a licensed landscape architect or engineer, shall be submitted to the Director pursuant to Section 9-4.4304, Coastal Development Permit Procedures and Findings.(c)Development standards. The following standards shall apply to new development.(1)The following standards shall apply during project construction:(i)Alteration of natural topography and removal of existing trees shall be minimized to the maximum extent feasible so as to maintain the natural surface drainage system;(ii)Existing vegetation designated to remain shall be protected by using temporary barriers during grading, construction or related activities;(iii)Cut-and-fill surfaces shall be stabilized by planting low maintenance, native groundcover and shrubs;(iv)Movement of heavy equipment and machinery shall be restricted to avoid unnecessary soil compaction;(v)Grading or operation of heavy equipment within the dripline of any existing tree designated to remain shall be prohibited;(vi)If recommended by a landscape architect or civil engineer, diversion channels shall be constructed at the top of the slope and at regular intervals along the slope to prevent water from accelerating down the slope and washing soil away;(vii)Topsoil from excavated areas shall be stockpiled for maximum reuse after construction is complete;(viii) Removal of sands characteristic of the Pacifica shoreline shall be minimized;(ix)Temporary sediment control basins shall be constructed in areas where silt-type soils exist or where silt could enter a drainage channel during construction; and(x)Grading shall be conducted in an orderly and timely manner, subject to daily monitoring of wind and precipitation forecasts. During periods of excessive wind, grading shall cease and all grading sites shall be watered as is practically feasible.(2)The following standards shall apply to ensure long-term grading and drainage management of the project site:(i)Grading of environmentally sensitive habitat areas shall occur only when necessary to protect, maintain, enhance or restore the habitat;(ii)Areas of soil or landform disturbance shall be identified, and shall be revegetated with low maintenance, native groundcover and shrubs to reduce erosion potential;(iii)Subgrade drainage of all wet soils shall be discharged into natural surface drainage, where feasible;(iv)Adequate drainage facilities, including grease and silt traps where necessary to minimize pollutants entering runoff water, shall be provided;(v)Potential impacts as identified in the grading and drainage plan shall be mitigated to a level of insignificance; and(vi)Mitigation measures identified in the grading and drainage plan shall be considered and made conditions of project approval.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4406. - Shoreline protection.
(a)Intent. The provisions of this section shall apply to all new development requiring a coastal development permit in the CZ District and shall be subject to the regulations found in Article 43, Coastal Zone Combining District. The intent of these provisions is to minimize erosion and to stabilize the shoreline in areas along the coastal bluff where ocean wave and tidal action create potentially hazardous or damaging conditions.(b)Required survey. A site stability survey, prepared by a qualified soils engineer or engineering geologist, shall be required for new development proposed on coastal bluffs.(c)Development standards. The following standards apply to all new development along the shoreline and on coastal bluffs.(1)Alteration of the shoreline, including diking, dredging, filling and placement or erection of a shoreline protection device, shall not be permitted unless the device has been designed to eliminate or mitigate adverse impacts on local shoreline sand supply and it is necessary to protect existing development or to serve coastal-dependent uses or public beaches in danger from erosion or unless, without such measures, the property at issue will be rendered undevelopable for any economically viable use;(2)Consistent with the City's Seismic Safety and Safety Element, new development which requires sea-walls as a mitigation measure or projects which would eventually require

seawalls for the safety of the structures shall be prohibited, unless without such seawall the property will be rendered undevelopable for any economically viable use;(3)Required shoreline protection devices shall be designed and sited to consider and reflect:(i)Maximum expected wave height,(ii)Estimated frequency of overtopping,(iii)Normal and maximum tidal ranges,(iv)Projected erosion rates with and without a shoreline protection device,(v)Impact on adjoining properties,(vi)Design life of the device,(vii)Maintenance provisions, including methods and materials, and(viii) Alternative methods of shoreline protection, including "no project";(4)The impact on beach scouring and sand replenishment shall be minimized;(5)Water runoff from beneath existing seawalls shall be minimized;(6)Existing unauthorized rubble or protective devices shall be removed prior to the approval of additional development in such areas; and(7)A geotechnical engineer shall certify that the shoreline protection device will withstand storms comparable to the major winter storms of 1982 and 1983 along the California coast.(8)The seawall shall be designed to minimize impacts upon existing lateral and vertical access and in any case shall not result in the blocking of an accessway. In cases where it is not possible to engineer a wall without blocking access, then appropriate mitigation measures shall be incorporated into the design. These measures can include a stairway over the seawall to provide continuous vertical access or a platform over the seawall to provide continuous lateral access.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4407. - Public shoreline access.
(a)Intent. The provisions of this section shall apply to all new development requiring a coastal development permit in the CZ District and where public shoreline access is required in the Access Component of the LCP Land Use Plan, and shall be subject to the regulations found in Article 43, Coastal Zone Combining District. The intent of these provisions is to maximize public access to and along the shoreline, while protecting the established rights of private property owners.(b)Development standards. The following development standards shall apply to all required access provisions.(1)To provide separation between shoreline access and residential uses and to protect the privacy and security of residents and homes, any required access easements shall comply with the following setbacks, where feasible:(i)The inland edge of lateral shoreline trails shall be at least twenty-five (25′) feet from any occupied or proposed residence. However, in the event a twenty-five (25) foot access buffer will not provide adequate lateral public access in compliance with the access provisions of the Coastal Act or with the Access Component of the LCP Land Use Plan, a narrower access buffer may be required. In no event shall the lateral accessway extend any closer than ten (10′) feet from the residence in question; and(ii)The edge of vertical shoreline trails shall be at least ten (10′) feet from any existing or proposed residence.(2)Public shoreline access through environmentally sensitive habitat areas shall comply with the provisions established in Section 9-4.4403, Habitat Preservation and the California Coastal Act, Section 30212;(3)Public shoreline access improvements such as trails, ramps, railings, viewing areas, restrooms, and parking facilities shall be sited and designed to be accessible to people of limited mobility to the maximum extent feasible;(4)Public shoreline access improvements such as trails, stairs, ramps, railings, viewing areas, restrooms, and parking facilities shall be sited and designed to be compatible with the natural character of the shoreline;(5)Public shoreline access signage shall identify access location, destination areas, environmentally sensitive habitat, and hazardous conditions, and be compatible with the natural appearance and character of the shoreline by using appropriate color, size, form and material; and(6)Any required vertical trail easement shall be at least ten (10′) feet wide. Any required lateral access easement shall be at least twenty-five (25′) feet wide. However, in the event such an easement width would prohibit private use of the real property or render use or development of the site economically infeasible, a narrower access width may be required. In no event shall the lateral access width be less than ten (10′) feet.(7)With respect to lateral bluff top access, the easement shall be adjusted inland from the current bluff edge if it recedes inland, but in no event shall the trail be closer than ten (10′) feet to an occupied or proposed residence. Such an inland adjustment shall not occur in the event it would prohibit private use of a site or would render use or development of the site economically infeasible.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4408. - Coastal view corridors.
(a)Intent. The provisions of this section shall apply to all new development subject to a coastal development permit in the CZ District and within a coastal view corridor as designated in the LCP Land Use Plan. The intent of these provisions is to:(1)Protect public views toward and along the ocean and scenic areas;(2)Provide visual compatibility with the surrounding character; and(3)Restore and enhance visual quality in visually degraded areas.(b)Development standards. The following standards shall apply to new development within coastal view corridors.(1)Structures shall be sited in order to minimize alteration of natural topography and landforms, tree removal, and grading only to the extent necessary to construct buildings and access roads;(2)Structures shall be sited on the least visible area of the property and screened from public view using native vegetation, as feasible;(3)Structures shall incorporate natural materials and otherwise shall blend into the natural setting;(4)New development shall be consolidated or clustered within the slopes of the natural topography, as feasible;(5)Landscape screening and restoration shall be required to minimize the visual impact of new development; and(6)New utility and transmission lines shall be placed underground. Development of overhead lines will be considered only if such undergrounding is determined to be infeasible and is approved by the Planning Commission.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4409. - Growth management procedures.
All new development in the CZ District shall be subject to the growth management procedures set forth in the Pacifica Municipal Code, Title 9, Chapter 5, except where exempt pursuant to that chapter.

(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4410. - Neighborhood commercial district supplementary regulations.
(a)Purpose. The purpose of these regulations is to encourage the establishment of new visitor-serving commercial uses, thereby providing convenient and functional shopping and services for persons using the coastal zone while ensuring that nearby residents retain a range of services and retail uses which are not usurped by the incursion of non-neighborhood serving uses.(b)Applicability. The following regulations shall apply to all property zoned C-1, Neighborhood Commercial, and C-2, Community Commercial, which is located in the CZ District. These regulations shall not apply outside the CZ District.(c)Permitted uses. Visitor-serving commercial uses, as defined in Section 9-4.4302, shall be permitted, except as provided in subsection (e)(2) below. All other uses listed as permitted uses in Sections 9-4.1001, C-1 Neighborhood Commercial District, and 9-4.1101, C-2 Community Commercial District, shall require a use permit determination to ensure that the proposed use is consistent with the individual neighborhood narratives, the Plan Conclusions, and other relevant policies of the LCP Land Use Plan. The process for a use permit determination shall be as set forth in Section 9-4.1002(i).(d)Conditional uses. Uses specified as conditional uses in Sections 9-4.1001, C-1 Neighborhood Commercial District, and 9-4.1101, C-2 Community Commercial District, unless otherwise indicated in this article, shall be allowed subject to obtaining a use permit.(e)Development standards. The following development standards and limitations shall apply to all uses in the CZ District/C-1 Zone and the CZ District/C-2 Zone:(1)Applicable standards as set forth in Articles 10 and 11 of this chapter;(2)If the proposed visitor-serving commercial use will result in a mix of commercial uses that is not consistent with the provisions of the LCP Land Use Plan, such use may be conditionally permitted, subject to the following criteria:(i)The addition of the proposed use will not significantly alter the overall character of the small-scale, residentially oriented features of the neighborhood;(ii)The proposed use will not by itself serve to convert the predominant character of the area; and(iii)The proposed use will not present a barrier to the efficient functioning of the area as a neighborhood-serving shopping district.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Article 45. - Special Area Combining Districts

Sec. 9-4.4500. - Purpose.
The purpose of this article is to establish a series of Special Area Combining Districts, to be known as SA Districts. The intent of these regulations is to acknowledge and address the particular environmental, physical, and technical constraints and conditions unique to areas within the CZ District.

(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4501. - Applicability.
Regulations set forth in this article shall supplement regulations found in Article 43, Coastal Zone Combining District, and Article 22, Planned Development District (P-D). Regulations of this article are applicable only to the specific corresponding area designated in the LCP Land Use Plan. In case of conflict between the provisions of this article and any others, the provisions of this article shall prevail.

(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4502. - Procedures.
Prior to or concurrent with approval of any development proposals for Mori Point, the Headlands, Pacifica State Beach, Shelter Cove or Pedro Point Upper Slopes, as located and described in the LCP Land Use Plan, each area shall be rezoned to its applicable SA District, as described herein, and to the Planned Development District (P-D). The underlying basic zone of the property shall be rezoned to P-D in conjunction with development plan approval; however, the SA District and the CZ District shall remain. Coastal Commission approval of such rezoning shall not be necessary as each rezoning implements the regulations contained herein and the policies of the LCP Land Use Plan. All development shall comply with the procedures and regulations as established in this article and in Article 22, Planned Development District. If any provision of the P-D District and the applicable SA District conflict, the provisions of this article shall prevail. For any property which, on the effective date of this article, is zoned P-D and has an approved development plan, the requirement to rezone to SA shall not apply unless a different development plan is proposed.

(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4503. - Definitions.
Unless otherwise apparent from the context, certain words and phrases used this article are defined in Article 43, Coastal Combining District, Section 9-4.4302.

(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4504. - General regulations.
The following general regulations shall apply to all new development in the SA Districts.

(a)Environmental assessment. All new development shall be subject to environmental assessment procedures established in the most current State CEQA Guidelines and Statutes.(b)Development plan. A development plan shall be prepared and submitted to the Director for approval, consistent with requirements set forth in Article 22, Planned Development District. This plan shall reflect a well-integrated, comprehensive approach to developing a site, and shall consider the physical, environmental, and technical constraints and conditions of the area.(c)Landscaping plan. A landscaping plan shall be prepared by a licensed landscape architect and submitted to the Director for approval. This plan shall provide for landscaping within parking areas, and shall maximize use of native, drought-resistant plant species and minimize use of exotic plant species.(d)Commercial development. Commercial development shall emphasize visitor-serving uses, as established in the LCP Land Use Plan.(e)Geotechnical suitability.

New development shall comply with the provisions set forth in Section 9-4.4404, Geotechnical Suitability.(f)Grading and drainage. New development shall comply with the provisions set forth in Section 9-4.4405, Grading and Drainage.(g)Coastal view corridors. New development shall comply with the provisions set forth in Section 9-4.4408, Coastal View Corridors.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4505. - SA-1, Mori Point District: Purpose and applicability.
(a)Purpose. The purpose of establishing the SA-1 District is to acknowledge and address the following environmental conditions and technical constraints unique to Mori Point:(1)Presence of environmentally sensitive habitat;(2)Serious erosion problems arising from thin soils;(3)Indiscriminate public access;(4)Panoramic coastal views from Mori Point;(5)Difficult beach access; and(6)Proximity to the West Fairway Park neighborhood.(b)Applicability. The SA-1 District shall apply to property commonly known as "Mori Point," as shown on the northern portion of the Special Area designation on the Sharp Park Golf Course-West Fairway Park-Mori Point-Rockaway Beach Land Use Plan Map contained in the LCP Land Use Plan. The provisions set forth in Sections 9-4.4506 and 9-4.4507 shall apply to all new development in the SA-1 District and shall supplement regulations established in Article 43, Coastal Zone Combining District. If any provisions conflict, the provisions of this article shall prevail.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4506. - SA-1, Mori Point District: Uses.
The following uses shall be conditionally permitted in the SA-1 District and shall correspond to the locations specified in the LCP Land Use Plan for Mori Point:

(a)Lodging facilities;(b)Eating establishments;(c)Uses specified in Section 9-4.401, R-1 Single-Family Residential District; and(d)Uses specified in Section 9-4.1001, C-1 Neighborhood Commercial District.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4507. - SA-1, Mori Point District: Development regulations.
New development within the SA-1 District shall comply with the provisions of this section.

(a)Commercial composition. Commercial uses shall comprise a minimum thirty (30%) percent of the net developable area. However, if geotechnical studies indicate that the western portion of the district is not suitable for development, less than thirty (30%) percent of the net developable area may be in commercial use.(b)Residential density. Maximum allowable density shall be nine (9) dwelling units per acre, except that where special site conditions exist, such as slope, geology, soils, access, public safety, visibility, environmentally sensitive habitat, and the availability of utilities, density may be limited.(c)Residential hillside development. Residential hillside development shall be clustered and contoured into the topography of the hillside.(d)Habitat preservation. To determine the extent of San Francisco garter snake habitat, a habitat survey shall be required pursuant to Section 9-4.4403, Habitat Preservation. Where a habitat exists, the provisions of Section 9-4.4403 shall apply.(e)Permanent environmental protection. Permanent environmental protection may be required to protect any San Francisco garter snake habitat pursuant to Section 9-4.4308, Permanent Environmental Protection.(f)Public shoreline access. Due to the potential threat to public safety and the habitat of the San Francisco garter snake habitat, public access to the shoreline shall not be required. However, if the applicant can demonstrate that public access can be provided without adversely affecting the San Francisco garter snake habitat, limited parking for public access may be provided.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4508. - Reserved.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4509. - Reserved.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4510. - Reserved.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4511. - SA-3, Headlands District: Purpose and applicability.
(a)Purpose. The purpose of establishing the SA-3 District is to acknowledge and address the following environmental conditions and technical constraints unique to the Headlands:(1)Panoramic coastal views;(2)Difficult beach access;(3)Susceptibility to erosion; and(4)Value as a local and regional recreation area.(b)Applicability. The SA-3 District shall apply to property commonly known as the "Headlands," as shown on the northern portion of the Special Area designation on the Headlands-San Pedro Beach Land Use Plan Map contained in the LCP Land Use Plan. The provisions set forth in Sections 9-4.4512 and 9-4.4513 shall apply to all new development in the SA-3 District and shall supplement regulations established in Article 43, Coastal Zone Combining District; Article 44, Coastal Development Regulations; and the Rockaway Beach Specific Plan. If any provisions conflict, the provisions of this article shall prevail.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4512. - SA-3, Headlands District: Uses.
The following uses shall be conditionally permitted in the SA-3 District and shall correspond to the locations specified in the LCP Land Use Plan for the Headlands:

(a)Lodging facilities;(b)Eating establishments; and(c)Public trails and vista areas.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4513. - SA-3, Headlands District: Development regulations.
All new development within the SA-3 District shall comply with the provisions of this section.

(a)Public shoreline access. Public access to the shoreline shall be required pursuant to Section 9-4.4407, Public Shoreline Access. Access areas shall be for day use only and shall be limited to:(1)Trails;(2)Bicycle parking;(3)Picnic areas;(4)Public vista areas; and(5)Restroom facilities.(b)Bicycle parking. New development shall provide bicycle parking pursuant to Section 9-4.2822, Bicycle Parking.(c)Emergency access. New development shall provide adequate and safe access for emergency vehicles.(d)Prominent ridgeline. Structures shall not be permitted on a prominent ridgeline as designated in the LCP Land Use Plan, unless the applicant can demonstrate that there is no other buildable portion of the property.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4514. - SA-4, Pacifica State Beach District: Purpose and applicability.
(a)Purpose. The purpose of establishing the SA-4 District is to acknowledge and address the following environmental conditions and technical constraints unique to the Pacifica State Beach:(1)Potential presence of the San Francisco garter snake;(2)Potential wetlands habitat;(3)Panoramic coastal views;(4)Inadequate beach parking; and(5)Local and regional importance as a swimming and picnicking beach.(b)Applicability. The SA-4 District shall apply to property commonly known as the "Pacifica State Beach," as shown on the southern portion of the Special Area designation on the Headlands-San Pedro Beach Land Use Plan Map contained in the LCP Land Use Plan. The provisions set forth in Sections 9-4.4515 and 9-4.4516 shall apply to all new development in the SA-4 District and shall supplement regulations established in Article 43, Coastal Zone Combining District and Article 44, Coastal Development Regulations. If any provisions conflict, the provisions of this article shall prevail.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4515. - SA-4, Pacifica State Beach District: Uses.
The following uses shall be conditionally permitted in the SA-4 District and shall correspond to the locations specified in the LCP Land Use Plan for the Pacifica State Beach:

(a)Lodging facilities;(b)Eating and drinking establishments;(c)Other visitor-serving uses, including, but not limited to:(1)Recreational and sporting equipment sales and rentals,(2)Gift shops,(3)Handicraft shops and workshops, and(4)Other substantially similar types of uses;(d)Public trails and picnic areas;(e)Public parking facilities; and(f)Uses specified in Section 9-4.2052, Open Space District.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4516. - SA-4, Pacifica State Beach District: Development regulations.
All new development within the SA-4 District shall comply with the provisions of this section.

(a)Building mass. Structures shall be limited in height and mass where necessary to preserve existing coastal views pursuant to Section 9-4.4409, Coastal View Corridors.(b)Habitat preservation. To determine the extent of San Francisco garter snake habitat and wetland habitat, a habitat survey shall be required pursuant to Section 9-4.4403, Habitat Preservation. Where a habitat exists, the provisions of Section 9-4.4403 shall apply.(c)Permanent environmental protection. Permanent environmental protection may be required to protect San Francisco garter snake habitat and wetland habitat, and to preserve visually prominent areas pursuant to Section 9-4.4308, Permanent Environmental Protection.(d)Public shoreline access. Public access to the shoreline shall be required pursuant to Section 9-4.4407, Public Shoreline Access. Access areas shall be for day use only and shall be limited to:(1)Trails;(2)Bicycle parking;(3)Picnic areas;(4)Public vista areas;(5)Vehicular parking; and(6)Restroom facilities.(e)Bicycle parking. New development shall provide bicycle parking pursuant to Section 9-4.2822, Bicycle Parking.(f)Vehicular parking. Public beach parking shall be required to meet the needs of the area, consistent with the Access Component of the LCP Land Use Plan.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4517. - SA-5, Shelter Cove District: Purpose and applicability.
(a)Purpose. The purpose of establishing the SA-5 District is to acknowledge and address the following environmental conditions and technical constraints unique to Shelter Cove:(1)Susceptibility to wave damage;(2)Steep slopes;(3)Eroding bluffs;(4)Weak bedrock formations; and(5)Difficult emergency access.(b)Applicability. The SA-5 District shall apply to property commonly known as "Shelter Cove," as shown on the Special Area designation on the Pedro Point-Shelter Cove Land Use Plan Map contained in the LCP Land Use Plan, and to the beachfront property located between Shelter Cove and the Pacifica State Beach, south of San Pedro Creek. The provisions set forth in Sections 9-4.4518 and 9-4.4519 shall apply to all new development in the SA-5 District and shall supplement regulations established in Article 43, Coastal Zone Combining District and Article 44, Coastal Development Regulations. If any provisions conflict, the provisions of this article shall prevail.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4518. - SA-5, Shelter Cove District: Uses.
The following uses shall be conditionally permitted in the SA-5 District and shall correspond to the locations specified in the LCP Land Use Plan for Shelter Cove:

(a)Lodging facilities;(b)Eating and drinking establishments;(c)Other visitor-serving uses, including, but not limited to, recreational and sporting equipment sales and rentals; gift shops; handicraft shops and workshops; and other substantially similar types of uses;(d)Public trails and picnic areas;(e)Public parking facilities; and(f)Uses specified in Section 9-4.401, R-1 Single-Family Residential District, provided that if any existing housing occupied by low-income or moderate-income persons is proposed to

be removed, it shall be replaced as required by state law.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4519. - SA-5, Shelter Cove District: Development regulations.
All new development within the SA-5 District shall comply with the provisions of this section.

(a)Permanent environmental protection. Permanent environmental protection may be required to provide public shoreline access to the shoreline pursuant to Section 9-4.4308, Permanent Environmental Protection.(b)Water and marine resources. An oceanographic study conducted by a certified professional oceanographer shall be required, and the findings shall be used to ensure that new development does not create an adverse environmental impact to water and marine resources, as identified the LCP Land Use Plan.(c)Public shoreline access. Public access to the shoreline shall be required pursuant to Section 9-4.4407, Public Shoreline Access. Access areas shall be for day use only and shall be limited to:(1)Trails;(2)Bicycle parking;(3)Picnic areas;(4)Public vista areas;(5)Vehicular parking; and(6)Restroom facilities.(d)Bicycle parking. New development shall provide bicycle parking pursuant to Section 9-4.2822, Bicycle Parking.(e)Vehicular parking. Public beach parking shall be required to meet the needs of the area, consistent with the Access Component of the LCP Land Use Plan.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4520. - SA-6, Pedro Point Upper Slopes District: Purpose and applicability.
(a)Purpose. The purpose of establishing the SA-6 District is to acknowledge and address the following environmental conditions and technical constraints unique to the upper slopes of Pedro Point:(1)Very steep slopes;(2)Landslide hazards;(3)Extensive coastal vegetation; and(4)Difficult emergency access.(b)Applicability. The SA-6 District shall apply to property designated "Open Space Residential," as shown on the Pedro Point-Shelter Cove Land Use Plan Map contained in the LCP Land Use Plan. The provisions set forth in Sections 9-4.4521 and 9-4.4522 shall apply to all new development in the SA-6 District and shall supplement regulations established in Article 43, Coastal Zone Combining District and Article 44, Coastal Development Regulations. If any provisions conflict, the provisions of this article shall prevail.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4521. - SA-6, Pedro Point Upper Slopes District: Uses.
The following uses shall be conditionally permitted in the SA-6 District:

Uses specified in Section 9-4.401, R-1 Single-Family Residential District.

(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4522. - SA-6, Pedro Point Upper Slopes District: Development regulations.
All new development within the SA-6 District shall comply with the provisions of this section.

(a)Residential density. Allowable density shall be a minimum of one dwelling unit per five (5) acres of land, except that where special site conditions exist, such as slope, geology, soils, access, public safety, visibility, environmentally sensitive habitat, and the availability of utilities, density may be limited.(b)Residential hillside development. Residential hillside development shall be clustered and contoured into the topography of the hillside.(c)Emergency access. New development shall provide adequate and safe access for emergency vehicles.(d)Landscaping. For each tree removed during construction, at least one fifteen (15) gallon box tree shall be planted.(e)Prominent ridgeline. Structures shall not be permitted on a prominent ridgeline, as designated in the LCP Land Use Plan, unless the applicant can demonstrate that there is no other buildable portion of the property.
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Article 46. - Enforcement and Penalties

Sec. 9-4.4600. - Penalty provisions.
(a)In addition to any of the remedies, penalties and methods of enforcement provided in the Pacifica Municipal Code for violation of the requirements of this Code, the City may pursue such remedies and penalties for violation of the California Coastal Act as are set forth in the Act.(b)Any person, corporation, partnership, organization, association or other entity who performs or undertakes development in the Coastal Zone in violation of Articles 43 through 45 of this Code, or inconsistent with a coastal development permit issued by the City, may be civilly liable for monetary penalties as set forth in California Public Resources Code Section 30820(a).(c)Any person, corporation, partnership, organization, association or other entity who performs or undertakes development in the Coastal Zone in violation of Articles 43 through 45 of this Code, or inconsistent with a coastal development permit issued by the City, when the person intentionally and knowingly performs development in violation of this Code or inconsistent with a previously issued coastal development permit, may be held civilly liable for monetary penalties as set forth in California Public Resources Code Section 30820(b).
(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Sec. 9-4.4601. - Restoration.
In addition to any other authority to order restoration, the City may, after a public hearing, order restoration of a site pursuant to California Public Resources Code Section 30826.

(§ VI, Ord. 610-C.S., eff. March 16, 1994)

Article 47. - City of Pacifica Below Market Rate (Inclusionary) Program. **[NOT CERTIFIED Ord. 746-C.S., eff. May 9, 2007]**

Article 48. - Cannabis Regulations

Sec. 9-4.4800. - Purpose and intent.
It is the purpose and intent of this article to regulate the cultivation and distribution of medicinal and adult-use cannabis in order to ensure the health, safety, and welfare of the residents of the City of Pacifica. The regulations in this article are meant to ensure compliance with the Compassionate Use Act, the Medical Marijuana Program Act, the Medicinal and Adult-Use Cannabis Regulation and Safety Act, and the Adult Use of Marijuana Act (hereinafter the "State Cannabis Laws") and do not interfere with a patient's ability to use medicinal cannabis as authorized by the state cannabis laws or criminalize the possession or cultivation of cannabis for medicinal or adult-use purposes as permitted by the State Cannabis Laws. Commercial cannabis activity within the City must comply with all provisions of the Pacifica Municipal Code for obtaining permits and licenses for a cannabis operation and must comply with the State Cannabis Laws and all other applicable local and state laws. Nothing in this article shall permit activities that are otherwise illegal under state or local laws.

(§ 17, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Sec. 9-4.4801. - Definitions.

For the purposes of this article, the following words and phrases shall have the following meanings:

(a) "Applicant" shall mean a person or entity that submits an application for a cannabis operation.

(b) "Cannabinoid" shall mean any and all chemical compounds that are the active principles of marijuana or cannabis.

(c) "Cannabis" shall have the meaning set forth in Health and Safety Code section 11018 and Business and Professions Code section 26001(f).

(d) "Cannabis manufacturing operation" or "cannabis manufacturer" shall mean any building, business, entity, facility, establishment, property, site or location that packages or repackages cannabis products, labels or relabels cannabis product containers, produces edible products or topical products using infusion processes, performs extractions as defined in subsection (q) using only mechanical extraction methods, and does not utilize any volatile or non-volatile solvents in the extraction process, and/or performs a closed-loop refinement process as defined in subsection (aa) utilizing ethanol, and requires a Type 6, Type N, or Type P manufacturing license issued by the state and a local cannabis activity permit.

(e) "Cannabis operation" shall mean any commercial cannabis activity or commercial cannabis activity permitted under this article.

(f) "Cannabis products" shall have the meaning set forth in Health and Safety Code section 11018.

(g) "Cannabis retail operation" or "cannabis retailer" shall mean any building, business, entity, facility, establishment, property, site or location that dispenses, sells, and/or delivers cannabis and/or cannabis products and which requires a Type 10 state license and a local cannabis activity permit for medicinal and/or adult-use cannabis sales and deliveries.

(h) "Cannabis testing operation" or "cannabis tester" shall mean any laboratory, building, business, entity, facility, establishment, property, site, or location that requires a Type 8 state license and a local cannabis activity permit for medicinal and/or adult-use cannabis testing.

(i) "Clarification" shall mean the process where winterized mixture of cannabinoids/terpenes is further refined via the removal of chlorophyll and other pigments through filters. This process usually incorporates activated carbon, activated earth clays, or amorphous silica.

(j) "Closed-loop system" shall mean a system that remains closed during normal operations where vapors emitted by the hazardous material (e.g. ethanol solvent) are not liberated outside of the vessel or system and the product is not exposed to the atmosphere during normal operations. Examples of closed systems include product conveyed through a piping system into a closed vessel, system or piece of equipment.

(k) "Commercial cannabis activity" and "commercial marijuana activity" shall have the meaning set forth in Business and Professions Code section 26001(k), as may be subsequently amended.

(l) "Crude extract" shall mean the product first obtained from the extraction process. It contains all of the solutes extracted from the plant material.

(m) "Cultivation" shall mean any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(n) "Customer" means a natural person twenty-one (21) years of age or over or a natural person eighteen (18) years of age or older who possesses a physician's recommendation for the use of cannabis.

(o) "Day care center" shall have the meaning set forth in Health and Safety Code section 1596.76 as of the effective date of this article and as subsequently amended.

(p) "Deliver" and "delivery" shall mean the transfer of cannabis or cannabis products to a customer, patient, and/or recipient. "Delivery" shall also include the use by a retailer of any technology

platform owned or controlled by a cannabis retailer under this article that enables customers to arrange for or facilitate the commercial transfer of cannabis or cannabis products.

(q) "Extraction" shall mean a process by which cannabinoids are separated from cannabis plant material through chemical or physical means, which results in a crude extract.

(r) "Identification card" shall have the meaning set forth in in Health and Safety Code section 11362.71, as of the effective date of this article and as subsequently amended.

(s) "Infuse" or "infusion" shall mean the process by which cannabis, cannabinoids, cannabis concentrates, or manufactured cannabis are directly incorporated into a product formulation to produce a cannabis product.

(t) "Marijuana" shall have the same meaning as "Cannabis."

(u) "Mechanical extraction" means non-chemical extraction methods using heat, screens, and presses for purposes of extracting cannabinoids consistent with Type 6, Type N, and Type P manufacturing licenses issued by the state, but excluding the use of any solvents, volatile or non-volatile, in the extraction process.

(v) "Operator" shall mean any person or entity responsible for the operation or management of the cannabis operation; any person listed on the cannabis operation's articles of incorporation or articles of organization or operating agreement as an officer, manager or director; any person or entity with a financial interest in the cannabis operation as defined in Title 16, California Code of Regulations section 5004, except those financial interests listed in subsection (c) thereof; and any person that supervises another employee of the cannabis operation.

(w) "Non-volatile solvent" means any solvent used in the extraction process that is not a Volatile solvent. For purposes of this article, a non-volatile solvent includes carbon dioxide (CO2) used for extraction and ethanol used for extraction or post-extraction processing.

(x) "Owner" shall mean the person or entity in whom is vested interest and title to the cannabis operation. "Owner" shall also include those individuals that are considered an owner under state cannabis laws, including Business and Professions Code 26001(al) and Title 16, California Code of Regulations section 5003, as may be subsequently amended.

(y) "Permittee" shall mean the person or entity to whom the City issued a cannabis activity permit.

(z) "Physician" shall mean a licensed medical doctor, including a doctor of osteopathic medicine as defined in the California Business and Professions Code.

(aa) "Refinement process" shall mean a post-extraction process in which crude extract is further processed to separate targeted compounds consistent with a Type 6 manufacturing licenses issued by the state and local permits. The only use of any solvent, volatile or non-volatile, in the refinement process shall be limited to ethanol in a closed-loop system to perform winterization, clarification, and solvent recovery.

(ab) "Solvent recovery" shall mean the recovery of the winterizing and clarification solvent (ethanol) with the application of heat and vacuum.

(ac) "School" shall mean an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes an elementary school, middle or junior high school, senior high school, or any special institution of education for persons under the age of eighteen (18) years, whether public or private.

(ad) "State cannabis laws" means and includes California Health and Safety Code sections 11362.1 through 11362.45; California Health and Safety Code section 11362.5 (Compassionate Use Act of 1996); California Health and Safety Code sections 11362.7 to 11362.83 (Medical Marijuana

Program); all state laws enacted or amended pursuant to SB-94, Statutes of 2017, Chapter 27 (Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"), including but not limited to California Business and Professions Code sections 26000, et seq.); California Revenue and Taxation Code sections 31020 and 34010 through 34021.5; California Fish and Game Code section 12029; California Water Code Section 13276; the California Attorney General's Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use issued in August, 2008, as such guidelines may be revised from time to time by action of the Attorney General; California Labor Code section 147.5; all state regulations adopted pursuant to MAUCRSA; any license issued pursuant to MAUCRSA; and all other applicable laws of the State of California regulating cannabis.

(ae) "Volatile solvent" shall have the meaning set forth in subdivision (d) of Health and Safety Code section 11362.3(b)(3) as of the effective date of this article and as subsequently amended.

(af) "Winterization" shall mean the process where crude extract is dissolved in ethanol at warmer temperatures then cooled to precipitate the fatty acids/waxes from the solution.

(ag) "Youth center" shall have the meaning set forth in Health and Safety Code section 11353.1 as of the effective date of this article and as subsequently amended.

(§ 17, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Sec. 9-4.4802. - Residential cultivation of cannabis.

(a) Notwithstanding any other restriction on cannabis operations, a person may cultivate up to six (6) living cannabis plants inside his or her private residence, or inside an accessory structure to his or her private residence located upon the grounds of his or her private residence that is fully enclosed and secure, or outside upon the grounds of that private residence, provided that such cultivation complies with all state cannabis laws and the regulations and restrictions set forth in this section.

(b) All personal cannabis cultivation that occurs outside of a private residence or accessory structure to a private residence shall be located within the rear yard, contained within an area that is fully enclosed by a solid, locked, fence with a height of not less than six (6') feet, shall not encroach upon or otherwise touch adjacent property lines and/or fences, and all portions of any cannabis plant shall maintain the following minimum setbacks from property lines:

(1) Front: behind the main structure;

(2) Side: five (5') feet; and

(3) Rear: five (5') feet.

(c) Individuals cultivating cannabis under this section must comply with all applicable state cannabis laws.

(d) No person may cultivate cannabis outside on the grounds of a private residential property if that property is directly abutting any property that contains a school, day care center, or youth center.

(e) Where a private residence is not occupied or inhabited by the owner of the residence, the owner of the property must provide the occupant written consent expressly allowing cannabis cultivation to occur at said residence.

(f) Persons cultivating cannabis on residential property shall comply with all applicable technical building standards set forth in the Pacifica Municipal Code, shall not use gas products such as, but not limited to, carbon dioxide, butane, propane, or natural gas on the property for purposes of cannabis

cultivation, and pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.

(g) The outdoor cultivation of cannabis shall not utilize artificial light, and shall not adversely affect the health or safety of residents, neighbors, or nearby businesses by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to the use or storage of materials, processes, products or wastes associated with the cannabis cultivation.

(§ 17, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Sec. 9-4.4803. - Cannabis operations—General provisions.

(a) *Cannabis operations allowed.*

(1) Only those types of cannabis operations set forth in this section shall be allowed within the City. Any and all cannabis operations not expressly described herein are expressly prohibited.

(i) Cannabis retail operation ("retailer").

(ii) Cannabis manufacturing operation ("manufacturer").

(iii) Cannabis testing operation ("tester").

(2) An owner or operator of a cannabis operation shall be prohibited from owning or operating more than one cannabis operation within the City.

(3) Not more than one cannabis operation may be conducted on a lot or parcel of property.

(b) *Cannabis activity permit and public safety license required to operate.* It shall be unlawful for any person or entity to open, commence, operate, engage in, conduct or carry on (or to permit to be opened, commenced, operated, engaged in, conducted or carried on) in or upon any property located within the City a cannabis operation unless that person has a valid cannabis activity permit issued by the City pursuant to this article for that property and that type of cannabis operation and a valid cannabis public safety license issued by the City pursuant to Pacifica Municipal Code Title 4, Chapter 16, to the owner and/or operator of the cannabis operation.

(c) *Limitations on location.*

(1) *Permissible zoning.* Cannabis operations may operate only in the following locations:

(i) Cannabis retail operations may only operate in a Cannabis Operation Overlay District (CO).

(ii) Cannabis manufacturing operations may only operate in the C-3 (Service Commercial) District.

(iii) Cannabis testing operations may only operate in the C-2 (Community Commercial) or the C-3 (Service Commercial) Districts.

(2) *Areas and zones where cannabis operations are not permitted.* Notwithstanding subparagraph (c)(1) above, a cannabis operation may not operate on a parcel or lot located within six hundred (600') feet of a school or youth center that is in existence at the time the cannabis activity permit is issued, or within two hundred (200') feet of a day care center that is in existence at the time the cannabis activity permit is issued. This distance shall be calculated as a straight line from any parcel line of the property on which the cannabis operation is located to the parcel line of the real property on which the facility, building, or structure, or portion of the facility, building or structure, in which the listed use occurs or is located. Locational restrictions shall apply to an entire parcel if any portion of the parcel is located within the applicable buffer distance.

(d) *Conditions of operation.*

(1) *All cannabis operations.* All cannabis operations shall be operated, maintained, and managed on a day-to-day basis in compliance with the following operational conditions and requirements:

(i) Cannabis public safety license. A cannabis operation shall maintain a cannabis public safety license at all times. The failure to maintain a cannabis public safety license, revocation of a cannabis public safety license, or lapse in renewal of a cannabis public safety license shall be the basis for immediate termination of the right to operate a cannabis operation under a cannabis activity permit.

(ii) Employees. It shall be unlawful for the applicant, owner, operator, or any other person effectively in charge of any cannabis operation to employ any person who is not at least twenty-one (21) years of age.

(iii) Minors. Persons under the age of twenty-one (21) years shall not be allowed on the premises of a cannabis operation. The entrance to the cannabis operation shall be clearly and legibly posted with a notice indicating that persons under the age of twenty-one (21) years are precluded from entering the premises.

(a) Notwithstanding 9-4.4803(d)(1)(iii), persons meeting the definition of "customer" as defined in Section 9-4.4801(k) shall be allowed to enter the premises of a retail cannabis operation.

(iv) Every cannabis operation shall display, at all times during its regular business hours, the cannabis activity permit and cannabis public safety license issued for such cannabis operation in a conspicuous place so that the same may be readily seen by all persons entering the cannabis operation.

(v) No cannabis operation shall hold or maintain a license from the State Department of Alcoholic Beverage Control for the sale of alcoholic beverages, or operate a business on the premises of the cannabis operation that sells alcoholic beverages, or otherwise allow alcoholic beverages to be possessed, distributed, or consumed on the premises.

(vi) No cannabis operation shall be a retailer of tobacco products.

(vii) A cannabis operation shall be considered a commercial use relative to the City's parking requirements in Article 28 of this chapter.

(viii) Smoking, vaping, ingesting, or consuming cannabis on the premises of a cannabis operation shall be prohibited. A notice prohibiting smoking, vaping, ingesting and consuming cannabis shall be clearly and legibly posted in the cannabis operation and shall not obstruct the entrance or windows.

(ix) Operation of a cannabis operation shall not result in illegal re-distribution or sale of cannabis obtained, or the use or distribution in any manner which violates state cannabis law or this article.

(x) Site plan.

(aa) The site plan shall include a lobby waiting area at the entrance to the cannabis operation used to receive and screen customers, employees, patrons, and guests of the cannabis operation and a separate and secure designated area for dispensing cannabis and conducting other operations of the cannabis operation.

(ab) The primary entrance shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways.

(xi) Security. The cannabis operation shall at all times comply with all elements of its security plan, submitted as a part of its cannabis public safety license application pursuant to Pacifica Municipal Code Title 4, Chapter 16.

(xii) Signage. The cannabis operation shall comply with all applicable provisions of Pacifica Municipal Code Title 9, Chapter 4, Article 29.

(2) *Supplemental conditions—Retailers.* In addition to each of the conditions of operation set forth in subsection (d)(1), a cannabis retail operation shall be operated, maintained, and managed in compliance with the following supplemental conditions:

(i) Retailers may not sell drug paraphernalia and implements that may be used to ingest or consume cannabis except where such sales and operations comply with Health and Safety Code section 11364.5.

(ii) Retailers may only deliver cannabis and cannabis products to customers who comply with state and local law.

(iii) A cannabis operation shall not be enlarged in size (i.e., increased floor area) without the Planning Commission's prior review and approval and an approved amendment to the existing cannabis activity permit applied for and issued pursuant to the requirements of this article.

(iv) A retailer of medicinal cannabis shall only sell, deliver, or give away medicinal cannabis to individuals authorized to receive medicinal cannabis in accordance with state cannabis laws. Retailers of medicinal cannabis shall require such persons receiving medicinal cannabis to provide valid official identification, such as a Department of Motor Vehicles driver's license or state identification card, each time he or she seeks to purchase medicinal cannabis.

(v) Hours of operation. Retailers may only operate during the hours between 7:00 a.m. through 10:00 p.m. The Planning Commission may further restrict a retailer's days and hours of operation as a condition of a cannabis activity permit. A retailer shall post its approved days and hours of operation on a sign located on the street frontage of the cannabis operation in a manner consistent with the City's sign regulations set forth in Article 29 of this chapter.

(vi) A retailer shall not have a physician on site to evaluate patients and/or provide recommendations for the use of medicinal cannabis.

(vii) State seller's permit. The cannabis operation shall, at all times during operation, maintain a valid seller's permit required pursuant to Part 1 (commencing with Section 6001) of Division 2 of the California Revenue and Taxation Code.

(3) *Supplemental conditions—Manufacturers.* In addition to each of the conditions of operation set forth in subsection (d)(1), a cannabis manufacturing operation shall be operated, maintained, and managed in compliance with the following supplemental conditions:

(i) Manufacturers shall not engage in on-site retail sales of cannabis or cannabis products.

(ii) Manufacturers shall only conduct extractions using mechanical extraction methods. All other extraction methods, including those using volatile or non-volatile solvents as defined in this Article are strictly prohibited. The extraction process does not include refinement, but may be followed by the refinement process.

(iii) Cannabis manufacturing operations may use heat, screens, presses, and other methods without employing solvents or gases to create kief, hash, rosin, and other extracts in the manufacturing process.

(iv) Cannabis manufacturing operations may perform refinement processes on crude extract. Refinement processes may use ethanol as a solvent if in accordance with local permits, state cannabis laws including Section 40223 of the California Code of Regulations. Ethanol-based refinement processes shall be performed in a closed-loop system and shall be limited to winterization, clarification, and solvent recovery. No more than thirty (30) gallons of ethanol may be onsite at any time. All ethanol shall be kept in a fire proof cabinet when not being used. Cannabis manufacturing operations shall meet all California Fire Code requirements and applicable fire safety standards as determined by the Fire Marshal. The ethanol-based refinement process shall be designed and implemented to recapture and reuse ethanol.

(v) All food products, food storage facilities, food-related utensils, equipment and materials shall be approved, used, managed and handled in accordance with Sections 113700 through 114437 of the California Health and Safety Code, and California Retail Food Code. All food products shall be protected from contamination at all times, and all food handlers must be clean, in good health and free from communicable diseases.

(vi) Manufacturers that intend to perform their own distribution of cannabis and/or cannabis products to licensed retail businesses are prohibited by this Article from such activity until and unless they are fully compliant with state cannabis laws, which requires all distribution to be performed only by licensed distributors authorized by the Bureau of Cannabis Control. Manufacturers intending to perform their own distribution shall include or amend as appropriate the distribution operation into their cannabis activity permit and then apply to the Bureau for a state distribution license, as required by Business and Professions Code Section 26070(b). Distribution of cannabis and/or cannabis products not manufactured by the manufacturing operation distributing the cannabis and/or cannabis products shall be strictly prohibited.

(4) *Supplemental conditions—Testers.* In addition to each of the conditions of operation set forth in subsection (d)(1), a cannabis testing operation shall be operated, maintained, and managed in compliance with the following supplemental conditions:

(i) Testers shall not engage in on-site retail sales of cannabis or cannabis products.

(5) *Additional conditions.* The Planning Commission may impose additional conditions which it deems necessary to ensure that operation of the cannabis operation will be in accordance with the findings provided in Section 9-4.4805(a) and with the standards and regulations provided in this article and applicable state laws.

(e) *City access to and inspection of required records.* A duly designated City Police Department or Finance Division representative may enter and shall be allowed to inspect the premises of every cannabis operation as well as the financial and membership records of the cannabis operation required by this article at any time during the cannabis operation's designated business hours, or at any appropriate time to ensure compliance and enforcement of the provisions of this article. It shall be unlawful for any owner, operator, or any other person having any responsibility over the operation of the cannabis operation to refuse to allow, impede, obstruct or interfere with an inspection of the cannabis operation or the required records thereof. A cannabis operation shall not conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a cannabis operation under this article.

(f) *Coastal Zone Combining District.* Cannabis operations shall be subject to and shall comply with all provisions of Title 9, Chapter 4, Article 43 of this Code. A cannabis operation shall not be considered a "visitor-serving use" within the meaning of that term as defined in Article 43 of this Chapter.

(g) *Business license tax liability.* An operator of a cannabis operation shall be required to apply for and obtain a business tax certificate pursuant to Chapter 1 of Title 3 of this Code as a prerequisite to

obtaining a cannabis activity permit pursuant to the terms of this article. When and as required by the California Department of Tax and Fee Administration, cannabis operation transactions shall be subject to sales tax in a manner required by state law.

(h) *No vested rights.* No person(s) shall have any vested rights to any permit, right or interest under this article, regardless of whether such person(s) cultivated, sold, distributed or otherwise engaged in acts related to the use of cannabis prior to adoption of the ordinance codified in this article.

(§ 17, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Sec. 9-4.4804. - Cannabis activity permit—General provisions.

(a) *Cannabis activity permit application procedures—Initial applications.*

(1) *Public safety license.*

(i) *Public safety license, phase one application—Criminal background check.*

(aa) Within thirty (30) days of the effective date of this article, any person or entity interested in operating a cannabis operation pursuant to this article may submit a public safety license phase one application ("Phase One Application") along with a nonrefundable application fee to the Chief of Police.

(ab) It shall be the applicant's responsibility to provide all of the information and materials required to comply with the phase one application submittal requirements of Section 4-16.04(b)(2). The Chief of Police will not consider any incomplete or late phase one applications. The filing date of the phase one application shall be the date when the Chief of Police officially receives the last submission of information or materials required by Section 4-16.04(b)(2).

(ac) Within sixty (60) days of the effective date of this article, the Chief of Police shall review and approve or deny all phase one applications by utilizing the criteria for approval or denial set forth in Section 4-16.05(a) and (b). The Chief of Police shall notify all applicants in writing of his/her determination to approve or deny their phase one applications. If approved, the applicant may proceed to phase two of the public safety license application procedures.

(ii) *Public safety license phase two application—Security plan.*

(aa) Within seventy-five (75) days of the effective date of this article, applicants whose phase one applications have been approved may submit public safety license phase two applications ("Phase Two Applications") along with a non-refundable application fee to the Chief of Police.

(ab) It shall be the applicant's responsibility to provide all of the information and materials required to comply with the phase two application submittal requirements of Section 4-16.04(b)(3)(ii). The Chief of Police will not consider incomplete or late phase two applications. The filing date of phase two application shall be the date when the Chief of Police officially receives the last submission of information or materials required by Section 4-16.04(b)(3)(ii).

(ac) Within one hundred (100) days of the effective date of this article, the Chief of Police shall review and approve or deny the phase two application by utilizing the criteria for approval or denial set forth in Section 4-16.05(a) and (b). The Chief of Police shall notify all applicants in writing of his/her determination to approve or deny their phase two application.

(ad) Applicants whose phase two applications have been approved shall be placed on the City's qualified cannabis registration list.

(2) *Cannabis activity permit.*

(i) Within one hundred thirty (130) days of the effective date of this article, all applicants on the qualified cannabis registration list must submit a cannabis activity permit application along with a deposit for application processing to the Director of Planning to be considered for a cannabis activity permit.

(ii) It shall be the applicant's responsibility to provide all of the information and materials required to comply with the cannabis activity permit application submittal requirements of Section 9-4.4804(c) and (d). The filing date of the cannabis activity permit application shall be the date when the Director of Planning officially receives the last submission of information or materials required by Section 9-4.4804(c) and (d). If the Director of Planning determines an application submittal is incomplete, an applicant shall be granted an extension of time to submit all materials required to complete the application within twenty (20) working days. If the application remains incomplete in excess of the twenty (20) working days following notification that an application submittal is incomplete, the application shall be deemed incomplete and will no longer be processed. Once the application is deemed complete by the Planning Director, the application shall be placed at the end of the random independent ranking order of the qualified cannabis registration list, and may be considered by the Planning Commission at a future public hearing based on the order of ranking.

(iii) Lottery. Within one hundred seventy (170) days of the effective date of this article, the Director of Planning shall hold a random independent ranking process ("Lottery") in an open and public location and shall randomly rank all applications on the qualified cannabis registration list.

(iv) Where the Planning Commission denies a cannabis activity permit or an application is withdrawn before consideration by the Planning Commission, all other applications on the qualified cannabis registration list shall be considered by the Planning Commission at a future public hearing in the order of ranking as established by the random independent ranking process. The Planning Commission shall continue to review applications until all applications have been reviewed or until the Planning Commission can issue no further cannabis activity permits based on the criteria of this article and Article 17.5.

(v) Upon notification of the Director of Planning, a qualified applicant shall place a legible, visible sign not less than two (2) square feet on the front of the premises indicating that a cannabis activity permit has been filed and how to contact the Planning Department to obtain more information.

(3) *License issuance.*

(i) Within thirty (30) days of the Planning Commission's issuance of a cannabis activity permit, the Chief of Police shall issue all permittees a cannabis public safety license.

(4) *Closure of the initial applications phase.*

(i) The closure of the initial application phase shall occur when all applications on the qualified cannabis registration list have been reviewed or when the Planning Commission can issue no further cannabis activity permits based on the criteria of this article and Article 17.5, and the Council has accepted a determination of closure of the initial application phase which shall be submitted by the Planning Director.

(ii) No applications for cannabis retail operations shall be accepted or processed, except those on the qualified cannabis registration list on the effective date of this subsection, until Council has accepted a determination of closure of the initial application phase.

(5) *Cannabis manufacturing and testing operations.* Nothing in this subsection shall preclude applicants for cannabis manufacturing operations and cannabis testing operations from submitting an application for a cannabis activity permit in accordance with the provisions of Section 9-4.4804(b) prior to the closure of the initial application phase.

(b) *Cannabis activity permit application procedures—applications after closure of initial application phase.*

(1) After the closure of the initial application phase, any person or entity interested in operating a cannabis operation pursuant to this Article shall follow the cannabis activity permit application procedures detailed in this subsection.

(2) *Public safety license.*

(i) *Public safety license, phase one application—Criminal background check.* Any person or entity interested in operating a cannabis operation pursuant to this subsection may submit a phase one application along with a non-refundable application fee to the Chief of Police.

(aa) For cannabis retail operations, the Chief of Police shall retain said phase one applications for a period of one year after which time the phase one application shall be deemed to have expired. If an existing cannabis retail operation's public safety license and/or cannabis activity permit is revoked, ceases, or otherwise becomes null and void, the Chief of Police shall inform all applicants who have submitted phase one applications for cannabis retail operations and whose phase one applications have not expired, that their phase one applications will be reviewed. Those phase one applications that are approved in accordance with Section 4-16.05(a) and (b) may continue through the public safety license and cannabis activity permit application process.

(ab) It shall be the applicant's responsibility to provide all of the information and materials required to comply with the phase one application submittal requirements of Section 4-16.04(b)(2) and (3)(i). The Chief of Police will not consider any incomplete phase one applications. The filing date of the phase one application shall be the date when the Chief of Police officially receives the last submission of information or materials required by Section 4-16.04(b)(2) and (3)(i).

(ac) Within thirty (30) days of the applicant's submittal of the phase one application and, if applicable, after the availability of a cannabis activity permit for a cannabis retail operation, the Chief of Police shall review and approve or deny all phase one applications by utilizing the criteria for approval or denial set forth in Section 4-16.05(a) and (b). The Chief of Police shall notify applicants in writing of his/her determination to approve or deny their phase one applications. If approved, the applicant may proceed to phase two of the public safety license application procedures.

(ii) *Public safety license phase two application—Security plan.*

(aa) After receiving approval of a phase one application from the Chief of Police and prior to or concurrent with the submittal of a cannabis activity permit application as detailed in Section 9-4.4804(b)(3), applicants may submit public safety license phase two applications along with a non-refundable application fee to the Chief of Police.

(ab) It shall be the applicant's responsibility to provide all of the information and materials required to comply with the phase two application submittal requirements of Section 4-

16.04(b)(3)(ii). The Chief of Police will not consider incomplete phase two applications. The filing date of phase two application shall be the date when the Chief of Police officially receives the last submission of information or materials required by Section 4-16.04(b)(3)(ii).

(ac) The Chief of Police shall review and approve or deny the phase two application by utilizing the criteria for approval or denial set forth in Section 4-16.05(a) and (b). The Chief of Police shall notify each applicant in writing of his/her determination to approve or deny their phase two application.

(3) *Cannabis activity permit.*

(i) After receiving approval of a phase one application from the Chief of Police and after or concurrent with the submittal of a public safety license phase two application as detailed in Section 9-4.4804(b)(2)(ii), applicants may submit a cannabis activity permit application along with a deposit for application processing to the Director of Planning to be considered for a cannabis activity permit.

(ii) It shall be the applicant's responsibility to provide all of the information and materials required to comply with the cannabis activity permit application submittal requirements of Section 9-4.4804(c) and (d). The filing date of the cannabis activity permit application shall be the later of a) the date when the Director of Planning officially receives the last submission of information or materials required by Section 9-4.4804(c) and (d) which enables the Director of Planning to determine the application to be complete, or, b) the date of notification by the Chief of Police of satisfactory completion of public safety license phase two requirements. If the Director of Planning determines an application submittal to be incomplete, he/she shall notify an applicant of those items required in order to determine the application to be complete. An incomplete application shall not be processed until the applicant submits the additional information identified in the written notification provided by the Director of Planning.

(iii) The Planning Commission shall review cannabis activity permit applications filed pursuant to this subsection in chronological order by filing date as determined by the Planning Department.

(iv) Where the Planning Commission denies a cannabis activity permit or an application is withdrawn before consideration by the Planning Commission, the next application in chronological order by filing date shall be considered by the Planning Commission at a future public hearing. The Planning Commission shall continue to review applications until all applications have been reviewed or until the Planning Commission can issue no further cannabis activity permits based on the criteria of this article and Article 17.5. An applicant whose cannabis activity permit application is denied by the Planning Commission shall not submit another cannabis activity permit application for a period of one year from the date of action by the Planning Commission. If unprocessed cannabis activity permit applications remain after the Planning Commission has issued all cannabis activity permits based on the criteria of this article and Article 17.5, those cannabis activity permit applications shall be deemed withdrawn, any unused portion of any deposit submitted for processing shall be refunded to the applicant, and such application shall not be provided any priority for future cannabis activity permit opportunities.

(v) Any unprocessed cannabis activity permit applicant whose application is deemed withdrawn pursuant to Section 9-4.4804(b)(3)(iv) may resubmit a phase one application pursuant to Section 9-4.4804(b)(1)(i). However, an unprocessed cannabis activity permit

applicant may not need to resubmit a phase one application if their phase one application has not expired pursuant to Section 9-4.4804(b)(2)(i)(aa) at the discretion of the Chief of Police.

(vi) Upon notification of the Director of Planning, a qualified applicant shall place a legible, visible sign not less than two (2) square feet on the front of the premises indicating that a cannabis activity permit has been filed and how to contact the Planning Department to obtain more information.

(4) *License issuance.*

(i) Within thirty (30) days of the Planning Commission's issuance of a cannabis activity permit, the Chief of Police shall issue a permittee a cannabis public safety license in accordance with the timelines and procedures of Section 9-4.4804(b).

(c) *Imposition of cannabis activity permit fees.* Every application for a cannabis activity permit issued pursuant to this article shall be accompanied by an application fee, in an amount established by resolution of the City Council and calculated to recover the City's full cost of reviewing, issuing, and administering the permit, and the filing of a complete cannabis activity permit application pursuant to this article. The application fee shall be in addition to any other business license fee, permit fee, or tax imposed by this Code or other governmental agencies.

(d) *Cannabis activity permit application—Filing requirements.* Cannabis activity permit applications shall include:

(1) The full name (including any current or prior aliases, or other legal names the applicant is or has been known by, including maiden names), present address, and telephone number of the applicant (if an individual), the applicant's corporate officers (if a corporation), or the applicant's partners (if a partnership);

(2) *Applicant(s) mailing address.* The address to which notice of action on the application is to be mailed;

(3) *Previous addresses.* Previous addresses for the past five (5) years immediately prior to the present address of the applicant (if an individual), the applicant's corporate officers (if a corporation), or the applicant's partners (if a partnership);

(4) *Verification of age.* Written proof that the applicant is over the age of twenty-one (21) years of age;

(5) *Photographs.* Passport quality photographs for identification purposes of the applicant (if an individual), the applicant's corporate officers (if a corporation), or the applicant's partners (if a partnership);

(6) *Employment history.* All business, occupation, or employment of the applicant or applicant's corporate officers or partners for the five (5) years immediately preceding the date of the application;

(7) *Tax history.* The tax history of the applicant, including whether such person or entity, in previously operating in this or another city, county or state under license has had a business license revoked or suspended, the reason therefor, and the business or activity or occupation subsequent to such action of suspension or revocation;

(8) *Management information.* The name or names and addresses of the person or persons having the management or supervision of applicant's business;

(9) *Employee information.* Number of employees and other persons who will work at the cannabis operation;

(10) *Written response to findings for issuance of cannabis activity permit.* The applicant shall provide a comprehensive written response identifying how the cannabis operation will comply with the each of the findings for issuance of a cannabis activity permit set forth in Section 9-4.4805(a);

(11) *Site plan and floor plan.* A detailed "Site Plan and Floor Plan" for the proposed cannabis operation describing how the cannabis operation will operate consistent with the provisions of Section 9-4.4803(d);

(12) *Neighborhood context map.* An accurate straight-line drawing depicting the building and the portion thereof to be occupied by the cannabis operation and the property lines of any school providing instruction in kindergarten or any grades 1 through 12 or youth center within six hundred (600') feet of the cannabis operation property line, and any day care center within two hundred (200') feet of the cannabis operation property;

(13) *Lighting plan.* A lighting plan showing existing and proposed exterior premises and interior lighting levels that would be the minimum necessary to provide adequate security lighting for the use and comply with all City standards regarding lighting design and installation;

(14) *City authorization.* Written authorization for the City, its agents and employees to seek verification of the information contained within the application;

(15) *Operations Plan.* A detailed "Operations Plan" for the proposed cannabis operation describing how the cannabis operation will operate consistent with the provisions Section 9-4.4803(d);

(16) *Property owner consent.* The applicant shall include a written affirmation from the property owner expressly allowing the applicant to apply for the cannabis activity permit and acknowledging the applicant's right to use and occupy the property for the intended cannabis operation;

(17) A statement dated and signed by the applicant, under penalty of perjury, that the applicant has personal knowledge of the information contained in the application, that the information contained therein is true and correct; and

(18) In addition to the filing requirements of this subdivision, the City may request additional information of cannabis activity permit applicants, which information is necessary to review the cannabis activity permit application for completeness and compliance with this section.

(e) *Transfer of cannabis activity permits.*

(1) *Permit—site specific.* A permittee shall not operate a cannabis operation under the authority of a cannabis activity permit at any place other than the address of the cannabis operation stated in the permit.

(2) *Transfer of cannabis activity permit prohibited.* All permits issued by the City pursuant to this article shall be non-transferable to a different person, entity, or location.

(3) *Transfer without permission.* Any attempt to transfer or any transfer of ownership or control of a cannabis operation shall be grounds for revocation of the cannabis activity permit by the Planning Commission.

(§ 17, Ord. 819-C.S., eff. November 7, 2017; § 4, Ord. 836-C.S., eff. December 12, 2018; § 2, Ord. 844-C.S., eff. June 12, 2019)

Sec. 9-4.4805. - Review, issuance and/or denial of cannabis activity permit applications.

(a) *Criteria for issuance.*

(1) *Supplemental findings for issuance of cannabis activity permit—All cannabis operations.* In addition to the findings required for the approval of a use permit set forth in Section 9-4.3303, the Planning Commission, or the City Council on appeal, shall make all of the following supplemental findings in determining whether to grant, modify, or deny a cannabis activity permit for any cannabis operation:

(i) For cannabis activity permit applications submitted pursuant to Section 9-4.4804(a), the cannabis operation applicant has been placed on the cannabis qualified registration list, as described in Section 9-4.4804(a)(1)(ii)(ad). For all other cannabis activity permit applications, that the Planning Department has received written notification from the Chief of Police that the applicant has complied with all requirements for satisfactory completion of the phase one and phase two cannabis public safety license requirements contained in Chapter 16 of Title 4 of this Code.

(ii) The cannabis activity permit application is complete and the applicant has submitted all information and materials required by Section 9-4.4804(c) and (d).

(iii) The proposed location of the cannabis operation is not likely to have a potentially adverse effect on the health, peace, or safety of persons due to the cannabis operation's proposed proximity to a school, day care center, youth center, public park, playground, recreational center, school bus stop, premises frequented by children, religious establishment, or other similar uses.

(iv) The proposed location of the cannabis operation is not likely to have a potentially adverse effect on the health, peace, or safety of persons due to the cannabis operation's proposed proximity to another existing or permitted cannabis operation.

(v) The design of the storefront or structure within which the cannabis operation will operate is architecturally compatible with surrounding storefronts and structures in terms of materials, color, windows, lighting, sound, and overall design.

(vi) The proposed size of the cannabis operation is appropriate to meet the needs of the local Pacifica community for access to cannabis and that the size complies with all requirements of the City's Zoning Regulations.

(vii) The location is not prohibited under the provisions of this article or any local or state law, statute, rule, or regulation, and no significant nuisance issues or problems are likely or anticipated, and that compliance with other applicable requirements of the City's Zoning Regulations will be accomplished.

(viii) The cannabis operation is not likely to have an adverse effect on the health, peace, or safety of persons living or working in the surrounding area, overly burden a specific neighborhood, or contribute to a public nuisance, and will generally not result in repeated nuisance activities including disturbances of the peace, illegal drug activity, cannabis use in public, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises(especially late at night or early in the morning hours), lewd conduct, or police detentions or arrests.

(ix) The cannabis operation is not likely to violate any provision of the Pacifica Municipal Code or condition imposed by a City-issued permit, or any provision of any other local or state law, regulation, or order, or any condition imposed by permits issued in compliance with those laws.

(x) The applicant and/or the cannabis operation is not the subject of or a party to any of the following: pending litigation filed by the City against the applicant or any of its principals to enforce the Pacifica Municipal Code; a pending code enforcement case against the

applicant or any of its principals relating to illegal cannabis activity; or an outstanding balance owed to the City by applicant or any of its principals for any unpaid taxes, fees, fines, or penalties.

(xi) The applicant has not made a false statement of material fact or omitted a material fact in the application for a cannabis activity permit, as known at the time of determination on the application.

(xii) The cannabis operation's site plan has incorporated features necessary to assist in reducing potential nuisance and crime-related problems. These features may include, but are not limited to, procedures for allowing entry; reduction of opportunities for congregating and obstructing public ways and neighboring property; and limiting furnishings and features that encourage loitering and nuisance behavior.

(2) *Supplemental findings for issuance of cannabis activity permit—Manufacturing facilities.* In addition to the findings required for the approval of a use permit as set forth in Section 9-4.3303 (as it may be amended) and supplemental findings for approval of a cannabis activity permit as set forth in Section 9-4.4805(a)(1), the Planning Commission, or the City Council on appeal, shall consider the following supplemental findings in determining whether to grant, modify, or deny a cannabis activity permit for a cannabis manufacturing operation:

(i) The manufacturing operation, as proposed, will operate in accordance with the activities allowed under the definition of a cannabis manufacturing operation as provided in Section 9-4.4801(d).

(ii) The manufacturing operation includes adequate quality control measures to ensure any cannabis product manufactured at the site meets industry standards.

(iii) The manufacturing operation does not pose a significant threat to the public or to neighboring uses from explosion or from the release of harmful gases, liquids, or substances.

(b) *Criteria for denial.* The Planning Commission shall deny an application that meets any one of the following criteria:

(1) Any supervisor, employee, or person having a ten (10%) percent or more financial interest in the cannabis operation has been convicted of a felony or a drug-related misdemeanor reclassified by Section 1170.18 of the California Penal Code (Proposition 47) within the past ten (10) years. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere;

(2) Any person who is listed on the application or is an owner or operator, is a licensed physician making patient recommendations for medicinal cannabis pursuant to Section 11362.7 of the Health and Safety Code;

(3) Any person who is listed on the application or is an owner or operator is less than twenty-one (21) years of age;

(4) The proposed cannabis operation does not comply with the provisions of this article or state cannabis laws; and

(5) The Planning Commission is unable to make a required finding contained in this section.

(c) *Planning Commission determination.* If the Planning Commission, by a majority vote of a quorum of Commissioners, denies the application, the Planning Commission shall specify in writing the reasons for the denial of the application, and notify the applicant that the decision shall become final unless the applicant seeks an appeal pursuant to Section 9-4.4805(d).

(d) *Appeal from Planning Commission determination.* An applicant or any aggrieved person who disagrees with the Planning Commission's decision to issue, issue with conditions, or to deny or revoke a cannabis activity permit may appeal the Planning Commission's decision to the City Council in accordance with the appeal provisions of Section 9-4.3304.

(§ 17, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Sec. 9-4.4806. - Suspension and revocation by Planning Commission.

(a) Authority to suspend or revoke a cannabis activity permit. Any permit issued under the terms of this article may be suspended or revoked by the Planning Commission in accordance with the provisions of Section 9-4.3309.

(b) In addition to the provisions of Section 9-4.3309, a cannabis activity permit may be revoked if it appears to the Commission that the cannabis operation has violated any of the requirements of this article, the cannabis operation is being operated in a manner which violates the operational requirements or security plan required by this Code, the cannabis operation is being operated in a manner which constitutes a nuisance, the cannabis operation has ceased to operate for thirty (30) days or more, or the cannabis operation is being operated in a manner which conflicts with or violates state cannabis law.

(c) Any cannabis activity permit revoked pursuant to this subsection shall be deemed to be expired and shall no longer entitle the permittee to any uses authorized by the cannabis activity permit.

(d) Notwithstanding subdivision (a) of Section 9-4.4806, revocation, expiration or nullification of a public safety license pursuant to Section 4-16.07 shall automatically terminate the cannabis activity permit issued to the licensee and shall terminate the ability of the licensee to operate a cannabis operation without initiation of revocation proceedings by the Planning Commission.

(e) Annual review of cannabis operations. The Planning Department is hereby authorized to conduct an annual review of the operation of each permitted cannabis operation within the City for full compliance with the operational, recordkeeping, nuisance and other requirements of this article. A fee in an amount established by resolution of the City Council may be collected in order to reimburse the City for the time involved in the annual review process. The staff may initiate a permit suspension or revocation process for any cannabis operation which, upon completion of an annual review, is found not to be in compliance with the requirements of this article or which is operating in a manner which constitutes a public nuisance. Staff may, based upon its annual review of the operation of a cannabis operation, place on a Planning Commission meeting agenda, a proposal to suspend or revoke a cannabis permit.

(§ 17, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Sec. 9-4.4807. - Public nuisance.

Any use or condition caused or permitted to exist in violation of any provision of this article shall be and hereby is declared a public nuisance and may be summarily abated by the City pursuant to Code of Civil Procedure, section 731 or any other remedy available to the City.

(§ 17, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Sec. 9-4.4808. - Severability.

If any section, subsection, sentence, clause or phrase of this article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this article. The City Council hereby declares that it would have passed this article and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

(§ 17, Ord. 819-C.S., eff. November 7, 2017; § 2, Ord. 844-C.S., eff. June 12, 2019)

Article 49. - Short-Term Rentals

Sec. 9-4.4900. - Purpose and intent.

The purpose of this article is to establish regulations governing the short-term rental of residential property within the City of Pacifica in order to ensure the health, safety, and welfare of the residents of the City of Pacifica, and to allow for the short term rental of single-family and multi-family dwelling units for less than thirty (30) consecutive days, while still preserving the single-family character of neighborhoods, and preventing short-term rental activities from becoming a nuisance or a threat to public health, safety or welfare.

(§ 2, Ord. 835-C.S., eff. July 10, 2018)

Sec. 9-4.4901. - Definitions.

For the purposes of this article, unless otherwise apparent from the context, the following words and phrases are defined as set forth below:

(a) "Administrator" means the Assistant City Manager or designee.

(b) "Advertising platform" means any online site that provides a means for the host to advertise or otherwise offer for rent a short-term rental.

(c) "Operate" means the operation of a short-term rental, and includes the acts of establishing, offering, maintaining, or listing for rent a short-term rental with an advertising platform.

(d) "Rental" means the occupancy or use of a dwelling unit property, in exchange for any form of rent that may be valued in money, including cash, credit, goods, labor, or property, regardless of whether such rent is actually received.

(e) "Short-term rental" means the use of a dwelling unit, or portion of it, for a rental of less than thirty (30) consecutive days.

(§ 2, Ord. 835-C.S., eff. July 10, 2018)

Sec. 9-4.4902. - Short-term rentals permitted.

Short-term rentals are permitted in all residential zones, subject to compliance with the following requirements:

(a) No person may operate a short-term rental without first obtaining a short-term rental permit issued pursuant Section 9-4.4903.

(b) In accordance with Section 9-4.453(a)(6), no person may operate a short-term rental in any accessory dwelling unit.

(c) Each person operating a short-term rental shall comply with the transient occupancy tax requirements set forth in Chapter 7 of Title 3 of this Code, and shall obtain a Transient Occupancy Registration Certificate pursuant to the Section 3.7-06.

(d) Each person operating a short-term rental shall obtain a business license and pay the business license tax required pursuant to Chapter 1 of Title 3 of this Code.

(e) No person shall operate or allow short-term rental of property in any location not approved for use as a permanent dwelling unit including, but not limited to, any vehicle, trailer, tent, storage shed or garage.

(§ 2, Ord. 835-C.S., eff. July 10, 2018)

Sec. 9-4.4903. - Short-term rental permit required.

A short-term rental permit may be approved by the Administrator, provided that the Administrator determines the applicant has met the following requirements:

(a) *Application*. The applicant must complete an application on a form provided by the City, accompanied by a fee established by resolution of the City Council.

(b) *Property owner consent*. If the applicant is a tenant, he or she must demonstrate written consent of the property owner to operate short-term rentals on the property.

(c) *Contact information*. The applicant must provide current contact information to the City, and information regarding the advertising platform(s) to be used.

(d) *Guest safety*. The short-term rental must have a smoke detector, carbon monoxide detector, and fire extinguisher. The applicant must submit a signed safety declaration in a form prepared by the Administrator, to be kept in the property file at the City.

Approval of a short-term rental permit does not legalize any use or structure not permitted by law or contract, including, but not limited to, restrictions imposed by a homeowners association or in a lease agreement.

(§ 2, Ord. 835-C.S., eff. July 10, 2018)

Sec. 9-4.4904. - Permit term and renewal.

A short-term rental permit is valid until December 31 of the year it is issued, unless suspended or revoked by the Administrator. The permittee may renew the permit annually, by submitting a renewal application and fee before the expiration of the permit.

(§ 2, Ord. 835-C.S., eff. July 10, 2018)

Sec. 9-4.4905. - Operating requirements.

A short-term rental shall, at all times, be operated subject to the following standards:

(a) *Permit required.* The short-term rental must be operated under a valid short-term rental permit issued by the City in accordance with Section 9-4.4903.

(b) *Current information*. The short-term rental permittee shall, during the term of the permit, promptly inform the Administrator regarding any changes regarding information provided in the

application, including contact information and information regarding advertising platforms used by the permittee to advertise the short-term rental.

(c) *Guest safety*. The short-term rental permittee must provide the following materials electronically to any guests before arrival and make available printed materials on-site for the guest with the following information:

(1) A diagram of exits, fire extinguisher locations, and fire and police contact numbers;

(2) The short-term rental permittee's contact information; and

(3) The City's noise regulations (Chapter 10 of Title 5 of this Code); and

(4) The City's Social Host Liability Ordinance (Chapter 28 of Title 5 of this Code).

(§ 2, Ord. 835-C.S., eff. July 10, 2018)

Sec. 9-4.4906. - Permit revocation and enforcement.

(a) *Permit suspension or revocation.* The Administrator may suspend or revoke a short-term rental permit after making a determination that the permittee has violated any of the provisions of this article or is operating the short-term rental in a manner that is detrimental to the public health, welfare or safety or constitutes a nuisance. The Administrator shall provide the permittee with written notice stating the supporting factual basis for the decision. The notice shall contain an advisement of the right to request an appeal before a hearing officer by filing a written appeal.

(b) *Appeal to Hearing Officer.* Suspension or revocation issued by the Administrator pursuant to paragraph (a) will be effective ten (10) days from the date appearing on the notice, unless a timely appeal is filed before such date along with the deposit of an appeal fee established by resolution of City Council. A hearing shall be scheduled before the hearing officer within thirty (30) days. The decision of the hearing officer shall be a final administrative order, with no further administrative right of appeal or reconsideration. The hearing officer may sustain a denial, suspension or revocation, overrule a denial, suspension or revocation, reduce a revocation to a suspension and/or reduce the length of a suspension.

(c) *Reapplication.* No application for a short-term rental permit will be accepted within one year after a short-term rental permit is revoked.

(d) *Enforcement.* The City may enforce this article by any means permitted by law, including, but not limited to, those penalty provisions set forth in Chapter 2 of Title 1 of this Code. The City Council may establish fines for violating this article by resolution.

(§ 2, Ord. 835-C.S., eff. July 10, 2018)

Article 51. – Reasonable Accommodation

Sec. 9-4.5101 Purpose

This article provides a procedure to request reasonable accommodation in the application of land use or zoning regulations, policies, procedures, or practices, as necessary, to ensure equal access to housing and facilitate the development of housing for individuals with disabilities as provided under fair housing laws.

Sec. 9-4.5102 Definitions

(a) “Fair housing laws” shall mean the “Fair Housing Amendments Act of 1988” (42 U.S.C. Section 3601 et seq.), including reasonable accommodation required by 42 U.S.C. Section 3604(f)(3)(B), and the “California Fair Employment and Housing Act” (California Government Code Section 12900 et seq.), including reasonable accommodations required specifically by California Government Code Sections 12927(c)(1) and 12955(I), as any of these statutory provisions now exist or may be amended.
(b) “Disability” shall include physical disability, medical disability, and medical condition as defined in California Government Code Section 12926.
(c) “Reasonable accommodation” shall mean a modification in the application of land use or zoning regulations, policies, procedures, or practices when necessary to eliminate barriers to housing opportunities for a person with a disability to have an equal opportunity to access a dwelling, including public and common use spaces.
(d) “Reviewing authority” shall mean the appropriate decision making body as described in Section 9-4.5107.
(e) “Zoning Administrator” shall mean the office of Zoning Administrator as detailed in Article 38 of this chapter.

Sec. 9-4.5103 Applicability

This article applies to any person with a disability, their representative, or any developer or provider of housing for individuals with disabilities, who requests a reasonable accommodation when the application of land use or zoning regulations, policies, procedures, or practices acts as a barrier to fair housing opportunities for a person with a disability in accordance with fair housing laws. A reasonable accommodation does not affect an individual’s obligations to comply with other applicable regulations not at issue in the requested accommodation.

Sec. 9-4.5104 Notice to the Public of Availability

Notice shall be prominently displayed at the public information counter in the Planning Department and on the City’s website, advising the public of the availability of a procedure for eligible individuals to apply for a reasonable accommodation. Any required form(s) and other information for requesting reasonable accommodation shall be available to the public in the Planning Department and on the City’s website.

Sec. 9-4.5105 General Provisions

(a) A request for reasonable accommodation from land use or zoning regulations, policies, procedures, or practices may be filed at any time that the accommodation is necessary to ensure equal access to housing. Examples include, but are not limited to, reduced setbacks for accessibility improvements; reduced minimum landscaping coverage for hardscape additions, such as widened driveways, parking areas or walkways; or heritage tree removal to allow construction of accessibility features. A request for reasonable accommodation pursuant to this Article shall not regulate the standards set forth in Title 8 (Building Regulations) of the PMC.
(b) Where improvements or modifications approved through a reasonable accommodation would generally require a variance or a parking exception, the reasonable accommodation shall satisfy this requirement and a variance or parking exception shall not be required.
(c) If an individual with a disability needs assistance in making a request for reasonable accommodation, the City will endeavor to provide the assistance necessary to ensure that the process is accessible to the requestor. The requestor may be represented at all stages of the proceeding by a person designated by the requestor as his or her representative.

Sec. 9-4.5106 Fees

There shall be no fee for the first eight (8) hours of City staff time processing a reasonable accommodation request under this article. Fees for staff time in excess of this allowance, or for costs associated with other studies required pursuant to a request, shall be charged in accordance with the hourly rate as set forth in the fee schedule, as adopted by City Council, and shall require a deposit submitted by the requestor. A requestor may seek a reasonable accommodation for payment of fees in excess of the eight hour allowance.

Sec. 9-4.5107 Review and Decision

(a) Reviewing Authority.

(1) A request for reasonable accommodation shall be reviewed by the Zoning Administrator without a public hearing pursuant to Section 9-4.3802 when no other discretionary approval is sought.

(2) If the project for which the request is being made also requires one or more related discretionary approvals (including, but not limited to, use permit, coastal development permit, site development permit, etc.), then to the extent feasible, the requestor shall file the request for reasonable accommodation together with any related application for discretionary approval and the reasonable accommodation request. The appropriate decision making body in accordance with the procedures provided in this title for the other related discretionary approval shall be the reviewing authority for the reasonable accommodation request.

(b) Review.

(1) A request for reasonable accommodation shall be submitted on a form provided by the City and shall include all the information necessary to fairly and adequately review the reasonable accommodation request in accordance with the intent of this article, and any applicable fees. The information required may include, but shall not be limited to:

(i) Name and address of the individual or entity requesting reasonable accommodation.

(ii) Address of the property for which accommodation is requested.

(iii) The current use of the property that is the subject of the request.

(iv) Description of the requested accommodation and the regulation, policy or procedure for which accommodation is sought.

(v) The reason that the requested accommodation may be necessary for the individual with the disability to use and enjoy the dwelling.

(vi) A site plan and/or floor plan of the property demonstrating the location of the reasonable accommodation, and including interior dimensions, property line setbacks, and height of the accommodation.

(vii) Name and address of the property owner.

(viii) Authorization by the property owner to implement the reasonable accommodation.

(2) Any information identified by a requestor as confidential shall at all times be retained in a manner so as to respect the privacy rights of the requestor and shall not be made available for public inspection, unless required by law.

(c) Public Notice and Timing.

(1) The Zoning Administrator shall make a written determination on a reasonable accommodation request within forty-five (45) days of finding the information related to the request complete when no discretionary approval is sought. The Zoning Administrator shall make its determination of the reasonable accommodation request without issuing a public notice and without conducting a public hearing.

(2) When a reasonable accommodation request is being requested in conjunction with a

related discretionary approval, public noticing for the reasonable accommodation shall occur in compliance with the public noticing procedure for the discretionary approval. The reviewing authority for the discretionary approval shall make a determination on a reasonable accommodation request in compliance with the review procedure for the associated discretionary approval, including but not limited to any requirement for public notice or public hearing; except, however, approval of a variance or parking exception shall not be required for purposes of deviating from development standards directly related to the requested reasonable accommodation.

(3) If necessary to reach a determination on any request for reasonable accommodation, the reviewing authority may request further information from the requestor or others consistent with this article and the fair housing laws, specifying in detail what information is required. If a need for further information is made of the requestor, the time period to issue a determination shall be stayed until the requestor responds to the request.

(d) Findings. The reviewing authority shall issue a written decision to grant, grant with modifications, or deny a request for reasonable accommodation which shall be consistent with fair housing laws and based on the following factors:

(1) That the housing which is the subject of the request for reasonable accommodation will be used by an individual with disabilities protected pursuant to fair housing laws;

(2) That the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws, and alternatives that may provide an equivalent level of accommodation while complying with applicable land use or zoning regulations, policies, procedures, or practices are infeasible;

(3) That the requested reasonable accommodation would be constructed in a manner that is architecturally compatible with the subject property, to the maximum extent practicable, while still achieving the required functionality of the reasonable accommodation;

(4) That the requested reasonable accommodation would not impose an undue financial or administrative burden on the City;

(5) That the requested reasonable accommodation would not constitute a fundamental alteration of the City's land use or zoning regulations, policies, procedures, or practices, including the Local Coastal Program, as applicable; and

(6) That the requested accommodation would not, under the circumstances of the particular case, materially adversely affect the health or safety of persons residing or working in the neighborhood of the subject property and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the area.

(e) Decision

(1) The reviewing authority's written decision shall provide a description of the subject property, the reasonable accommodation requested, conditions of approval (if any), and findings pursuant to subsection (d). The requestor shall be given notice of the right to appeal. The decision shall be mailed to the requestor, to any person who provided written comment on the request, and to any other person who requests notice.

(2) Any approved reasonable accommodation shall be subject to any conditions imposed on the approval consistent with the purposes of this article.

(3) The reviewing authority may approve alternative accommodations that provide equivalent and reasonable levels of accommodation to the requestor.

(4) The written decision of the reviewing authority shall be final, unless appealed as set forth in Section 9-4.5108.

(5) While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property subject to the request shall remain in full force and effect.

(6) It shall be at the discretion of the reviewing authority whether to include a condition of

approval to a request for reasonable accommodation under this article to provide for its rescission or automatic expiration under appropriate circumstances.
(7) Any nonconformity with land use or zoning regulations, policies, procedures, or practices which may be created as a result of approval of a reasonable accommodation request shall not be a basis for future development or redevelopment in reliance on that nonconformity.

Sec. 9-4.5108 Appeals

(a) In the event the requestor or any aggrieved person is not satisfied with the action of the Zoning Administrator on the determination of a reasonable accommodation request, a written appeal may be made within ten (10) days after the action and shall be filed in accordance with Section 9-4.3804.
(b) In the event the requestor or any aggrieved person is not satisfied with the action of the Planning Commission on the determination of a reasonable accommodation request, a written appeal to the Council may be made within ten (10) days after the action. Such appeal shall be filed with the City Clerk and accompanied by a fee as set forth in Section 9-4.3602 of Article 36 of this chapter.
(c) If an individual needs assistance in filing an appeal described in this section, the City shall provide assistance to ensure that the appeals process is accessible.
(d) Any information identified by a requestor as confidential shall at all times be retained in a manner so as to respect the privacy rights of the requestor and shall not be made available for public inspection, unless required by law.
(e) Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available in accordance with the law.
(f) Any appeal of a discretionary approval decision which may have been considered by the reviewing authority in conjunction with the request for reasonable accommodation pursuant to Section 9-4.5107, shall be appealed in accordance with the appeal procedures provided in this title for the discretionary approval being appealed."

CHAPTER 5. - GROWTH CONTROL*
* Sections 9-5.01 through 9-5.15 codified from Ordinance No. 322-C.S., effective February 24, 1982 were to terminate on June 30, 1992. Ordinance Nos. 590-C.S., effective May 26, 1992 and 597-C.S., effective December 14, 1992, temporarily extended Ordinance No. 322-C.S. Sections 9-5.01 through 9-5.09, codified from Ordinance No. 603-C.S., effective April 8, 1993, terminated on June 30, 1993.

Sec. 9-5.01 - Title.
This chapter may be cited as the "City of Pacifica Growth Management Ordinance."

(§ 1, Ord. 604-C.S., eff. July 8, 1993)

Sec. 9-5.02. - Findings.
The voters of the City do find and declare as follows:

(a)Improperly managed residential growth within the City could adversely affect the City's capacity to provide adequate services to accommodate that growth. In particular, improperly managed residential growth could result in an overburdening of the City's sewage treatment facility, increased traffic congestion on streets and freeways, inadequate levels of police and fire protection, and adverse impacts on water resources and drainage systems.(b)It is the intent of voters of the City to prevent these harms, to control the distribution and rate of growth of the City and to prevent the overextension of City services by adopting measures to properly manage the rate of residential growth within the City. Such measures will promote the public health, safety and welfare by ensuring that services provided by the City and other utility and service agencies operating in the City can be properly and effectively staged in a manner that

will not overextend services and will allow the opportunity for deficiencies in existing services to be brought up to required and necessary standards as new development is approved and fees are collected for establishment of these services.(c)Measures to control the rate of residential growth in the City are necessary to: insure that residential development does not outpace the City's ability to provide adequate and necessary services, prevent increased traffic congestion on Highway 1 and key intersections, preserve the quality of life of the community, and where possible to properly manage the process and timing of the conversion of open space resources and agricultural land to other uses.(d)The City's available fiscal resources are set forth in the following documents: FY 1992—1993 Budget, City of Pacifica; 1992—1993 Financial Statement, City of Pacifica.(e)The City's environmental resources are described in the City of Pacifica General Plan, the City of Pacifica Local Coastal Land Use Plan, and the 1988 City of Pacifica Open Space Task Force Report.(f)The specific housing programs and activities being undertaken by the City are set forth in the 1990 Housing Element of the City of Pacifica as amended in 1992, which is incorporated by this reference. These include programs to preserve low and moderate income housing and subsidized and assisted housing developments, to promote the maintenance and rehabilitation of substandard units, to promote second residential units and mixed use developments, to use City resources to develop affordable housing and to provide incentives such as density bonuses for affordable housing.(g)The potential development of lands zoned Agricultural and/or Hillside Preservation District (HPD) is of City-wide interest due to the size, location, visibility, slope, and/or current or potential agricultural productivity of such lands. These features make such lands different in character than other property in the City, and it is therefore reasonable that such lands be rezoned by means of procedures which will afford the widest possible public participation and input. Therefore, it is appropriate to adopt measures that will allow for a City-wide public vote on a proposal to rezone lands zoned "Agricultural" or "Hillside Preservation District" for purposes of significant development.(h)Pacifica's Housing Element, adopted in November 1990, identifies Pacifica's share of the regional housing need. According to the Association of Bay Area Governments' (ABAG) 1989 publication entitled, Housing Needs Determinations, San Francisco Bay Region, Pacifica's fair share of the regional housing need between 1988 and 1995 is eight hundred eleven (811) units, or one hundred sixteen (116) units per year during the seven-year period. The proposed residential growth management ordinance will allow the building of at least seventy (70) units per year, in addition to exemptions for single-family dwellings on individual infill lots, affordable housing, housing for the elderly and/or disabled and mixed use. Therefore, the Growth Control Management Ordinance will not have an adverse impact on the City's ability to meet its share of the regional housing need, because the exemptions will provide more than enough permits to accommodate Pacifica's housing need for all income categories.(i)The Growth Management Ordinance provides exemptions for affordable housing, housing for the elderly and/or disabled, second residential units, mixed uses and single-family dwellings on individual properties. These exemptions, along with the seventy (70) permits per year allowed by the Growth Management Ordinance, will allow the City to keep pace with the growth rate of the past decade. In addition, none of the surrounding communities (Daly City, San Bruno, South San Francisco) has adopted growth control measures, and the growth control measures adopted by San Mateo County for its unincorporated areas in the coastal zone have not been a constraint to housing development. Therefore, the proposed ordinance will not reduce housing opportunities in the region and Pacifica's Growth Management Ordinance will not have an impact on the region. In fact, the ordinance will work to increase housing opportunities by encouraging housing for lower income people, the elderly, and disabled.(j)In order to meet its housing goals, including its fair share of the regional housing need as established by ABAG, Pacifica has adopted a Housing Element that contains housing programs and activities for the maintenance, improvement, and preservation of housing.(k)In the process of formulating, reviewing and adopting the Growth Management Ordinance, the City has considered the effect of the Growth Management Ordinance on the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources, concluding that the needs of its citizens can best be met by the adoption of this ordinance without adversely impacting the housing needs of the region.(l)It is in the best interests of the City, in order to protect the health, safety, and general welfare of its citizens, to control the rate of new

residential growth within the City by establishing an annual maximum number of new dwelling units authorized by building permits during each fiscal year, except where exempted herein.(m)An annual maximum number of seventy (70) new dwelling units each year, in addition to those exempted from this chapter, will provide a supply of new housing consistent with the City's fiscal, environmental, and physical resources and capabilities and will enable Pacifica to meet its regional housing needs for all economic segments.(n)The Growth Management Ordinance implements the policies of the City's General Plan and zoning ordinance and is fully consistent therewith.
Accordingly, the voters of the City of Pacifica do hereby ordain as follows in Sections 9-5.03 through 9-5.11.

(§ 1, Ord. 604-C.S., eff. July 8, 1993)

Sec. 9-5.03. - Annual allotment.
Except where dwelling units are exempt from this chapter pursuant to Section 9-5.04, no building permit shall be issued for a new dwelling unit until a residential development allocation (RDA) has been issued by the City.

During each fiscal year (commencing July 1st and ending June 30th) through June 30, 1997, the number of residential dwelling allocations for new dwelling units to be authorized by building permits in the City shall not exceed seventy (70) units. Each dwelling unit shall require one residential development allocation on a one-for-one basis.

(§ 1, Ord. 604-C.S., eff. July 8, 1993)

Sec. 9-5.04. - Exemptions.
The following developments are exempt from the requirement to obtain a residential development allocation prior to issuance of a building permit pursuant to Section 9-5.03 of this chapter:

(a)Replacement, repair, remodeling or expansion of an existing dwelling unit on a one-for-one basis provided no additional dwelling units are created; and
(b)Exclusively commercial, industrial or agricultural projects; and
(c)One single-family dwelling unit on an individual existing lot; and
(d)Affordable dwelling units, as defined in the City's Density Bonus Ordinance, Pacifica Municipal Code, Title 9, Article 41. Such units shall be maintained at the rent or resale price levels established in the City's Density Bonus Ordinance and shall continue to be maintained at those levels for the time periods established therein;
(e)Dwelling units exclusively for the elderly and/or disabled as defined in the City's Density Bonus Ordinance, Pacifica Municipal Code, Title 9, Article 41. Such units shall remain available for elderly and/or disabled persons for the time periods established in the Density Bonus Ordinance;
(f) Accessory dwelling units and junior accessory dwelling units as defined by the City's Accessory Dwelling Unit Ordinance~~Second residential units as defined by the City's Second Residential Unit Ordinance, Pacifica Municipal Code~~, Title 9, Article 4.5(g)Accessory dwelling units in the same structure as a commercial use in a commercial zoning district pursuant to the criteria set out in Pacifica Municipal Code, Title 9, Article 10;
(h)All exemptions previously authorized under the provisions of Ordinances Nos. 322-C.S., 590-C.S. or 597-C.S.
(§ 1, Ord. 604-C.S., eff. July 8, 1993)

Sec. 9-5.05. - Allocation.
(a)To implement the policies of this chapter, the City shall establish a procedure for the allocation of residential development allocations.(b)The allocation procedure shall include a competitive allocation

procedure to provide for the allocations in any fiscal year when the number of residential development allocations sought exceeds the number of residential development allocations which are available. The competitive allocation procedure shall implement the policies of this chapter and shall include criteria and a ranking process. Criteria shall include, but not be limited to, the following: ability of public facilities, utilities and services to meet the demands created by the project, presence or absence of adverse environmental impacts, site and architectural design quality, the provision of private or public usable open space, consistency with neighborhood character, and provision of affordable housing, senior housing and housing for the disabled. The Planning Commission shall consider each application for a Residential Development allocation at a public hearing and evaluate and rank the applications according to these criteria. The Planning Commission recommendations shall be forwarded to the City Council for review and approval. At a public hearing, the City Council shall consider the Planning Commission's recommendations and ranking. The City Council shall then adopt a final ranking list and award Residential Development Allocations pursuant to that list. The City Council may adopt, reject or modify the recommendations and ranking of the Planning Commission.(c)When the number of available residential development allocations exceed demand, the City Council may issue residential development allocations without following the competitive evaluation system process set forth in subsection (b) above.(d)Unused allocations shall accrue from year to year. Allocations which, on the effective date of this chapter, are available and unallotted under prior Ordinances 322-C.S., 590-C.S., 597-C.S., or 603-C.S., shall be carried over and shall be available for allocation pursuant to this chapter.(e)Expiration. A residential development allocation shall expire on June 30 of the next fiscal year succeeding the year of issuance unless a building permit is issued prior to its expiration date. Upon expiration, the residential development allocation shall become available for re-allocation.(f)Extension. A residential development allocation may be extended by the City Council for a period not to exceed one year, provided that prior to the expiration of the residential development allocation, an application for an extension is filed with the Planning Department. The City Council may grant or deny a request for an extension. No public hearing shall be required for such an extension.
(§ 1, Ord. 604-C.S., eff. July 8, 1993)

Sec. 9-5.06. - Distribution and phasing.
(a)To insure an equitable distribution of building permits and to encourage in-fill development, no applicant may receive more than twenty (20%) percent of the available annual residential development allocations in any fiscal year.(b)In order to permit phasing of multiunit projects, where such projects exceed the available annual allotment of residential development allocations, the allocation procedure shall include a procedure for the phasing of such projects over more than one fiscal year by reservation of succeeding year allotments. Such reservations shall be deducted from the number of residential development allocations to be awarded for the fiscal year under consideration.
(§ 1, Ord. 604-C.S., eff. July 8, 1993)

Sec. 9-5.07. - Agricultural land.
In order to maximize public participation in rezoning decisions concerning conversion of agriculturally zoned land to urban uses, to preserve the right of the local electorate to vote on significant zoning matters and to insure that development proposed for agricultural lands is appropriate to its unique character and importance, through June 30, 1997:

(a)All land within the City which is zoned or designated Agricultural District on the zoning maps of the City as set forth in Chapter 4 of Title 9 of the Pacifica Municipal Code on or after the effective date of the ordinance codified in this chapter may not be rezoned or redesignated, and the "B" district with which the Agricultural District is combined may not be changed, without a vote of the people.(b)The uses to which land zoned or designated Agricultural District can be put and the structures which can be erected thereon are only the uses and structures permitted by the provisions of Chapter 4 of Title 9 of the Pacifica Municipal Code on the effective date of the ordinance codified in this chapter, unless otherwise approved

by a vote of the people.
(§ 1, Ord. 604-C.S., eff. July 8, 1993)

Sec. 9-5.08. - Hillside protection.
In order to maximize public participation in rezoning decisions concerning development of sensitive hillside lands, in order to preserve areas of open space where possible and to retain natural terrain by encouraging the concentration of dwellings and other structures on their sites, to help protect people and property from potentially hazardous conditions particular to hillsides, and to insure that development is compatible with the unique hillside resources of Pacifica, through June 30, 1977:

(a)All land within the City which is zoned or designated Hillside Preservation District on the zoning maps of the City as set forth in Chapter 4 of Title 9 of the Pacifica Municipal Code on or after the effective date of the ordinance codified in this chapter may not be rezoned out of the Hillside Preservation District without a vote of the people.(b)The standards governing the Hillside Preservation District shall be the standards specified in the provisions of Chapter 4 of Title 9 of the Pacifica Municipal Code on the effective date of the ordinance codified in this chapter, unless otherwise approved by a vote of the people.
(§ 1, Ord. 604-C.S., eff. July 8, 1993)

Sec. 9-5.09. - Relationship to other laws.
Nothing in this chapter shall be construed to exempt any person from compliance with any other applicable City ordinance, regulations, or code which is not in conflict with this chapter. In the event of such a conflict, the provisions of this chapter shall prevail. This chapter may be amended by the City Council.

(§ 1, Ord. 604-C.S., eff. July 8, 1993)

Sec. 9-5.10. - Severability.
If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held void, invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such decision shall not affect the validity of the remaining portions thereof.

(§ 1, Ord. 604-C.S., eff. July 8, 1993)

Sec. 9-5.11. - Termination.
This Chapter shall terminate on June 30, 2017. On or after June 30, 2015, this Chapter shall be reviewed and revised if determined to be necessary to insure consistency with the City's General Plan, including its Housing Element, or with other law.
(§ 1, Ord. 604-C.S., eff. July 8, 1993, as amended by § 1, Ord. 654-C.S., eff. May 28, 1997, § 1, Ord. 703-C.S., eff. August 7, 2002 and § 1, Ord. 749-C.S., eff. July 11, 2007, § I, Ord. 789-C.S., eff. May 9, 2012)

CHAPTER 6. - AUTO DISMANTLING BUSINESS

Sec. 9-6.01. - Definitions.
For purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

(a)"Auto dismantler" shall mean every person who buys, sells, stores, exchanges, or otherwise deals in, or in any other manner comes into possession of, motor vehicles, as such term is defined in the Vehicle Code of the State, for the purpose of selling, storing, dismantling, or disassembling such motor vehicles, or who

stores, sells, dismantles, or disassembles any such motor vehicles, whether for the purpose of utilizing, selling, storing, or otherwise disposing of the component parts or materials of such vehicles, including the disposal thereof as junk. "Auto dismantler" shall also include junk yards, automotive graveyards, and scrap metal facilities as defined in the Vehicle Code of the State.(b)"Auto dismantling establishment" shall mean any premises on which any person engages in the occupation of an auto dismantler.
(§ II, Ord. 439-85, eff. February 27, 1985)

Sec. 9-6.02. - Compliance.
It shall be unlawful for any person to engage in, permit, carry on, conduct, or in any way participate in the business of an auto dismantler except in conformance with the provisions of this chapter.

(§ II, 439-85, eff. February 27, 1985)

Sec. 9-6.03. - Permits: Required.
The business of an auto dismantler may be carried on only after securing a use permit in accordance with the provisions of this chapter and the provisions of Article 33 of Chapter 4 of this title. It shall be unlawful for any person to operate or maintain an auto dismantling establishment in violation of any of the conditions set forth in such use permit.

(§ II, Ord. 439-85, eff. February 27, 1985)

Sec. 9-6.04. - Permits: Fees.
Fees for permits to engage in business as an auto dismantler shall be required as established and periodically updated by the Council.

(§ II, Ord. 439-85, eff. February 27, 1985)

Sec. 9-6.05. - Permits: Nontransferable.
No permit to engage in business as an auto dismantler shall be assignable or transferable in any way, and if there shall be any change whatsoever in the ownership or operation of such business, the use shall be permitted to continue, and a new permit shall be required after making an application therefor as set forth in this chapter.

(§ II, Ord. 439-85, eff. February 27, 1985)

Sec. 9-6.06. - Enclosures.
Every auto dismantling establishment shall be carried on, maintained, or conducted entirely within an enclosed building or buildings, unless the premises on which such business is carried on, maintained, or conducted shall be entirely enclosed by a fence eight (8′) feet in height. Such fence shall be constructed of such materials and in such a manner as to completely obscure the vision of the site from the adjacent streets and shall conform to all the regulations and laws relating to such structures. The Planning Commission may require increased fence height if necessary to completely obscure the vision of the site.

(§ II, Ord. 439-85, eff. February 27, 1985)

Sec. 9-6.07. - Maintenance of grounds.
The entire area of auto dismantling establishments at all times shall be kept free from grass, weeds, rubbish, and other accumulations which in any way constitute a fire hazard or a nesting or breeding place for rats, mice, and other rodents. Landscaping shall be provided and maintained as required by the City.

(§ II, Ord. 439-85, eff. February 27, 1985)

Sec. 9-6.08. - Storage.
(a)Height limit: Proximity to fences and walls. No automobile bodies, salvage parts, metals, tires, or accessories shall be piled or stacked to a height in excess of eight (8′) feet and in no event higher than the enclosing fence or wall or nearer than two (2′) feet thereto.(b)Passageways. All automobile parts, bodies, salvage parts, metals, tires, and accessories shall be piled or stacked neatly in rows with a sufficient number of clear and adequate passageways to allow the free and unobstructed access and movement of the Public Safety Department in the event of fire.(c)Approval of Director of Public Safety. The manner of handling and keeping dismantled automobiles and parts thereof shall at all times be subject to the approval of the Director of Public Safety.
(§ II, Ord. 439-85, eff. February 27, 1985)

Sec. 9-6.09. - Emptying gasoline tanks and crankcases.
Immediately upon the receipt of a wrecked or damaged automobile to be dismantled, the gasoline tank crankcase shall be emptied completely of their contents and all gas and oil properly contained and disposed of so as to avoid the danger of fire or explosion. All gasoline and oil shall be stored so as not to contaminate soil and water.

(§ II, Ord. 439-85, eff. February 27, 1985)

Sec. 9-6.10. - Records.
All auto dismantlers shall maintain all records as required by the Vehicle Code of the State and make all such records, including those on purchases, assignments, sales, and exchanges of dismantled automobiles, available for inspection by the City at all times.

(§ II, Ord. 439-85, eff. February 27, 1985)

Sec. 9-6.11. - Inspections of premises.
Every auto dismantling establishment, and every part thereof, at all times shall be open to inspection by fire, health, and police officers, building inspectors, and other authorized public officials as shall be designated from time to time by the Council.

(§ II, Ord. 439-85, eff. February 27, 1985)

Sec. 9-6.12. - Conformance.
Any auto dismantling establishment in existence on February 27, 1985, which constitutes a lawful nonconforming use according to the provisions of Article 30 of Chapter 4 of this title shall be permitted to continue provided that, on or before August 27, 1985, such establishment obtains a use permit and comes into conformity with the requirements of this chapter.

(§ II, Ord. 439-85, eff. February 27, 1985)

CHAPTER 7. - HISTORIC PRESERVATION
Article 1. - Historic Preservation

Sec. 9-7.101. - Purpose.
In view of the great economic, social, and aesthetic importance of the City's historic sites, it is determined that historic preservation is in the interest of the public welfare and is a public benefit. The purpose of this chapter is to:

(a)Promote the use and enjoyment of historic and cultural resources for the public's education, pleasure, and welfare;(b)Encourage the preservation and continued use by the owners of historic landmarks:(c)Recognize and preserve structures, natural features, and sites within the City having historic, archaeological, architectural, cultural, or aesthetic significance:(d)Foster public appreciation and civic pride in the City and its past:(e)Protect and enhance the City's attractions for the benefit of residents, tourists, and visitors and strengthen the economy of the City;(f)Integrate the preservation of historic resources as early as possible into public and private planning and development processes;(g)Protect and enhance property values; and(h)Increase economic and financial benefits to the City and its inhabitants.
(§ 1, Ord. 438-84, eff. January 9, 1985)

Sec. 9-7.102. - Definitions.
For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

(a)"Adobe" shall mean an unburnt, sun-dried brick or a building made of adobe bricks.(b)"Alteration" shall mean any exterior change or modification, through public or private action, of any cultural resource or of any historic property, including, but not limited to, exterior changes to or modifications of structures, architectural details, or visual characteristics, such as paint color and surface texture, grading, surface paving, new structures, the cutting or removal of trees and other natural features, the disturbance of archaeological sites or areas, and the placement or removal of any exterior objects, such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings, and landscape accessories affecting the exterior visual qualities of the property.(c)"Archaeological" shall mean anything pertaining to the scientific study of the life and culture of earlier peoples by the excavation of sites and relics, both historic and prehistoric.(d)"Architectural" shall mean anything pertaining to the science, art, or profession of designing and constructing buildings.(e)"City" shall mean the City of Pacifica.(f)"Construction" shall mean the putting together, erecting, or arrangement of materials to form a new building or structure, or portion thereof.(g)"Cultural" shall mean anything pertaining to the concepts, habits, skills, arts, instruments, institutions, and the like of a given people in a given period.(h)"Cultural resource" shall mean improvements, buildings, structures, signs, features, sites, places, areas, or other objects of scientific, aesthetic, educational, cultural, architectural, archaeological, or historical significance to the citizens of the City.(i)"Demolition" shall mean to destroy, raze, dismantle, deface, or in any other manner cause the partial or total ruin or removal of a historical landmark.(j)"Elevation" shall mean the flat scale orthographic projected drawings of all exterior vertical surfaces of a building.(k)"Exterior architectural feature" shall mean the architectural elements embodying the style, design, general arrangement, and components of all of the outer surfaces of an improvement, including, but not limited to, the kind, color, and texture of the building materials and the type and style of all windows, doors, lights, signs, and other fixtures appurtenant to such improvement.(l)"Facade" shall mean the front of a building or the part of a building facing a street, courtyard, or the like.(m)"Improvement" shall mean any building, structure, place, parking facility, fence, gate, wall, work of art, or other object constituting a physical betterment of real property or any part of such betterment.(n)"Landmark" shall mean:(1)Any structure or site which has special historical, cultural, archaeological, aesthetic, or architectural character, interest, or value as part of the development, heritage, or history of the City, County, State, or nation;(2)That which has been previously given official State or national recognition; or(3)The parcel or part thereof on which a landmark is situated and any abutting parcel or part thereof constituting part of the premises on which the landmark is situated and which has been designated a landmark site pursuant to this chapter.(o)"Natural feature" shall mean any tree, plant life, or geological element of significant value.(p)"Preservation" shall mean the identification, study, protection, restoration, rehabilitation, or enhancement of historic and cultural resources.(q)"Relocate" shall mean to establish or lay out in a new place or move to a new location.(r)"Site plan" shall mean any flat scale drawing of the place where something is, is to be, or was located.(s)"Structure" shall mean any building or any other man-made object affixed on or under the ground.

(§ I, Ord. 438-84, eff. January 9, 1985)

Sec. 9-7.103. - Ordinary maintenance and repair.
Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this chapter which maintenance or repair does not involve a change in the design, material, or external appearance thereof. Nothing in this chapter shall be construed to prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when the Building Inspector certifies to the Planning Commission that such action is required for the public safety due to an unsafe or dangerous condition and cannot be repaired under the Historical Building Code of the State.

(§ I, Ord. 438-84, eff. January 9, 1985)

Sec. 9-7.104. - Duty to keep in good repair.
The owner, occupant, or other person having the legal interest and control of a designated historic landmark, improvement, building, or structure shall keep in good repair all of the exterior portions of such improvements, buildings, or structures and all interior portions thereof whose maintenance is necessary to prevent the deterioration and decay of any exterior architectural feature. As used in this section, "good repair" shall mean at a minimum that the landmark shall be preserved against decay and deterioration and maintained in conformance with all applicable Building and Housing Codes.

(§ I, Ord. 438-84, eff. January 9, 1985)

Sec. 9-7.105. - Enforcement.
The Planning Administrator shall administer and enforce the provisions of this chapter. The Planning Administrator may refer violations of this chapter to the Planning Commission, Council, or City Attorney for appropriate action when deemed necessary. A violation of the provisions of this chapter shall be punishable as set forth in Chapter 2 of Title 1 of this Code.

(§ 1, Ord. 438-84, eff. January 9, 1985)

Article 2. - Landmark Designations

Sec. 9-7.201. - Criteria.
The Council may designate an historic landmark pursuant to Section 9-7.202 of this article in accordance with any of the following criteria:

(a)It exemplifies or reflects a significant element of the City's cultural, social, economic, political, aesthetic, engineering, architectural, geological, or archaeological history:(b)It has special aesthetic or artistic interest or value due to elements of design, detail, material, or craftsmanship which represent a significant innovation in architectural or engineering style;(c)It is identified with historic persons or events significant in local, State, or national history;(d)It embodies distinctive architectural characteristics of a style, type, period, or method of construction or is a valuable example of the use of indigenous materials or craftsmanship;(e)It is representative of a type of building which was once common and is now rare;(f)It is representative of the notable work of a master builder, designer, or architect; or(g)It is a part of or related to a square, park, or other distinctive area and should be developed or preserved according to a plan based on an historic, cultural, or architectural motif.
(§ I, Ord. 438-84, eff. January 9, 1985)

Sec. 9-7.202. - Procedures for designating historic landmarks.
Historic landmarks shall be designated in the following manner:

(a)Applications. Any person, group, or organization may request the designation of a structure as an historic landmark by submitting an application for such designation to the Planning Commission. A designation may also be initiated by resolution of the Planning Commission or Council.(b)Application requirements. The applicant shall file a written application with the Planning Division on a form provided by the Planning Administrator which shall be accompanied by the following information:(1)The Assessor's parcel number of the site;(2)A map showing the location of the structure;(3)A description of the structure's special cultural, architectural, aesthetic, archaeological, or engineering interest or value of an historic nature;(4)Photographs of the existing structure and site. Other descriptive materials may also be submitted, that is, drawings, sketches, lithographs, and the like;(5)A statement of the condition of the structure;(6)Other supporting materials or information as may be requested by the Planning Administrator; and(7)A statement of the reasons the landmark may conform to the landmark criteria set forth in Section 9-7.201 of this article.
(§ I, Ord. 438-84, eff. January 9, 1985)

Sec. 9-7.203. - Pacifica Historical Society participation.
The Pacifica Historical Society may submit comments on any proposed landmark designation which shall be considered by the Planning Commission and Council. A notice shall be sent to the Pacifica Historical Society when an application for historic designation is received.

(§ I, Ord. 438-84, eff. January 9, 1985)

Sec. 9-7.204. - Hearings: Notices.
Notice of the time and date set for public hearings by the Planning Commission and Council shall be given as required by Section 9-4.3302 of Article 33 of Chapter 4 of this title. Notice of the public hearing shall also be mailed to the record owners of the property proposed for designation not less than ten (10) days prior to the date set for the hearing.

(§ I, Ord, 438-84, eff. January 9, 1985)

Sec. 9-7.205. - Hearings.
(a)The Planning Commission and Council shall hold public hearings before taking action on the designation of an historic landmark. The owner of the proposed landmark and any interested party may present testimony or documentary evidence regarding the proposed landmark designation.(b)The Planning Commission may recommend by resolution to the Council the approval, disapproval, or modification of an application for designation.(c)The Council by ordinance may approve, disapprove, or modify an application for designation or refer the application back to the Planning Commission for reconsideration.(d)Within ten (10) days after the designation of a landmark by the Council, the City Clerk shall send by mail to the owners of record of the designated property a copy of the ordinance and a letter outlining the obligations which result from such designation.(e)Within thirty (30) days after the date on which the Council designates any building, structure, or site as a landmark worthy of preservation, the City Clerk shall file with the County Recorder a certified copy of the ordinance stating that such property is designated a City historic landmark, and such ordinance shall be maintained on the public records until such time as the landmark designation may be withdrawn by the Council.
(§ I, Ord. 438-84, eff. January 9, 1985)

Sec. 9-7.206. - Interim designations.
(a)The following structures, having been designated as structures of special historic significance both in the Historic Preservation Element of the General Plan of the City and in the Primary List of Historic Buildings and Sites prepared by the Pacifica Historical Society, are hereby given an interim landmark designation:(1)Sanchez Adobe;(2)Sharp Park Golf Course Clubhouse;(3)Little Brown Church; and(4)San

Pedro School House.(b)Such interim landmark designations shall be in effect pending a final determination by the Council on landmark designations for such structures.(c)At its next regular meeting after January 9, 1985, the Council, by resolution, shall initiate the final designation review process for such structures with interim landmark designations.(d)No application for a building or development permit to construct, alter, or demolish any structure with an interim landmark designation shall be approved while final designation proceedings are pending; provided, however, after 180 days have elapsed from the date of the initiation of such designation by ordinance of the Council, if final action has not been completed, permit applications may be approved.
(§ I, Ord. 438-84, eff. January 9, 1985)

Sec. 9-7.207. - Time limits.
No application for a building or development permit to construct, alter, or demolish any landmark structure or site filed subsequent to the day an application has been filed or resolution adopted to initiate the designation of such landmark shall be approved while designation proceedings are pending; provided, however, after 180 days have elapsed from the date of the initiation of such designation, if final action has not been completed, the permit application may be approved.

(§ I, Ord. 438-84, eff. January 9, 1985)

Sec. 9-7.208. - Final designations.
The following structures, having been approved by the Planning Commission and Council for designation as historic landmarks pursuant to the procedures of this article, are hereby given final landmark designation:

(a)Sanchez Adobe;(b)Sharp Park Golf Course Clubhouse;(c)Little Brown Church;(d)San Pedro Schoolhouse;(e)185 Carmel Avenue;(f)Vallemar Station, 2125 Cabrillo Highway;(g)Anderson's Store, 220 Paloma Avenue;(h)165 Winona Avenue.
(§ 1, Ord. 482-C.S., eff. May 27, 1987, as amended by § 1, Ord. 533-C.S., eff. September 27, 1989, § 1, Ord. 534-C.S., eff. September 27, 1989, and § 2, Ord. 569-C.S., eff. July 10, 1991)

Article 3. - Historic Preservation Permits

Sec. 9-7.301. - Permits.
An historic preservation permit shall be required to:

(a)Demolish, alter, or relocate any structure or special site, or any portion thereof, which has been designated an historic landmark pursuant to the provisions of this chapter; and(b)Construct, place, alter, or relocate any exterior sign, lighting, fence, parking area, or any other structure or pertinent feature on a landmark or landmark site. Interior remodeling which does not affect the exterior appearance of the historic landmark, structure, or site within an historic district shall not require an historic preservation permit.
However, construction of an accessory dwelling unit or junior accessory dwelling unit shall not require issuance of a historic preservation permit if undertaken in accordance with all standards of Article 4.5 of this chapter.
(§ I, Ord. 438-84, eff. January 9, 1985)

Sec. 9-7.302. - Historic preservation permit procedure.
The following procedures shall be followed in processing applications for the historic preservation permits required by Section 9-7.301 of this article. The applicant shall file a written application with the Planning Division on a form provided by the Planning Administrator which, where applicable, shall be accompanied by the following information:

(a)Scaled elevation drawings of the proposed construction or alterations; preferably as overlays to photographs of existing buildings;(b)Photographs of existing and adjacent structures from angles affected by the proposed change;(c)A site plan;(d)A narrative explanation of the reasons for the changes; and(e)Other materials as may be required by the Planning Administrator.
(§ I, Ord. 438-84, eff. January 9, 1985)

Sec. 9-7.303. - Pacifica Historical Society participation.
The Pacifica Historical Society may submit comments on any historic preservation permit application which shall be considered by the Planning Commission and Council. A notice shall be sent to the Pacifica Historical Society when a permit application is received.

(§ I, Ord. 438-84, January 9, 1985)

Sec. 9-7.304. - Hearings: Notices.
Notice of the time and date set for public hearings by the Planning Commission and, on appeal, the Council shall be given as required for use permits by Section 9-4.3302 of Article 33 of Chapter 4 of this title.

(§ I, Ord. 438-84, eff. January 9, 1985)

Sec. 9-7.305. - Hearings.
The Planning Commission and, on appeal, the Council shall hold a public hearing before taking action on the permit application. The applicant and any interested party may present testimony or documentary evidence concerning the proposed application.

(§ I, Ord. 438-84, eff. January 9, 1985)

Sec. 9-7.306. - Standards for review: Alterations.
(a)In evaluating applications, the Planning Commission and Council shall consider, among other things, the purposes of this chapter, the historical and architectural value of the landmark, the texture, material, and color of the structure in question and its appurtenant fixtures and signs, the relationship of such features to similar features of other buildings within the area, and the position of such structure in relation to the street and to other structures.(b)The Planning Commission and Council shall approve an application if they make the following findings:(1)That the proposed work will not adversely affect the exterior architectural features of the landmark; and(2)That the proposed work will not adversely affect the special historical, architectural, or aesthetic value of the landmark and its site; and(3)That the proposed work will not adversely affect the exterior architectural features of the subject property or its relationship, in terms of harmony and appropriateness, with its surroundings and neighboring structures; or(4)That the owner would have no reasonable economic use of the structure unless the permit is granted. In any instance where there is a claim of no reasonable economic use or a claim that preservation is infeasible, the applicant shall submit to the City such economic and financial data as required by the Planning Administrator to evaluate such claim, including the cost, assessed value, taxes, appraisals, listings, and income from the property.
(§ I, Ord. 438-84, eff. January 9, 1985)

Sec. 9-7.307. - Standards for review: Demolition.
(a)In evaluating applications, the Planning Commission and Council shall consider, among other things, the purposes of this chapter, the historic and architectural value of the landmark, the economic feasibility of alternatives to demolition, and the interests of the public in preserving the landmark.(b)The Planning Commission and Council shall approve an application if they make any of the following findings:(1)That

the landmark or portion thereof is in such a deteriorated condition that it is not feasible to restore or preserve it;(2)That the owner would have no reasonable economic use of the property unless the structure is removed; or(3)That the proposed use will provide an overriding and substantial benefit to the citizens of the City which could not be provided unless the structure is removed.(c)In any instance where there is a claim of no reasonable economic use or a claim that preservation is infeasible, the applicant shall submit to the City such economic and financial data as required by the Planning Administrator to evaluate such claim, including the cost, assessed value, taxes, appraisals, listings, and income from the property.
(§ I, Ord. 438-84, eff. January 9, 1985)

Sec. 9-7.308. - Appeals.
An appeal of the Planning Commission's action concerning an historic preservation permit shall be permitted as required for use permits by Section 9-4.3304 of Article 33 of Chapter 4 of this title.

(§ I, Ord. 438-84, eff. January 9, 1985)

Sec. 9-7.309. - Time limits.
An historic preservation permit shall expire under the same circumstances as use permits as set forth in Section 9-4.3308 of Article 33 of Chapter 4 of this title.

(§ I, Ord. 438-84, eff. January 9, 1985)

Sec. 9-7.310. - Renewal.
The renewal of an historic preservation permit shall be permitted as permitted for use permits by Section 9-4.3309 of Article 33 of Chapter 4 of this title.

(§ I, Ord. 438-84, eff. January 9, 1985)

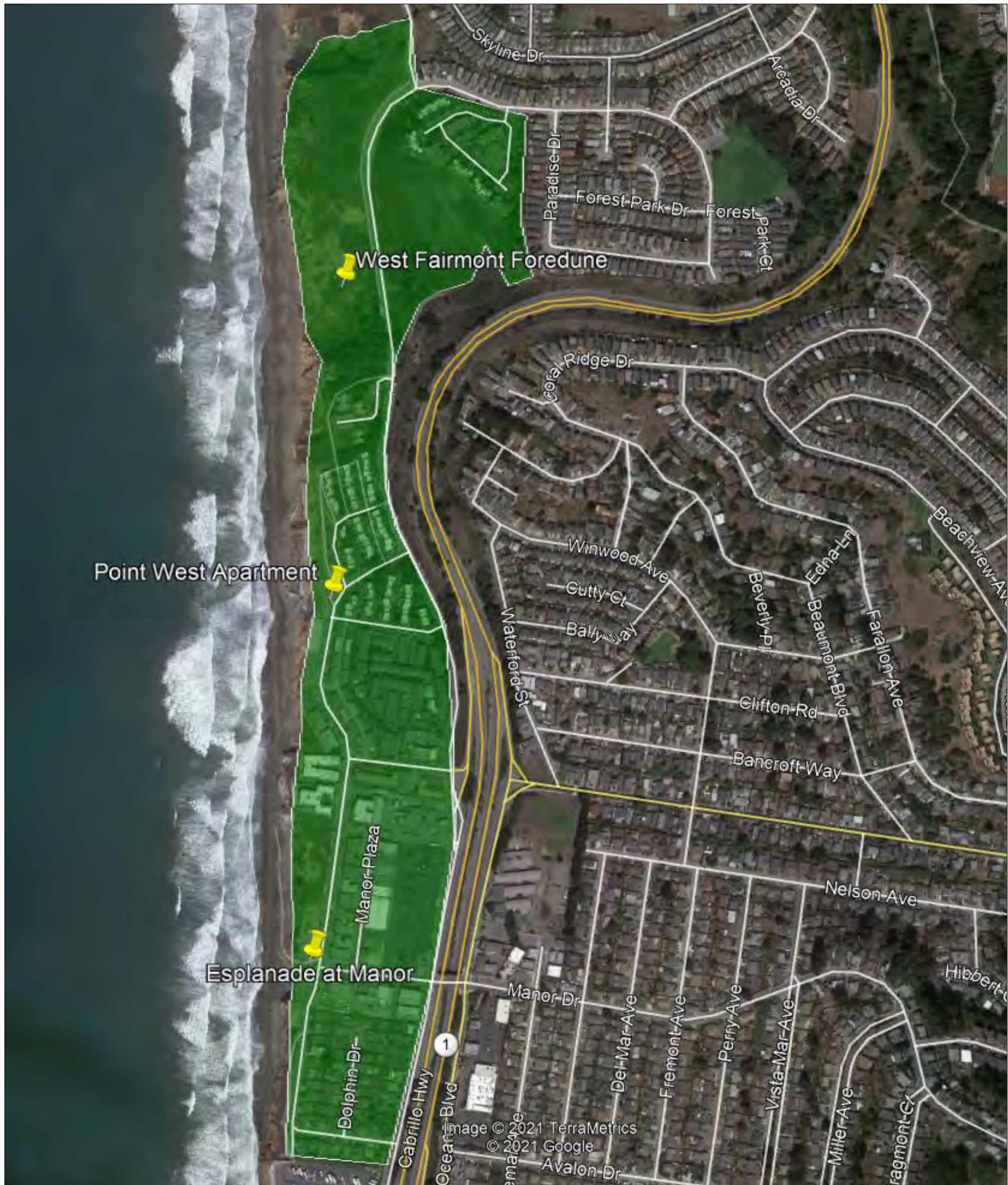
Article 4. – Sunset Clause
(Se. 9-7.401, as added by Ordinance No. 438-84, effective January 9, 1985, repealed by Ordinance No. 474-86, effective December 10, 1986)

Article 5. - Severability

Sec. 9-7.501. - Severability
If any section, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the remaining portions of this chapter.

(§ I, Ord. 438-84, eff. January 9, 1985)

City of Pacifica – ADU Coastal Access Parking Areas



Surf St
Shoreview Ave
Santa Maria - Beach Blvd (Paloma Ave)
Santa Maria - Beach Blvd (Santa Maria)
Santa Maria Ave
Salada Ave
San Jose Ave
Pacific Municipal Pier
Santa Rosa Ave
Montecito Ave
Hilton Way
Hilton Ln
Palmetto Ave
Birch Ln
Sharp Park Beach Frontage South of Pier
Elder Ln
Clarendon Road
Lakeside Ave
Laguna Way
Paseito Terrace
Mirador Terrace
Oceana Blvd
Eureka Dr
Moana Pl
Charing Cross
Eastlake Ave
Frances Ave
© 2021 Google

Rockaway Quarry - Calera Creek
Rockaway Beach Seawall
Rockaway Beach South End
Maitland Rd
San Marlo Way
Pacific Coast Hwy
Dondee St
Rockaway Beach Ave
Nick Gust Way
Old County Rd
Harvey Way
Cabrillo Hwy
Donaldson Ave
Fassler Ave
Buel Ave
1
© 2021 Google

Shelter Cove
Danmann Ave
No. Side Pedro Point Shopping Center
Halling Way
Shoreside Dr
Grand Ave
1
Cabrillo Hwy
© 2021 Google