

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



F17a

LCP-3-GRB-22-0030-1 (HOUSING UPDATE) DECEMBER 16, 2022 HEARING EXHIBITS

Table of Contents

Exhibit 1: Proposed IP Amendment

CHAPTER 2. ZONES AND ALLOWABLE LAND USES

2.10 Establishment and Designation of Zones	3
2.10.010 Purpose	3
2.10.020 Official Zoning Map and Zones	3
2.10.030 General Requirements for Development and New Land Uses.....	5
2.10.040 Allowable Land Uses and Development Permit <u>Application</u> Requirements	5
2.20 Residential Zones	7
2.20.010 Purpose.....	7
2.20.020 Purposes of the Residential Zones	7
2.20.030 Residential Zones Allowable Land Uses and Permit Requirements	9
2.20.040 Residential Zones Development Standards	11
2.20.050 Miscellaneous Requirements	13
2.20.060 Second-Story Roof Decks	17
2.30 Commercial Zones	20
2.30.010 Purpose.....	20
2.30.020 Purpose of the Commercial Zones	20
2.30.030 Commercial Zones Allowable Land Uses and Permit Requirements	22
2.30.040 Commercial Zones Development Standards	25
2.30.050 Commercial Zones Design Standards	26
2.40 Industrial Zones	30
2.40.010 Purpose	30
2.40.020 Purpose of the Industrial Zones	30
2.40.030 Industrial Zones Allowable Land Uses and Permit Requirements.....	31
2.40.040 Industrial Zones Development Standards.....	34
2.40.050 Industrial Zones Miscellaneous Standards	35
2.50 Public Facilities Zone	36

2.50.010	Purpose	36
2.50.020	Public Facilities Zone Allowable Land Uses and Permit Requirements	36
2.50.030	Public Facilities Development Standards.....	37
2.60 Parks & Recreation Zone		38
2.60.010	Purpose	38
2.60.020	Parks & Recreation Zone Allowable Land Uses and Permit Requirements	38
2.60.030	Parks & Recreation Zone Development Standards	39
2.70 Open Space Zones.....		40
2.70.010	Purpose	40
2.70.020	Purpose of the Open Space Zones.....	40
2.70.030	Open Space Zones Allowable Land Uses and Permit Requirements	41
2.70.040	Open Space Zone Development Standards	42
2.80 Urban Reserve Zone		43
2.80.010	Purpose.....	43
2.80.020	Urban Reserve Zone Allowable Land Uses and Permit Requirements.....	43
2.80.030	Urban Reserve Zone Development Standards.....	43
2.90 Overlay Zones		44
2.90.010	Purpose	44
2.90.020	Planned Development Overlay Zone	44
2.90.030	Emergency Shelter Overlay Zone.....	46

2.10 Establishment and Designation of Zones

Sections:

- 2.10.010 - Purpose
- 2.10.020 - Official Zoning Map and Zones
- 2.10.030 - General Requirements for Development and New Land Uses
- 2.10.040 - Allowable Land Uses and Development ~~Permit~~ [Application](#) Requirements

2.10.010 Purpose

This Chapter establishes the Zones applied to property within the City and establishes the types of land uses permitted and provides development standards.

2.10.020 Official Zoning Map and Zones

- A. **Zones established.** The City shall be divided into zones that implement the Grover Beach General Plan. The zones shown in Table 2.1 are hereby established and shall be shown on the City of Grover Beach Zoning Map (Zoning Map).
- B. **Official Zoning Map.** The Zoning Map has been adopted by the Council in compliance with Government Code Sections 65800 et seq. and is hereby incorporated into this Development Code by reference.

Table 2.1. Zones		
Zone Symbol	Name of Zone	General Plan Designations Implemented by Zone
Residential Zones		
R1	Low Density Residential Zone	Low Density Residential
CR1	Coastal Low Density Residential Zone	Low Density Residential
CPR1	Coastal Planned Low Density Residential Zone	Low Density Residential
R2	Medium Density Residential Zone	Medium Density Residential
CR2	Coastal Medium Density Residential Zone	Medium Density Residential
R3	High Density Residential Zone	High Density Residential
CR3	Coastal High Density Residential Zone	High Density Residential
Commercial Zones		
CB	Central Business Zone	Central Business District - Mixed-Use
CBO	Central Business Open Zone	Central Business District - Mixed-Use
NC	Neighborhood Commercial Zone	Neighborhood Serving - Mixed-Use
OP	Office Professional Zone	Central Business District - Mixed-Use
RC	Retail Commercial Zone	Retail and Commercial Services
VS	Visitor Serving Zone	Visitor Serving - Mixed-Use
CVS	Coastal Visitor Serving Zone	Visitor Serving - Mixed-Use
CC	Coastal Commercial Zone	Visitor Serving - Mixed-Use
Industrial Zones		
CI	Coastal Industrial Zone	Industrial
CIC	Coastal Industrial Commercial	Industrial
I	Industrial Zone	Industrial
Parks and Recreation Zone		
PR	Parks and Recreation Zone	Public/Quasi Public Parks and Recreation
Public Facilities Zone		
PF	Public Facilities Zone	Public/Quasi Public Parks and Recreation
Open Space and Recreation Zones		
CGC	Coastal Golf Course Zone	Open Space/Resource Conservation
COS	Coastal Open Space Zone	Open Space/Resource Conservation
CPB	Coastal Pedestrian Beach Zone	Open Space/Resource Conservation
CVB	Coastal Vehicular Beach Zone	Open Space/Resource Conservation
OS	Open Space Zone	Open Space/Resource Conservation
Urban Reserve Zone		
UR	Urban Reserve Zone	Urban Reserve
Planned Development Overlay Zones		
PD	Various	Various

2.10.030 General Requirements for Development and New Land Uses

All development and land use shall comply with the following requirements.

- A. **Allowable use.** The land use shall be allowable by this Development Code in the zone applied to the site. The basis for determining whether a use is allowable is described in Section 2.10.040 (Allowable Land Uses and Development ~~Permit~~ Application Requirements).
- B. **Permit and approval requirements.**
 - 1. Development ~~permit~~ Applications. Any development ~~permit-application~~ or other approval required by Section 2.10.040 (Allowable Land Uses and Development ~~Permit~~ Application Requirements) and any required Coastal Development Permit shall be obtained before the issuance of any required grading, building, or other construction permit, and before the proposed use is constructed, otherwise established or put into operation.
 - 2. Coastal Development Permit. When required, a Coastal Development Permit may be processed concurrently with any other required development ~~permit~~ application.
- C. **Development standards, conditions of approval.** Each land use and structure shall comply with the development standards of this Chapter, applicable standards and requirements in Chapter 3 (Standards for All Development and Land Uses), Chapter 4 (Standards for Specific Development and Land Uses), Chapter 5 (Site Development Standards), and any applicable conditions imposed by a previously approved development ~~permit~~ application.

2.10.040 Allowable Land Uses and Development ~~Permit~~ Application Requirements

- A. **Allowable land uses.** The uses of land allowed by this Development Code in each zone are listed in Tables 2.2, 2.4, 2.6, 2.8, 2.9, and 2.10 of this Chapter; ~~together with the type of development permit required for each use.~~ Each land use listed in the tables is defined in Chapter 9 (Definitions). ~~In addition to the required development permit listed in Tables 2.2, 2.4, 2.6, and 2.10 of this Chapter, a Coastal Development Permit may also be required for any change in the density or intensity of use or other development of land.~~
 - ~~1. Establishment of an allowable use. Any one or more land uses identified by Tables 2.2, 2.4, 2.6, 2.8, 2.9, and 2.10 as being allowable within a specific zone may be established on any lot within that zone, subject to the development permit requirements of Subsection B, and compliance with all applicable requirements of the Local Coastal Program and this Development Code.~~
- B. Use Permit requirements. A land use identified by Tables 2.2, 2.4, 2.6, 2.8, 2.9, and 2.10 as requiring a Use Permit or "UP" may be established upon approval of a Use

Permit by the Review Authority and other required development applications consistent with this Section.

C. Allowable or Permitted Use requirements. A land use identified by Tables 2.2, 2.4, 2.6, 2.8, 2.9, and 2.10 as a permitted use or "P" are also required to receive one of the following development applications:

1. Development Permit (Section 6.20.060);
2. Administrative Development Permit (Section 6.20.020);
3. Coastal Development Permit (Section 6.20.040); and/or
4. Zoning Clearance (Section 6.20.110).

D. ~~2.~~ Use not listed. A land use that is not listed in Tables 2.2, 2.4, 2.6, 2.8, 2.9, and 2.10, and is determined by the Director to not be included in Chapter 9 (Definitions) under the definition of a listed land use that is also permitted pursuant to Tables 2.2, 2.4, 2.6, 2.8, 2.9, and 2.10, is not allowed within the City, except as otherwise provided in Section 6.20.080 (Temporary Use Permit).

E. ~~B. Permit requirements~~ Specific Use Regulations. Where the last column in Tables 2.2, 2.4, 2.6, 2.8, 2.9, and 2.10 includes a Section reference or additional standard, the regulations in the referenced Section or additional standard shall apply to the use. ~~in this Chapter provide for land uses that are:~~

- ~~1. Permitted subject to compliance with all applicable provisions of this Development Code. These are shown as "P" uses in the tables;~~
- ~~2. Allowed subject to the approval of a Administrative Use Permit (Section 6.20.030), and shown as "AUP" uses in the tables;~~
- ~~3. Allowed subject to the approval of a Use Permit (Section 6.20.090), and shown as "UP" uses in the tables;~~
- ~~4. Allowed subject to the type of City approval required by a specific provision of Chapter 4 (Standards for Specific Development and Land Uses), and referenced in the tables; and~~
- ~~5. Not allowed in a particular zone, and shown as "---" in the tables.~~

E. ~~Note:~~ Additional Permits. A land use authorized through the approval of any type of development ~~permit application~~ may also require a Coastal Development Permit (Section 6.20.040), a Building Permit, and/or other permit required by the Municipal Code.

2.20 Residential Zones

Sections:

- 2.20.010 - Purpose
- 2.20.020 - Purposes of the Residential Zones
- 2.20.030 - Residential Zones Allowable Land Uses and Permit Requirements
- 2.20.040 - Residential Zones Development Standards
- 2.20.050 - Miscellaneous Requirements
- 2.20.060 - Second-Story Roof Decks

2.20.010 Purpose

This Chapter lists the residential zones as established by Section 2.10.020 (Official Zoning Map and Zones), and establishes the types of land uses ~~permitted~~ allowed and development standards in each residential zone.

2.20.020 Purposes of the Residential Zones

- A. **Low Density Residential Zone (R1).** The Low Density Residential Zone is intended ~~primarily as an area for detached and attached single-family dwellings to~~ accommodate detached and attached residential dwellings developed at a low density not exceeding five units per acre, and those additional units allowed pursuant to Section 4.25.60 (Two-Unit Housing Developments in the R1, CR1, and CPR1 Zones) and Section 4.10.015 (Accessory Dwelling Units). Public and quasi-public uses, and similar or compatible uses may also be appropriate.
- B. **Coastal Planned Low Density Residential Zone (CPR1).** The Coastal Planned Low Density Residential Zone is intended ~~primarily as an area for to~~ accommodate detached and attached single-family low-density residential dwellings not exceeding five units per acre, and those additional units allowed pursuant to Section 4.25.060 (Two-Unit Housing Developments in the R1, CR1, and CPR1 Zones) and Section 4.10.015 (Accessory Dwelling Units). All development shall be consistent with the City's Local Coastal ~~Plan~~ Program and developed in a manner which will maximize protection of environmental, visual and archaeological resources within and adjacent to the boundaries of the Zone by minimizing removal or disturbance of native vegetation, controlling grading, erosion, and run-off and sensitively siting and designing structures to avoid impacting archaeological deposits and reducing the visual impact on surrounding and adjacent areas.
- C. **Coastal Low Density Residential Zone (CR1).** The Coastal Low Density Residential Zone is intended ~~primarily for to~~ accommodate detached and attached single-family low-density residential dwellings not exceeding five units per acre, and those additional units allowed pursuant to Section 4.25.060 (Two-Unit Housing Developments in the R1, CR1, and CPR1 Zones) and Section 4.10.015 (Accessory Dwelling Units). Public

and quasi-public uses, and similar or compatible uses may also be appropriate. All development shall be consistent with the City's Local Coastal Program.

- D. **Medium Density Residential Zone (R2).** The Medium Density Residential Zone is intended ~~primarily as an area for~~ to accommodate small-lot detached and attached ~~single-family dwellings and multi-family residential dwellings developed at densities not exceeding nine units per acre.~~ Public and quasi-public uses, and similar or compatible uses may also be appropriate.
- E. **Coastal Medium Density Residential Zone (CR2).** The Coastal Medium Density Residential Zone is intended ~~primarily as an area for~~ to accommodate small-lot detached and attached ~~single-family dwellings and~~ multi-family unit residential dwellings at densities not exceeding nine units per acre. Public and quasi-public uses, and similar or compatible uses may also be appropriate. All development shall be consistent with the City's Local Coastal Program.
- F. **High Density Residential Zone (R3).** The High Density Residential Zone is intended ~~primarily as an area for~~ to accommodate small-lot detached and attached ~~single-family dwellings and~~ multi-family unit residential dwellings at densities not exceeding 20 units per acre. Public and quasi-public uses, and similar or compatible uses may also be appropriate.
- G. **Coastal High Density Residential Zone (CR3).** The Coastal High Density Residential Zone is intended ~~primarily as an area for~~ to accommodate small-lot detached and attached ~~single-family dwellings and~~ multi-family unit residential dwellings at densities not exceeding 20 units per acre. Public and quasi-public uses, and similar or compatible uses may also be appropriate. All development shall be consistent with the City's Local Coastal Program.

2.20.030 Residential Zones Allowable Land Uses and Permit Requirements

Table 2.2. Residential Zones Allowable Land Uses and Use Permit Requirements ¹							
Land Use	R1	CPR1 ¹ / CR1 ¹	R2	CR2 ¹	R3	CR3 ¹	Specific Use Regulations
Residential							
Accessory Dwelling Unit	P	P	P	P	P	P	Section 4.10.015
Accessory Structure	P	P	P	P	P	P	Section 4.10.030
Boarding House Communal Housing	--	--	--	--	UP	UP	
Day Care—Large Family Home	AUP	AUP	AUP	AUP	AUP	AUP	Section 4.10.070
Day Care – Small <u>or Large</u> Family Home	P	P	P	P	P	P	
High Occupancy Residential Use <u>Two-Unit Housing Development/Duplexes</u>	--P	--P	--P	--P	UP-P	UP-P	Section 4.10.060 for R1, CPR1, and CR1 zones
Home Occupation	P	P	P	P	P	P	Section 6.20.070
Multi- family <u>Unit Attached</u> Dwelling	--	--	P	P	P	P	Section 4.10.120, 4.25.040, Section 4.25.050
<u>Multi-Unit Detached Dwelling/Cluster Developments</u>	--	--	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	Section 4.25.030
Residential Care 1-6 clients	P	P	P	P	P	P	
Residential Care – 7 or more clients	--	--	--	--	UP	UP	
Residential Common Area Developments (PUDs)	--	--	P	P	P	P	Section 4.30
Short-Term Rental	P	P	P	P	P	P	Section 4.10.185
Single- Family <u>Unit</u> Dwelling	P ²	P ²	P	P	P	P	Section 2.20.050, Section 4.25.020
Single Room Occupancy Facility	--	--	UP	UP	UP	UP	Section 4.10.200
Senior Housing	--	--	UP-P	UP-P	UP-P	UP-P	Section 4.10.180
Tiny Homes <u>on Wheels</u>	P	P	P	P	P	P	Section 4.10.215
Transitional & Supportive Housing	P	P	P	P	P	P	
Recreational, Education & Public Assembly							
Community Gardens	P	P	P	P	P	P	
Meeting Facility, public or private	UP	UP	UP	UP	UP	UP	
Park, Playground (public)	UP	UP	UP	UP	UP	UP	
Public or Quasi-public Facility	UP	UP	UP	UP	UP	UP	
Transportation & Infrastructure							
Parking Facility	--	--	UP	--	UP	--	
Telecommunication Facility	UP	UP	UP	UP	UP	UP	Section 4.40

End Note

1. **Permits Required.** All uses identified as permitted or "P" require approval of one or more of the following development applications (as well as a building permit if a new or modified structure is involved):

- a. Development Permit (Section 6.20.060);
- b. Administrative Development Permit (Section 6.20.020);
- c. Coastal Development Permit (Section 6.20.040); and/or
- d. Zoning Clearance (Section 6.20.110)

~~1. Projects located in the Coastal Zone may require a Coastal Development Permit (See Section 6.20.040).~~

~~2. New construction or additions to single family dwellings north of West Grand Avenue that exceed 16 feet in height as measured in Section 3.10.030.C. require approval of a Development Permit (See Chapter 6 Procedures).~~

Legend

P	Permitted Use
UP	Use Permit Required
--	Use Not Allowed

2.20.040 Residential Zones Development Standards

Table 2.3. Residential Zones Development Standards ⁺							
	R1	CPR1 / CR1	R2	CR2	R3	CR3	Specific Regulations
Building Placement Requirements							
Setbacks (minimum)							
Front	20' ⁺	20' ⁺	15' ⁺	15' ⁺	15'	15'	The setback shall be measured from the property line. Section 3.10.070
Buildings	<u>15'</u>	<u>15'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	
Garage Doors and Carports	<u>18'</u>	<u>18'</u>	<u>18'</u>	<u>18'</u>	<u>18'</u>	<u>18'</u>	
Street Side (Buildings)	40' <u>5'</u>	40' <u>5'</u>	40' <u>5'</u>	40' <u>5'</u>	40' <u>5'</u>	40' <u>5'</u>	Section 3.10.070
Street Side (garage door facing the street)	20' <u>18'</u>	20' <u>18'</u>	20' <u>18'</u>	20' <u>18'</u>	20' <u>18'</u>	20' <u>18'</u>	Section 3.10.070
Side	5'	5'	5'	5'	5'	5'	Section 3.10.070
Rear	10'	10'	10'	10'	10'	10'	Section 3.10.070
Second-floor roof decks (from floor below)	3'	3'	—	—	—	—	Section 2.20.060
Building Form Requirements							
Building Height (maximum)							Section 3.10.030
North of Grand Ave	16'/25' ²	16'/25' ²	25'	25'	32'	32'	
Primary Residential Structure South of Grand Ave	25'	25'	25'	25'	32'	32'	
Accessory Structure (detached)	16'	16'	16'	16'	16'	16'	Section 4.10.030
Accessory Dwelling Units	16'/25' ^{1,2}	16'/25' ^{1,2}	25'	25'	25'	25'	Section 4.10.015
Lot Coverage (maximum)	45%	45%	50%	50%	60%	60%	Section 3.10.035
Density Requirements							
Density (units/ gross acre ¹) ³ = maximum	5	5	9	9	20	20	For fractional density, see Section 3.10.025
Lot Requirements							
Lot Size (minimum square feet)							
Residential ²	6,000	6,000	6,000	6,000	6,000	6,000	
Non-Residential Uses	20,000	20,000	20,000	20,000	20,000	20,000	
Lot Width (Minimum)							
Residential ²	65'	65'	65'	65'	65'	65'	
Non-Residential Uses	100'	100'	100'	100'	65' <u>100'</u>	65' <u>100'</u>	
Lot Depth (minimum) ²	90'	90'	90'	90'	100'	100'	
Other Requirements							
Landscaping - minimum	40%	40%	35% <u>10%</u>	35% <u>10%</u>	20% <u>10%</u>	20% <u>10%</u>	Section 3.30
Fences, Walls & Screening	See Section 3.10.020 ; Section 3.10.065						
Parking	See Section 3.50						
End Note							

1. ~~The Review Authority may approve a reduction to front setbacks of 3 feet (5 feet on cul-de-sacs) to create a variation in setbacks in an existing neighborhood or proposed development, except for garages, which shall have a minimum 20-foot setback.~~
2. ~~New construction or additions to structures north of West Grand Avenue that exceed 16 feet in height as measured in Section 3.10.030.C. require approval of a Development Permit (See Chapter 6 Procedures).~~
3. ~~1. "Gross Acreage" shall be defined as the entire area of a lot measured to the center line of the street and including all rights of way or easements granted to the City or other public agencies; and~~
 - (a) ~~All density calculations which result in a remainder number which is 0.9 or larger shall be rounded up to the next whole number and where two or more lots are combined, the unit increase shall be rounded up based upon lot calculation of one lot (for example, when two lots have a calculation of 1.9 and 1.9, the total number of units shall be rounded up to 4 units); and~~
 - (b) ~~all calculations which result in a number higher than 0.4 and lower than 0.9 may be rounded up to the next whole number as a development incentive or density bonus when the project includes an affordable housing component for moderate income rental or for sale units; and~~
 - (c) ~~all density calculations which result in a remainder which is 0.5 or larger shall be rounded up to the next larger number of units when the neighborhood is more than 50% developed with multi-family residential and the neighborhood is zoned R-2; and~~
 - (d) ~~In no case shall the rounding calculations exceed the maximum for the applicable zone.~~
4. ~~All Development Standards are maximums/minimums and may be reduced/increased depending on the individual project specifications in order to comply with adopted policies in the General Plan, Local Coastal Program and all other City Council adopted policies. (Am. Ord. 14-04)~~
2. Minimum lot size, width, and depth required for the site; the lot may be further divided into smaller lots consistent with Section 4.25.030 (Multi-Unit Detached Dwellings/Cluster Development Design Standards), Section 4.25.040 (Multi-Unit Attached Dwellings (Small/2-9 Units) and Mixed-Use Developments (2-9 units) Design Standards), and Section 4.25.050 (Multi-Unit Attached Dwellings (Large/10+ Units) and Mixed Use Developments with 10+ Units Design Standards) with no individual lot minimum size requirement. See also standards for urban lot splits in Section 4.25.060 (Two-Unit Housing Developments in the R1, CR1, and CPR1 Zones).



Figure 2.1 - R1/ CR1 / CPR1 Setbacks



Figure 2.2. – R2 / CR2 and R3 /CR3 Setbacks

2.20.050 Miscellaneous Requirements

~~A. Single Family Dwelling Design Standards.~~ ~~Single family dwellings, including mobile/manufactured homes permitted in compliance with Government Code Section 65852.3, in all residential zones shall comply with the following design standards:~~

- ~~1. Exterior materials. Vertical aluminum exterior siding is prohibited. All other customarily used exterior siding shall extend to the ground, except when a solid concrete or masonry perimeter foundation is used, then the exterior covering material need not extend below the top of the foundation.~~
- ~~2. Roof design and materials. All sloped roof shall have an eave overhang of a minimum of one foot. Flat roofs shall have a minimum one foot high parapet.~~
- ~~3. Foundations. Single family dwelling shall be placed on a permanent foundation in compliance with the City's Building Code.~~
- ~~4. Minimum size. All new single family dwellings shall have a minimum area of 1,000 square feet.~~

~~B. Residential Infill Development.~~ ~~Consistent with Land Use Policies LU-3.1 and LU 20.9, housing built within an existing neighborhood should be compatible in scale and in character with that neighborhood. Where neighborhoods are primarily single story, two-story housing may be permitted but should be designed to respect the privacy of surrounding residences. All multifamily development and large group living facilities~~

~~should be compatible with nearby, lower density development. Accordingly, residential infill projects should be designed to incorporate the following design standards:~~

- ~~1. Architectural Character. New buildings should respect existing buildings where they contribute to neighborhood architectural character, in terms of size, spacing, and variety.~~
- ~~2. Privacy and Solar Access. New buildings should be designed to respect the privacy and solar access of neighboring buildings and outdoor areas, particularly where multi-story buildings or additions may overlook backyards of adjacent dwellings.~~
- ~~3. Compatible Color and Materials. New buildings should employ a palette of building materials and colors that complements existing development where they contribute to neighborhood architectural character.~~
- ~~4. Building Height. The height of residential infill projects should be consistent with that of surrounding residential structures, and incorporate features to protect existing views and privacy where reasonable. Where greater height is desired, an infill structure should set back the upper floors from the edge of the first story to reduce impacts on adjacent properties.~~

~~**G. Qualities desired in residential development.** Consistent with Land Use Policy LU-20.8, residential projects should provide the following design standards:~~

- ~~1. Privacy, for occupants and neighbors of the project;~~
- ~~2. Adequate usable outdoor area, sheltered from noise and prevailing winds, and oriented to receive light and sunshine;~~
- ~~3. Use of natural ventilation, sunlight, and shade to make indoor and outdoor spaces comfortable with minimum mechanical support;~~
- ~~4. Pleasant views from and toward the project;~~
- ~~5. Security and safety;~~
- ~~6. Separate paths for vehicles and for people, and bike paths along collector streets;~~
- ~~7. Adequate parking and storage space;~~
- ~~8. Noise and visual separation from adjacent roads and commercial uses; and~~
- ~~9. Design elements that facilitate neighborhood interaction, such as front porches, front yards along streets, entryways facing public walkways, and building design and orientation to minimize the prominence of the garage door.~~

~~**D-A. Hillside Development Standards.**~~ Hillside development standards apply to undeveloped or redeveloped lots with average slopes that exceed 10% and shall comply with the following standards:

- ~~1. Keep a low profile and~~ New development shall conform to the natural slopes and not exceed 25 feet in height.

2. Avoid large, continuous walls or roof surfaces, or prominent foundation walls, poles, or columns.
3. Minimize grading of roads.
4. Minimize grading on individual lots.
- ~~5. Locate dwellings close to the street; minimize the grading of visible driveways.~~
- ~~6. Include planting which is compatible with native hillside vegetation and provides a visual transition from developed to open areas.~~
- ~~7.~~ 5. Use materials, colors, and textures which blend with the natural landscape and avoid high contrasts.
- ~~8.~~ 6. Minimize exterior lighting and comply with International Dark-Sky Association Standards.

~~E-B.~~ CPR1 Development Standards. The following standards shall apply to all development in the CPR1 zone:

1. Lots with a slope of 25% or greater shall not be developed. Lots with a slope between 10% and 25% may be developed if the development incorporates specific measures to minimize grading and drainage systems which limit the rate of runoff, including siltation and erosion, to that which occurs naturally on the undeveloped site.
2. Prior to the approval of a Coastal Development Permit, the applicant shall submit a runoff control plan designed by a licensed engineer qualified in hydrology and hydraulics, which would assure no increase in peak runoff rate from developed site over the greatest discharge expected from the existing undeveloped site as a result of a 100 year frequency storm. Runoff control shall be accomplished by such means as on-site detention/desiltation basins or other devices. Energy dissipating measures at the terminus of outflow drains shall be constructed. The runoff control plan including supporting calculations shall be in accordance with the latest adopted City Standards and approved by the Public Works Director.
3. All permanent erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities and shall be permanently maintained. Periodic monitoring of said devices shall be carried out by the City.
4. All grading activities for roads, future building pads, utilities and installation of erosion and sedimentation devices shall be prohibited during September 30 through May 1. Prior to commencement of any grading activity, the applicant shall submit a grading schedule which indicates that grading will be completed within the permitted time frame designated in this condition and that any variation from the schedule shall be promptly reported to the Community Development Department.
5. All areas disturbed by grading shall be planted prior to October 45th with temporary or permanent (as in the case of finished slopes) erosion control vegetation. Vegetative cover must be established by November 1 of each year.

Said planting shall be accomplished under the supervision of a licensed landscape architect or landscape contractor and shall consist of seeding, mulching, fertilization and irrigation adequate to provide 90% coverage within 90 days. Planting shall be repeated if the required level of coverage is not established. This requirement shall apply to all disturbed soils including stockpiles, and to all building pads.

6. Prior to approval of a Coastal Development Permit, a landscape plan shall be submitted in compliance with Section 3.30 (Landscaping Standards).
7. Moderate Soil Limitations: Cut and fill slopes on areas under 20% slope shall not be over 4:1 slope and four feet high, compacted (if fill), with straw mulch broadcast and rolled at 3,000 pounds per acre, and seeded with a grass and native shrub seed mixture generally having the following basic ratio of components:

Native woody shrubs--6 lbs/acre

Native herbaceous annuals and perennials--15 lbs/acre

Native grasses--60 lbs/acre

Wood fiber mulch with soil binder--1,500 lbs/acre

Fertilizer--150 lbs/acre

Low Soil Limitations: Cut and fill slopes on areas under 10% slope shall not exceed 3:1 slope and four feet in height. Disturbed soil shall be hydroseeded (no straw mulch needed) with the seed mixture as recommended above, except additional wood fiber shall be incorporated at a minimum of 2,000 lbs/acre.

8. Temporary dust controls shall be employed during construction. Watering down methods used to control dust shall not erode the soil. Downhill cut or fill areas shall be lined with straw bales to control erosion from runoff. Where exposed soil conditions exist within the landscaped and irrigated portions of the sites near dwellings, slopes shall be planted with ground cover netting to retain soil. Plant materials shall be selected, sized and spaced to achieve total soil surface coverage in one year with irrigation provided. Trees and shrubs having fibrous root systems shall be used. Any of the mulch and seed mitigation measures described in Subsection 7 may be used instead of erosion control netting.
9. Multi-level construction designs should be used to reduce required grading.
10. A combination of slopes and low retaining walls should be used to reduce grading.
11. Pier or post and beam type construction should be used for sites in excess of 15 percent cross slope. Under structure areas shall be screened as required by the Review Authority.
12. Areas of significant natural vegetation should be protected and enhanced where feasible.

13. Native plant material shall be the major theme in all landscape designs.
14. Roads, driveways, and structures shall be sited and designed to prevent impacts which would significantly degrade the adjacent environmentally sensitive area.
15. Reasonable mitigation to protect Archaeological or Paleontological resources shall be required.

B. ~~Demolition of Residential Structures.~~ ~~Housing that provides living accommodations for low- and moderate-income households shall not be demolished, consistent with Housing Element Program 5.2.1, unless any of the following criteria apply:~~

1. ~~It is necessary to demolish the structure for health and safety reasons, as evidenced by the determination of the Building Official that it is substandard (in accordance with the criteria set forth in Chapter 10 of the Uniform Housing Code as amended from time to time) and the cost of remediating the code violations would:~~
 - a. ~~Result in housing that is not affordable to low- and moderate-income households; or~~
 - b. ~~Exceed 50 percent of the assessed value of the structure in its present condition.~~
2. ~~It is necessary to carry out a public project that would improve coastal access.~~
3. ~~The dwelling to be demolished is owner occupied.~~
4. ~~The dwelling to be demolished is a non-conforming use.~~
5. ~~The unit to be demolished shall be replaced with a rental unit available to low- or moderate-income households.~~

~~2.20.060 — Second-Story Roof Decks~~

A. ~~Purpose.~~ ~~This Section provides development and design standards for new construction, additions, or remodels with second-story roof decks in the R1, CPR1 and CR1 zones.~~

B. ~~Permit requirements.~~ ~~A Development Permit shall be approved by the Commission to ensure compliance with this Section.~~

C. ~~Development Standards.~~

1. ~~Side Yard Setback.~~ ~~The second-story roof deck shall be set back a minimum of three feet from the floor located directly below as shown in Figure 2.1. An exception to this standard may be approved by the Commission if the applicant provides a cross section of the site demonstrating that view corridors are eliminated into single-story windows of the adjoining property. The cross section~~

shall include the adjoining residence, property line fencing, and assume a five foot setback from the property line.

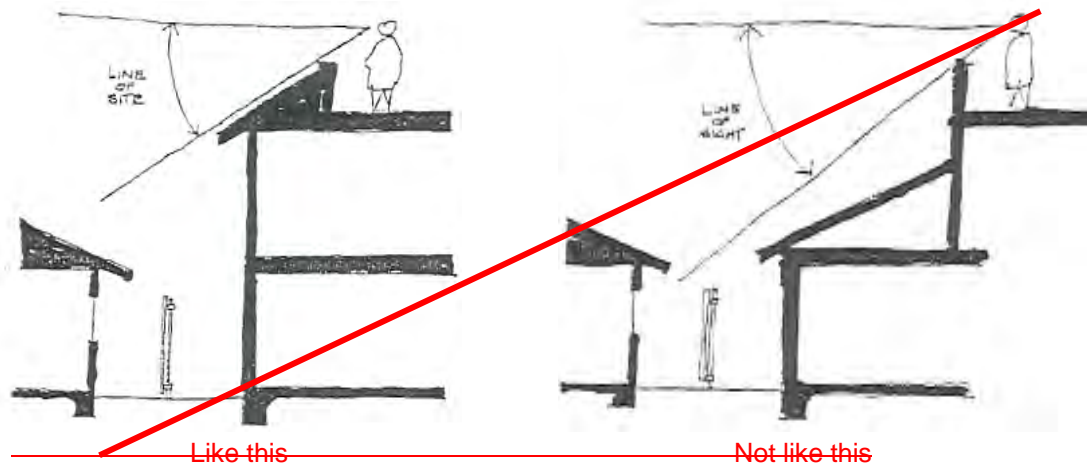
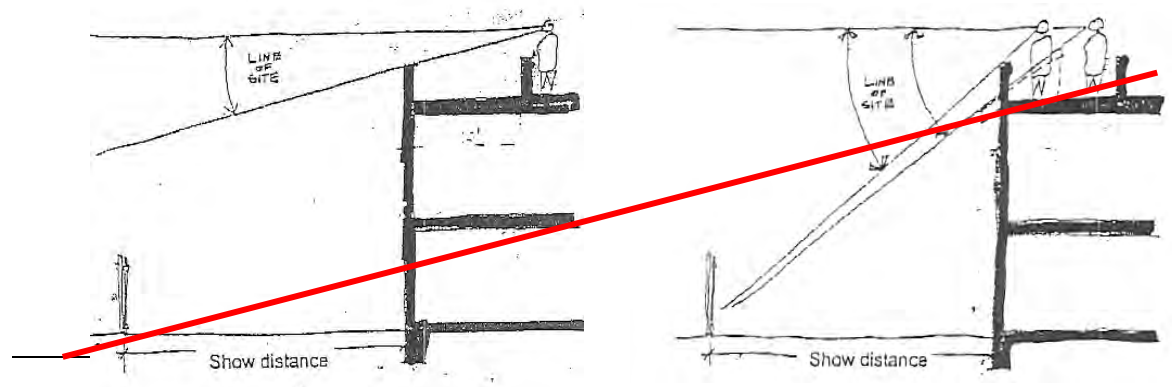


Figure 2.1

2. ~~Rear Yard Setback. The second-story roof deck shall be set back a minimum of three feet from the floor located directly below as shown in Figure 2.2. An exception to this standard may be approved by the Commission if the applicant provides a cross section of the site demonstrating that view corridors are eliminated into adjoining rear yards. The cross section shall include the adjoining rear yard and property line fencing.~~



————— Like this ————— Not like this

Figure 2.2

~~D. **Design Criteria for Second-Story Roof Deck Access.** The access to and stairway design shall be an integral component of the structure and shall not be a dominant feature.~~

~~E. **Utilization and Furnishing of Second-Story Roof Deck.** The intent of this Section is to limit the height of furnishings and utilization of the second-story roof deck. It is also the intent of this Section to limit the possible obstruction of views from adjacent properties. Therefore, furnishings shall not exceed the maximum height allowed in the zone.~~

~~F. **Lighting.** Lighting for the second-story roof deck and its access shall be designed to prevent excess lighting from flooding onto adjoining properties. Prior to building permit issuance, the applicant shall provide a lighting plan to demonstrate compliance with the requirement.~~

~~G. **Required findings.** The approval of the Development Permit for a second-story roof deck shall require the Review Authority make the following finding, in addition to those required for the Development Permit approval (Section 6.20.060)~~

- ~~1. The project design will maintain privacy into the single-story windows located in the adjoining side yard.~~
- ~~2. The project design will maintain privacy into the adjoining rear yards.~~

2.30 Commercial Zones

Sections:

- 2.30.010 - Purpose
- 2.30.020 - Purpose of the Commercial Zones
- 2.30.030 - Commercial Zones Allowable Land Uses and Permit Requirements
- 2.30.040 - Commercial Zones Development Standards
- 2.30.050 - Commercial Zones Design Standards

2.30.010 Purpose

This Chapter lists the commercial zones as established by Section 2.10.020 (Official Zoning Map and Zones) and establishes the types of land uses permitted and development standards in each commercial zone.

2.30.020 Purpose of the Commercial Zones

- A. **Central Business Zone (CB).** The Central Business (CB) Zone applies to the downtown core of the City and encourages higher-intensity, pedestrian-oriented development. The provisions of this Zone allow for a mix of retail, commercial services, restaurants, entertainment, civic, office, and residential uses. The CB Zone encourages active evening uses and street life.
- B. **Central Business-Open Zone (CBO).** The Central Business-Open (CBO) Zone applies to transition areas between the higher intensity commercial nodes along West Grand Avenue. The provisions of this Zone allows for a mixture of commercial, office and residential uses, while also allowing for the integration of first floor residential and development that is all residential.
- C. **Neighborhood Commercial Zone (NC).** The Neighborhood Commercial (NC) Zone applies to areas of the City appropriate for neighborhood-serving uses adjacent to residential neighborhoods. The provisions of this Zone are intended to ensure that development is smaller scale and compatible with adjacent residential areas. Appropriate uses include retail, commercial services, personal services, and offices.
- D. ~~**Office Professional Zone (OP).** The Office Professional (OP) Zone applies to areas of the City appropriate for professional and general offices that serve as a transition to surrounding residential areas. The provisions of this Zone are intended to ensure that development is compatible with adjacent residential areas.~~
- E. Retail Commercial Zone (RC).** The Retail Commercial Zone (RC) applies to areas of the City appropriate for auto-centric services and amenities serving the community and area residents. The provisions of this Zone allow for larger-scale retail that may be inappropriate or infeasible in other areas of the City. The area located near Highway 101 is intended to accommodate highway-oriented visitor serving uses such as hotels, motels, restaurants and service stations. In some instances, residential

uses ranging from six to nine dwelling units per acre may be appropriate to provide a transition area to surrounding residential areas.

~~F.~~ E. Visitor Serving Zone (VS). The Visitor Serving (VS) Zone applies to areas of the City appropriate for pedestrian oriented commercial development near the beachfront and encourages active evening uses and street life. Appropriate uses include lodging, restaurants, recreational uses, and retail and commercial services primarily for the convenience of visitors.

~~G.~~ F. Coastal Visitor Serving Zone (CVS). The Coastal Visitor Serving (CVS) Zone applies to areas of the City appropriate for pedestrian oriented commercial development near the beachfront and encourages active evening uses and street life. Appropriate uses include lodging, restaurants, recreational uses, and retail and commercial services primarily for the convenience of visitors. The provisions of this Zone do not allow residential uses west of the Union Pacific Railroad tracks. All development shall be consistent with the City's Local Coastal Program.

~~H.~~ G. Coastal Commercial Zone (CC). The Coastal Commercial Zone (CC) applies to a unique area of the City generally located between Front and Beckett Streets, south of Atlantic City Avenue, which contains a mixture of industrial, commercial and residential uses. Appropriate new uses for the area include visitor serving uses, commercial services, personal services, office, live/work, mixed-use, and adaptive reuse. In addition, artisan manufacturing is encouraged where items such as pottery, jewelry, crafts, food and winemaking are sold on-site. All development shall be consistent with the City's Local Coastal Program.

2.30.030 Commercial Zones Allowable Land Uses and Permit Requirements

Land Use	CB	CBO	NC	OP	RC	VS/ CVS ¹	CC ¹	Specific Use Regulations
Manufacturing Uses								
High Technology Uses	P ⁴	P ⁴	--	--	--	P ⁴	P	
Manufacturing - Artisan	--	--	--	--	--	--	UP	Section 3.10.020
Recreation, Education & Public Assembly								
Commercial Recreation Facility - Indoor								
≤ 3,000 sf	UP	UP	UP	--	UP	UP	UP	
> 3,000 sf	UP	UP	--	--	UP	UP	UP	
Commercial Recreation Facility – Outdoor and Indoors	--	--	--	--	--	UP	UP	
Health/Fitness Facility	AUP⁴	AUP	AUP	--	AUP	AUP⁴	AUP	
<u>≤ 3,000 sf</u>	P	P	P		P	UP⁴	UP	Section 4.10.135
<u>≥ 3,000 sf</u>	UP	UP	UP		UP	UP⁴	UP	
Meeting Facility, Public or Private								
≤ 3,000 sf	--	AUP P	AUP P	AUP	AUP P	AUP P	AUP UP	
> 3,000 sf	--	UP P	UP P	UP	UP P	UP	UP	
Park, Playground (Public)	P	P	P	P	P	P	P	
Public or Quasi-Public Facility	UP	UP	UP	UP	UP	UP	UP	
Recreational Vehicle Park	--	--	--	--	--	UP	--	
Specialized Education/Training	--	UP	--	--	UP	--	UP	
Studio – Art, Dance, Martial Arts	AUP⁴	AUP	AUP	--	AUP	AUP⁴	AUP	
<u>≤ 3,000 sf</u>	P	P	P		P	UP	UP	Section 4.10.135
<u>≥ 3,000 sf</u>	UP	UP	UP		UP	UP	UP	
Residential								
Accessory Dwelling Unit	P	P	P		P	P	P	Only in conjunction with a permitted or existing residential use. Section 4.10.015 applies.
Communal Housing	P	UP	P		P	P	P	
Home Occupation	P	P	P	P	P	P	P	Section 6.20.070
Live/Work Unit	--	UP	UP	UP	--	--	UP	Section 4.10.090
Low Barrier Navigation Center	P	P	P		P	P	P	Section 4.10.095
Mixed-Use Project	UP	UP	UP	UP	UP	UP ²	UP	Section 4.10.110 Section 4.25.040 Section 4.25.050
Multi-Family Unit Attached Dwelling	--	UP P	--	--	--	--	--	Section 2.30.040 , Section 4.25.040 , Section 4.25.050

Land Use	CB	CBO	NC	OP	RC	VS/ CVS ¹	CC ¹	Specific Use Regulations
Residential Care Facility for the Elderly	UP ⁴	UP	--	--	--	--	--	
Senior Housing	UP ⁴ <u>P</u> ⁴	UP <u>P</u>	--	--	--	--	--	Section 4.10.180
Short-Term Rental	P	P	P	P	P	P	P	Section 4.10.185
Single Room Occupancy Facility	--	UP	--	--	--	--	--	Section 4.10.200
Transitional & Supportive Housing	P	P	P	P	P	P ²	P	
Retail								
Adult Business	--	--	--	--	UP	--	--	Section 4.20
Automobile Service Station	--	--	--	--	UP	--	--	
Bar/Tavern/Night Club	UP	UP	--	--	UP	UP	--	
Building/Landscape Materials, Indoor	P	P	--	--	P	--	--	
Building/Landscape Materials, Outdoor	--	UP	--	--	UP	--	--	
General Retail, except the following:	P	P	P	AUP	P	P	P	
Alcoholic Beverage Sales	UP	UP	UP	--	UP	UP	--	
Drive-thru	--	--	--	--	UP	--	--	
Floor area (single tenant over 5,000 square feet)	P	P	--	--	P	P	P	
Operating between 10:00 p.m. and 7:00 a.m.	AUP <u>U</u> <u>P</u>	AUP <u>U</u> <u>P</u>	--	--	AUP <u>U</u> <u>P</u>	AUP <u>U</u> <u>P</u>	AUP <u>U</u> <u>P</u>	
Resale Stores	P	P	P	AUP	P	P	P	Section 4.10.160
Thrift Store	AUP <u>P</u>	AUP <u>P</u>	AUP <u>P</u>	-	AUP <u>P</u>	--	--	Section 4.10.210
Plant Nursery	AUP <u>P</u>	AUP <u>P</u>	--	--	AUP <u>P</u>	AUP <u>P</u>	AUP <u>P</u>	
Mobile Vendors	P	P	P	P	P	P	P	Section 4.10.115
Restaurant	P	P	P	AUP	P	P	AUP <u>U</u>	
Drive-thru	--	--	--	--	UP	--	--	
Live Entertainment	P	P	P	P	P	P	AUP <u>U</u>	Section 4.10.080
Sidewalk Seating	P	P	--	--	--	P	--	Section 4.10.190
Vehicle Sales	--	--	--	--	UP	--	--	
Wine Tasting	P	P	--	--	--	P	P	
Services								
Animal Care Facility	--	AUP <u>U</u>	AUP <u>U</u>	--	AUP <u>U</u>	--	AUP <u>U</u>	
Automated Teller Machine (ATM)	P	P	AUP <u>P</u>	AUP	P	P	P	
Business Support Services	P	P	P	P	P	--	P	
Child Day Care - Day Care Center	P <u>P</u>	UP <u>P</u>	UP <u>P</u>	UP	UP <u>P</u>	P <u>P</u>	UP <u>P</u>	Section 4.10.070
Equipment Rental	--	--	--	--	UP	--	--	
Financial Institutions	P	P	--	--	P	--	--	
Lodging	UP	UP	--	--	UP ³	UP	UP	

Table 2.4. Commercial Zones Allowable Land Uses and Permit Requirements ⁸								
Land Use	CB	CBO	NC	OP	RC	VS/ CVS ¹	CC ¹	Specific Use Regulations
Massage Establishments	P ⁴	P	P	P	P	P ⁴	P	Section 4.10.100
Medical Services - Clinic /Urgent Care	--	UP	--	UP	UP	--	--	
Medical Services - Doctor Office	P	P	P	P	P	--	AUP UP	
Medical Services - Extended Care	--	UP ⁴	--	UP	UP	--	--	
Office – Business/Service	P	P	P	P	P	P ⁴	P	
Office - Professional	P	P	P	P	P	P ⁴	P	
Office – Visitor Serving	--	--	--	--	--	P	P	
Personal Services	P	P	P	P	P	P	AUP UP	
Personal Services -Restricted	--	--	--	--	UP	--	--	
Repair Services – Small Equipment	--	P	P	--	P	--	--	
Recycling – Reverse Vending Machines	--	P	--	--	P	--	--	Section 4.10.150
Recycling – Small Collection Facility	--	P	--	--	P	--	--	Section 4.10.150
Vehicle Rental	--	AUP UP	--	--	AUP UP	AUP UP ⁵	AUP UP ⁵	Section 2.30.050
Vehicle Repair & Services	--	--	--	--	UP	--	--	
Transportation & Infrastructure								
Parking Facility	UP	UP	UP	UP	UP	UP	UP	
Telecommunication Facility	UP	UP	UP	UP	UP	UP ⁶	UP	Section 4.40
End Note 1. Projects located in the Coastal Zone may require a Coastal Development Permit (See Section 6.20.040). <u>1. Permits Required. All uses identified as permitted or "P" require approval of one or more of the following development applications (as well as a building permit if a new or modified structure is involved):</u> a. <u>Development Permit (Section 6.20.060);</u> b. <u>Administrative Development Permit (Section 6.20.020);</u> c. <u>Coastal Development Permit (Section 6.20.040); and/or</u> d. <u>Zoning Clearance (Section 6.20.110)</u> 2. Use not allowed west of the Union Pacific Railroad tracks or on APN 060-011-036. 3. Use not allowed on West Grand Avenue. 4. Permitted above or behind ground floor commercial uses <u>with frontage on</u> West Grand Avenue. 5. Permitted if visitor-serving (e.g., automobiles or beach related vehicles). No moving trucks. 6. Telecommunication facilities are prohibited west of Highway 1, unless they are not visible from public viewing areas, meet the standards of Section 4.40.030.A.1, or such a prohibition would result in a conflict with Federal Law. (Am. Ord 14-4) <u>7. Live/Work units only allowed in the CVS zone on lots 7,500 square feet or less and not fronting West Grand Avenue, Highway 1, or 4th Street.</u>								
Legend P Permitted Use AUP Administrative Use Permit Required UP Use Permit Required -- Use Not Allowed								

2.30.040 Commercial Zones Development Standards

Table 2.5. Commercial Zones Development Standards							
	CB/ CBO	NC	OP	RC	VS/ CVS	CC	Specific Regulations
Building Placement Requirements							
Setbacks ¹							
Front and Street Side	0'	20'	0'	0'	0'	10'	Section 3.10.070
Side	0'	0'	0'	0'	0'	0'	Section 3.10.070
Adjacent to Residential Zone	105'	10'	10'	10'	105'	10'	
Rear	0'	0'	0'	0'	0'	0'	Section 3.10.070
Adjacent to Residential Zone	10'	10'	10'	10'	10'	10'	
Building Form Requirements							
Building Height (max.)	55'40' ¹⁴	320'	40'	40'	55'240' ¹⁴	25'	Section 3.10.030
Coverage (max.)	100%	75%	75%	50%	100% ²	75%	Section 3.10.035
Density Requirements							
Residential Density (units/acre) ⁴	20	9	20	9	20	9	For fractional density, see Section 3.10.025
FAR (max.)	3.0	0.75	1.0	0.5	3.0	1.5	
Lot Requirements							
Lot size (minimum square feet)	5,000	5,000	5,000	10,000	10,000	10,000	
Lot Width (min.)	50' ³	50'	50'	100' ^{60'}	100' ^{60'}	50'	
Other Requirements							
Landscaping (minimum)	5%	10%	10%	10%	10%	540%	Section 3.30
Fences and Screening	See Section 3.10.020; Section 3.10.065						
Parking	See Section 3.50						
Signs	See Section 3.60						
End Note							
1. Maximum building height is 50 feet for properties at the corner of West Grand Avenue and 4th Street, and on West Grand Avenue in the Central Business zone.							
2. Seventy-five foot minimum lot width and 100 foot minimum lot depth for ground floor residential uses facing West Grand Avenue in the CBO.							
3. All Development Standards are maximums/minimums and may be reduced/increased depending on the individual project specifications in order to comply with adopted policies in the General Plan, Local Coastal Program and all other City Council adopted policies. (Am. Ord. 14-04)							
1. In all cases, a garage in which the garage doors face the street or, in the case of a carport, the rear edge of a carport, shall be set back a minimum of 18 feet from a street property line.							
2. In the CVS zone west of Highway 1, maximum building height is 40 feet and the maximum lot coverage is 60 percent.							
3. In the CB-O Zone, ground floor residential uses facing West Grand Avenue shall have 75 feet minimum lot width and 100 feet minimum lot depth.							
4. "Gross Acreage" shall be defined as the entire area of a lot measured to the center line of the street and including all rights of way or easements granted to the City or other public agencies.							

2.30.050 Commercial Zones Design Standards

- A. Mixed-Use and Residential Projects. All mixed-use and residential projects in commercial zones shall comply with design standards and regulations in Section 4.25 (Residential and Mixed-Use Objective Design Standards).
- B. Performance standards for all projects.
 - 1. All roads, parking lots, and structures shall be sited and designed to prevent impacts that would degrade any adjacent environmentally sensitive area, as defined by the General Plan, Local Coastal Program and/or State and federal laws.
 - 2. Drainage systems shall be designed to ensure that all silts and oils are removed prior to the water entering a natural drainage channel or otherwise designed to comply with National Pollutant Discharge Elimination Systems requirements..
 - 3. Areas of significant natural vegetation shall be protected and enhanced.
- C. **West Grand Avenue Master Plan.** The City has adopted the West Grand Avenue Master Plan to serve as guidelines for site planning and architectural design. The regulations in the West Grand Avenue Master Plan apply only to non-residential development and any mixed-use project in which a residential component accounts for one-third or less of the overall floor area of a development project. Applicants ~~are highly encouraged to~~ shall review the Master Plan ~~and to~~ understand the City's vision for the West Grand Avenue corridor. Development ~~should~~ shall be consistent with the Master Plan guidelines, ~~as long as~~ to the extent to which they are consistent with the provisions of the Local Coastal Program. (Am. Ord. 14-04)
- D. ~~Building Placement.~~ In the CVS, VS, CBO and CB zones, buildings facing the street, especially on West Grand Avenue, should be placed at the back of sidewalk with adequate space between the curb and the building to accommodate pedestrian walkways, street furniture (e.g., seating, lighting, landscaping, public art), and for outdoor dining and gathering. Edge Conditions (Nonresidential/Residential Zone Interface)
 - 1. Landscaping. Where a project abuts a residential zone, a minimum of five feet of dense landscaping shall be planted adjacent to the residential zone. Wall standards of Section 3.10.065.A (Screening between nonresidential and residential zones) shall also apply.
 - 2. Upper Story Setbacks.
 - a. Where a rear or side property line abuts a residential zone, buildings in the commercial zone shall not intercept a 45-degree daylight plane inclined inward

from 15 feet above existing grade at the property line of the parcel adjacent to the residential zone boundary line.

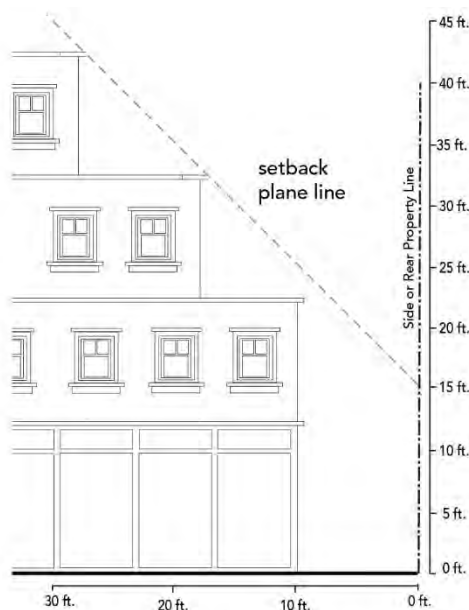


Figure 2.3 – Commercial/Residential Zone Edge Conditions

b. Where a commercially zoned property's front property line abuts a residential zone (across the street), buildings in the commercial zone shall not exceed 35 feet for a depth of 25 feet, as measured from the front property line.

E. **Design Standards for all commercial zones.** Nonresidential projects within commercial zones shall comply with the following design standards:

1. Storage and Service Areas. All service areas ~~(e.g., vehicle rental uses)~~, vehicle outdoor storage areas, outdoor work areas and loading areas shall be located at the sides and rear of buildings and screened from public view in compliance with Section 3.10.020 (Fences and Walls), ~~and~~ Section 3.10.065 (Screening).
2. Equipment. All ground mounted, building mounted, and roof mounted equipment, except for solar collection systems, shall be screened ed in compliance with Section ~~3.10.020 (Fences, Walls, and~~ 3.10.065 (Screening).
3. Trash Enclosures. All trash and recycling storage areas shall ~~be enclosed by a decorative masonry wall or other solid materials that is architecturally compatible with the building architecture. Gates shall be durable and solid and continuously maintained in working order.~~ comply with Section 3.10.075 (Trash Enclosures).
4. Driveway Entry. Decorative materials such as pavers or scored or colored concrete shall be required at driveway entries, for the full driveway width, from the back of sidewalk for a depth of at least five feet.

F. Design standards for natural resources as amenities.

1. New public or private developments adjacent to creeks, oak woodlands and wetlands as identified in the General Plan, Local Coastal Program, and/or by State and federal laws, must ~~respect the natural environment and~~ incorporate the natural features as project amenities, ~~provided doing so in a way that protects the resources and~~ does not diminish ~~natural~~ values as habitat, flood control, and groundwater cleansing and recharge.
2. To the extent appropriate nexus findings can be made, ~~D~~ developments along creeks ~~should~~ will include public access across the development site to the creek and along the creek, provided that wildlife habitat, public safety, and reasonable privacy and security of the development can be maintained.
3. Within the Coastal Zone, Environmentally Sensitive Habitat Areas (ESHA) shall be protected against any significant destruction of habitat values and only uses dependent on those resources shall be allowed within those areas. ESHA shall ~~be buffered by a minimum~~ require a 50-foot ~~setback. (Am. Ord. 14-04)~~ buffer on both sides of the creek as measured from the highest creek bank or designated/regulated floodway.

G. Design standards for the area west of Highway 1.

1. All development in this area shall be sited and designed to protect existing view slots or corridors from Highway 1 and upland areas to the dunes and shoreline.
2. All development in this area shall be sited and designed to enhance or create new view slots from Highway 1 to the dunes and shoreline.
3. All development be sited and designed to protect and enhance the filtration capabilities of Meadow Creek where feasible.
4. Reasonable mitigation measures shall be required to protect archaeological or paleontological resources.
5. Native plant material shall be the major theme in all landscape designs.
6. All roads, parking lots, and structures shall be sited and designed to prevent impacts which would significantly degrade the adjacent environmentally sensitive area.
7. The architectural theme of development in this area shall generally follow the criteria set forth in any adopted Architectural Design Guidelines and additionally said architectural theme shall be compatible and complimentary to the existing natural vegetation and land forms. The architecture and site design shall include the following characteristics, in order to reduce massing and reduce the sense of verticalness of structures:
 - a. Use of structural, architectural design elements (i.e., corridors, heavy beams, posts, arches, columns, colonnades, canopies, cornices, etc.).

- b. Strong textured look, using woods, tiles, pavers, stuccos, stones, blocks and bricks, colors, plant material, recesses, etc.
 - c. Strong feeling or overhead treatment such as roof overhangs, balconies, or dark facias.
 - d. Earthen colors. Colors with warm, natural tones. Colors range from whites, yellows, browns, clays, slates, etc.
 - e. Wall relief (graphic, three dimensional design, landscaping, heavy textured stucco, wood tiles, etc.).
 - f. Strong window statement (treatment of frame, mullions, border, etc.).
8. The minimum distance separating buildings shall be equal to the sum of the height of any two adjacent buildings divided by two, but in no case less than 10 feet between buildings.
 9. Drainage systems shall be designed to ensure that all silts and oils are removed prior to the water entering a natural drainage channel.
 10. Areas of significant natural vegetation shall be protected and enhanced where feasible.
 11. The existing habitat value of Meadow Creek shall be protected and enhanced by the use of buffer zones, additional native landscaping, and sediment/oil control devices and with controlled and limited pedestrian access to buffer zone areas. ~~The minimum buffer zone shall be 50 feet from Meadow Creek.~~ A 50-foot buffer on both sides of the creek shall be required as measured from the highest creek bank or designated/regulated floodway.
 12. The maximum allowable coverage for any project shall be 60 percent. The remaining 40 percent shall be landscaped and/or natural open areas.
 13. Hotel/motel/lodge type developments shall have a maximum density of 20 rooms/acre south of Le Sage Drive and a maximum density of 10 rooms/acre north of Le Sage Drive.
 14. All development in this area shall be required to maintain or enhance public access to and along the shoreline based on the development's impact on public access.

2.40 Industrial Zones

Sections:

- 2.40.010 - Purpose
- 2.40.020 - Purpose of the Industrial Zones
- 2.40.030 - Industrial Zones Allowable Land Uses and Permit Requirements
- 2.40.040 - Industrial Zones Development Standards
- 2.40.050 - Industrial Zones Miscellaneous Requirements

2.40.010 Purpose

This Chapter lists the industrial zones as established by Section 2.10.020 (Official Zoning Map and Zones), and establishes the types of land uses permitted and development standards in each industrial zone.

2.40.020 Purpose of the Industrial Zones

- A. **Industrial Zone (I).** The Industrial Zone applies to areas of the City appropriate for light, medium and heavy manufacturing and assembly, industrial parks, warehouses, commercial cannabis uses, and similar and compatible uses. The area is also appropriate for smaller service businesses such as contractor's yards, vehicle repair and storage, and material sales and supplies. Live-work may be appropriate when compatible with surrounding uses.
- B. **Coastal Industrial Zone (CI).** The Coastal Industrial Zone applies to areas of the City appropriate for light and medium manufacturing and assembly, industrial parks, warehouses, commercial cannabis uses, and similar and compatible uses. The area is also appropriate for smaller service businesses such as contractor's yards, vehicle repair and storage, and material sales and supplies. Live-work may be appropriate when compatible with surrounding uses. All development shall be consistent with the City's Local Coastal Program.
- C. **Coastal Industrial Commercial Zone (CIC).** The Coastal Industrial Commercial Zone applies to the area adjacent to the Coastal Commercial Zone. The area is appropriate for technology businesses, custom and light manufacturing and assembly, commercial cannabis uses, and similar and compatible uses where all operations are conducted within the building. The area is also appropriate for office uses, live-work, recreational uses and similar and compatible uses. All development shall be consistent with the City's Local Coastal Program.

2.40.030 Industrial Zones Allowable Land Uses and Permit Requirements

Table 2.6. Industrial Zones Allowable Land Uses and Permit Requirements ¹				
Land Use	CI ¹	CIC ¹	I	Specific Use Regulations
Industry, Manufacturing & Processing				
High Technology Uses	P	P	P	
Manufacturing, Artisan	P	P	P	Section 4.10.130
Manufacturing/Processing, Heavy	--	--	UP	Section 4.10.130
Manufacturing/Processing, Light	P	P	P	Section 4.10.130
Manufacturing/Processing, Medium	UP	--	UP	Section 4.10.130
Media Production	P	P	P	
Commercial Cannabis Activity & Uses	UP	UP	UP	Section 4.10.045
Printing and Publishing	P	P	P	
Recycling – Processing Facilities	--	--	UP	Section 4.10.150
Storage – Warehouse	P	P	P	
Storage – Outdoor	UP	--	UP	Section 4.10.130
Storage – Personal Storage Facility	P	--	P	Section 4.10.140
Storage - Vehicles	UP	--	UP	Section 4.10.130
Wholesaling & Distribution	P	P	P	
Recreation, Education & Public Assembly				
Commercial Recreation Facility – Indoor	UP	UP	UP	
Commercial Recreation Facility – Outdoor	UP	UP --	UP	
Health/Fitness Facility	AUP UP	AUP UP	AUP UP	Section 4.10.135
Meeting Facility, public or private	UP	UP	UP	
≤ 3,000-sf	AUP	AUP	AUP	
> 3,000-sf	UP	UP	UP	
Studio – Art, Dance, Martial Arts	AUP UP	AUP UP	AUP UP	Section 4.10.135
Public or Quasi-Public Facility	UP	UP	UP	
Specialized Education/Training	UP	UP	UP	
Residential				
Caretaker's Residence	AUP P	AUP P	AUP P	Section 4.10.050
Home Occupation	P	-- P	P	Section 6.20.070
Live/work Unit	UP	UP	UP	Section 4.10.090
Low Barrier Navigation Center	P	--	P	Section 4.10.095
Mixed-Use Project	--	UP	--	Section 4.25.040, Section 4.25.050
Short-Term Rental	--	P	--	Section 4.10.185
Transitional & Supportive Housing	P	P	P	
Retail				
Accessory Retail/Service Use	P	P	P	Section 4.10.020

Table 2.6. Industrial Zones Allowable Land Uses and Permit Requirements ¹				
Land Use	CI ⁺	CIC ⁺	I	Specific Use Regulations
Adult Business	UP	--	--	Section 4.20
Automobile Service Station	UP	--	UP	
Building/Landscape Materials, Indoor	P	--	P	
Building/Landscape Materials, Outdoor	UP	--	UP	Section 4.10.130
Fuel Dealer	UP	--	UP	
General Retail	P	P	P	
Mobile Vendors	P	P	P	Section 4.10.115
Plant Nursery	P	--	P	
Restaurant	UP	UP	UP	
Vehicle Sales	P	--	P	
Services				
ATM	P	P	P	
Animal Boarding	AUP <u>P</u>	--	AUP <u>P</u>	
Animal Care Facilities	P	--	P	
Business Support Services	P	P	P	
Catering Service	P	P	P	
Equipment Rental	P	--	P	Section 4.10.130
<u>Lodging</u>	<u>--</u>	<u>UP</u>	<u>--</u>	
Maintenance Service – Client Site Services	P	P <u>UP</u>	P	Section 4.10.130
Medical services – Clinic/Urgent Care	P	--	P	
Mortuary/Funeral Home	UP	--	UP	
Office – Business/Service	P	P	P	
Office – Processing	P	P	P	
Office – Professional	P	P	P	
Recycling – Large Collection Facilities	AUP <u>UP</u>	AUP <u>--</u>	AUP <u>UP</u>	Section 4.10.150
<u>Recycling – Processing Facility</u>	<u>UP</u>	<u>--</u>	<u>UP</u>	<u>Section 4.10.150</u>
Recycling – Reverse Vending Machine	P	P <u>--</u>	P	Section 4.10.150
Recycling – Small Collection Facilities	P	P <u>--</u>	P	Section 4.10.150
Repair Services – Large Equipment	P	--	P	Section 3.10.020 <u>Section 3.10.065; Section 4.10.130</u>
Repair Services – Small Equipment	P	P	P	
Vehicle Rental	P	--	P	
Vehicle Repair & Services	AUP <u>P</u>	--	P	Section 4.10.130
Transportation & Infrastructure				
Freight Terminal	--	--	UP	
Parking Facility	UP	UP	UP	
Telecommunication Facility	UP	UP	UP	Section 4.40

Table 2.6. Industrial Zones Allowable Land Uses and Permit Requirements ¹				
Land Use	CI ¹	CIC ¹	I	Specific Use Regulations
<p>End Note</p> <p>1. Projects located in the Coastal Zone may require a Coastal Development Permit (See Section 6.20.040).</p> <p><u>1. Permits Required. All uses identified as permitted or “P” require approval of one or more of the following development applications (as well as a building permit if a new or modified structure is involved):</u></p> <ul style="list-style-type: none"> a. <u>Development Permit (Section 6.20.060);</u> b. <u>Administrative Development Permit (Section 6.20.020);</u> c. <u>Coastal Development Permit (Section 6.20.040); and/or</u> d. <u>Zoning Clearance (Section 6.20.110)</u> 				
<p>Legend</p> <p>P Permitted Use</p> <p>AUP Administrative Use Permit Required</p> <p>UP Use Permit Required</p> <p>-- Use Not Allowed</p>				

2.40.040 Industrial Zones Development Standards

Table 2.7. Industrial Zones Development Standards			
	CI	CIC	I
Building Placement Requirements			
Setbacks			
Front and Street Side	10'	10'	15'
Adjacent to Residential Zone	15'	NA	15'
Side	0'	0'	0'
Adjacent to Residential Zone	10'	NA	10'
Rear	0'	0'	0'
Adjacent to Residential Zone	10'	NA	10'
Building Form Requirements			
Building Height (max.)	40 35 ' ¹	40 25 '	40' ¹
Coverage (max.)	60 50 % ²	60 50 % ²	60 50 % ²
Density Requirements			
Residential Density (units/acre) – maximum ³	N/A	20	N/A
FAR (max.)	1.0 0.5 ²	1.0 0.5	1.0 0.5 ²
Lot Requirements			
Lot size (min.)	10,000 sf	10,000 sf	20,000 sf
Lot Width (min.)	60'	60'	100'
Lot Depth (min.)	100'	100'	100'
Other Requirements			
Landscaping (min.)	5 40 %	5 40 %	5 40 %
Fences, Walls and Screening	See Section 3.10.020, Section 3.10.065		
Parking	See Section 3.50		
Signs	See Section 3.60		
End Note			
1. Structures that exceed 48 25 feet in height and are located within 100 feet of a residential zone require a Use Permit.			
2. The Review Authority may increase the lot coverage to 100% and/or the FAR to 1.5 if a finding is made that the project will provide a substantial economic benefit to the City and coastal resources are protected consistent with the Local Coastal Program. (Am. Ord. 14-04)			
3. All Development Standards are maximums/minimums and may be reduced/increased depending on the individual project specifications in order to comply with adopted policies in the General Plan, Local Coastal Program and all other City Council adopted policies. (Am. Ord. 14-04)			
3. "Gross Acreage" shall be defined as the entire area of a lot measured to the center line of the street and including all rights of way or easements granted to the City or other public agencies.			

2.40.050 Industrial Zones Miscellaneous Standards

- A. **Design Standards.** All industrial development shall comply with the following standards and the adopted Industrial Design Guidelines:
1. **Building Design.** Buildings visible from a street shall ~~convey an image of high quality through the~~ use exterior building and trim of appropriate durable materials consisting of a minimum of two complementary materials, and quality landscaping with an emphasis on ~~The building entry shall be a focal point with enhanced architectural features.~~ Building elevations visible from a street shall incorporate architectural treatments and/or variations in building setbacks to avoid large unarticulated/monotonous building and roof planes. ~~The placement of buildings to provide plazas and courtyards is encouraged.~~
 2. **Access and Parking.** Site access shall be convenient and easily identifiable. Parking areas ~~should generally~~ shall be located at the sides and rear of buildings to the maximum extent feasible.
 3. **Storage and Service Areas.** All service areas, outdoor storage areas, outdoor work areas and loading areas shall be located at the sides and rear of buildings to the maximum extent feasible and screened from public view in compliance with Section 3.10.065020 (~~Fences, Walls, and~~ Screening).
 4. **Equipment.** All ground mounted, building mounted, and roof mounted equipment, except for solar collection systems, shall be screen in compliance with Section 3.10.065020 (~~Fences, Walls, and~~ Screening).
 5. **Trash Enclosures.** All trash and recycling storage areas shall ~~be enclosed by a decorative masonry wall or other solid materials that is architecturally compatible with the building architecture. Gates shall be durable and solid and continuously maintained in working order~~ comply with Section 3.10.075 (Trash Enclosures).
 6. **Adjacency to Residential Zones.** Where a project abuts a residential zone, a minimum of 10 feet of dense landscaping shall be planted adjacent to the residential zone. Wall standards of Section 3.10.065A. (Screening between nonresidential and residential zones) shall also apply.

2.50 Public Facilities Zone

Sections:

2.50.010 - Purpose

2.50.020 - Public Facilities Zone Allowable Land Uses and Permit Requirements

2.50.030 - Public Facilities Zone Development Standards

2.50.010 Purpose

The Public Facilities Zone as established by Section 2.10.020 (Official Zoning Map and Zones), applies to areas of the City appropriate for government owned facilities, schools and quasi-public uses. This Section establishes the types of land uses permitted and development standards in the zone.

2.50.020 Public Facilities Zone Allowable Land Uses and Permit Requirements

Table 2.8. Public Facilities Zone Allowable Land Uses and Permit Requirements ¹		
Land Use	PF	Specific Use Regulations
Recreation, Education & Public Assembly		
Community Gardens	P	
Park, Playground (Public)	P	
Public or Quasi-Public Facility	UP	
Residential		
Single Family Dwelling¹	UP	
Transportation & Infrastructure		
Parking Facility	P	
Telecommunication Facility	UP	Section 4.40
End Note		
1. Maximum of one dwelling per lot.		
<u>1. Permits Required. All uses identified as permitted or "P" require approval of one or more of the following development applications (as well as a building permit if a new or modified structure is involved):</u>		
a. <u>Development Permit (Section 6.20.060);</u> b. <u>Administrative Development Permit (Section 6.20.020);</u> c. <u>Coastal Development Permit (Section 6.20.040); and/or</u> d. <u>Zoning Clearance (Section 6.20.110)</u>		
Legend		
P	Permitted Use	
UP	Use Permit Required	

2.50.030 Public Facilities Development Standards

Development standards in the Public Facilities Zone shall be determined by the Review Authority as part of the development review process.

2.60 Parks & Recreation Zone

Sections:

- 2.60.010 Purpose
- 2.60.020 Parks & Recreation Zone Allowable Land Uses and Permit Requirements
- 2.60.030 Parks & Recreation Zone Development Standards

2.60.010 Purpose

The Parks & Recreation Zone as established by Section 2.10.020 (Official Zoning Map and Zones) applies to areas of the City appropriate for public parks and recreational uses such as active playing fields, parks and recreational facilities, bicycle and walking trails, and detention facilities that can be used as public parks where appropriate.

2.60.020 Parks & Recreation Zone Allowable Land Uses and Permit Requirements

Table 2.9. Parks & Recreation Zone Allowable Land Uses and Permit Requirements ¹		
Land Use	PR	Specific Use Regulations
Recreation, Education & Public Assembly		
Community Gardens	P	
Park, playground (public)	P	
Public or quasi-public facility	P	
Transportation & Infrastructure		
Parking facility	P	
Telecommunication facility	UP	Section 4.40
<u>End Note</u> <u>1. Permits Required.</u> All uses identified as permitted or "P" require approval of one or more of the following development applications (as well as a building permit if a new or modified structure is involved): <ul style="list-style-type: none"> a. <u>Development Permit (Section 6.20.060);</u> b. <u>Administrative Development Permit (Section 6.20.020);</u> c. <u>Coastal Development Permit (Section 6.20.040); and/or</u> d. <u>Zoning Clearance (Section 6.20.110)</u> 		
Legend P Permitted Use UP Use Permit Required		

2.60.030 Parks & Recreation Zone Development Standards

Development standards in the Parks and Recreation Zone shall be determined by the Review Authority as part of the development review process.

2.70 Open Space Zones

Sections:

- 2.70.010 - Purpose
- 2.70.020 - Purpose of the Open Space
- 2.70.030 - Open Space Zones Allowable Land Uses and Permit Requirements
- 2.70.040 - Open Space Zones Development Standards

2.70.010 Purpose

This Chapter lists the open space zones as established by Section 2.10.020 (Official Zoning Map and Zones), and establishes the types of land uses permitted and development standards in each open space zone.

2.70.020 Purpose of the Open Space Zones

- A. **Open Space Zone (OS).** The Open Space Zone applies to areas of the City appropriate for active and passive recreational uses, preservation of sensitive habitats, flood hazard areas, steep slopes and watershed protection.
- B. **Coastal Open Space Zone (COS).** The Coastal Open Space Zone is designed to protect and preserve sensitive natural areas including but not limited to those containing significant habitat areas, rare or endangered plant and animal species, and erosion-prone lands. Opportunities for educational and scientific study of undisturbed natural environments are encouraged. All development shall be consistent with the City's Local Coastal Program.
- C. **Coastal Golf Course Zone (CGC).** The Coastal Golf Course Zone applies to the Pismo State Beach public golf course facility within the coastal zone. All development shall be consistent with the City's Local Coastal Program.
- D. **Coastal Pedestrian Beach Zone (CPB).** The Coastal Pedestrian Beach Zone applies to the area adjacent to the beach, generally north of the West Grand Avenue terminus. The purpose is to provide a public beach area in which non-vehicular beach activities can be pursued free from conflict with vehicular beach users. All development shall be consistent with the City's Local Coastal Program.
- E. **Coastal Vehicular Beach Zone (CVB).** The Coastal Vehicular Beach Zone applies to the area adjacent to the beach, generally south of the West Grand Avenue terminus. The purpose is to provide an area in which vehicular beach activities are allowed which will not significantly disrupt native vegetation or sensitive habitat areas. All development shall be consistent with the City's Local Coastal Program.

2.70.030 Open Space Zones Allowable Land Uses and Permit Requirements

Table 2.10. Open Space Zones Allowable Land Uses and Permit Requirements ¹						
Land Use	OS	COS ¹	CGC ¹	CPB ¹	CVB ¹	Specific Use Regulations
Recreation, Education & Public Assembly						
Park, Playground (Public)	P	--	--	--	--	
Public or Quasi-Public Facility	UP	--	--	--	--	
Beach Use – Pedestrian Only	--	--	--	P	--	
Beach Use – Vehicles Allowed	--	--	--	--	P	
Community Gardens	P	--	--	--	--	
Golf Course (Public)	--	--	P	--	--	
Scientific/Educational Wildlife Preserves	--	P	--	--	--	
Undisturbed Open Space Uses	P	P ²	--	--	--	
Passive Use Facilities	P	P ³	--	--	--	
All Open Space, Recreational, Scientific & Educational Uses	--	--	--	P ⁴	P ⁵	
Transportation & Infrastructure						
Parking Facility	UP	UP	--	--	--	
Telecommunication Facility	UP	UP ⁶	UP ⁶	--	--	Section 4.40
End Note						
<p>1. Projects located in the Coastal Zone may require a Coastal Development Permit (See Section 6.20.040). <u>Permits Required. All uses identified as permitted or "P" require approval of one or more of the following development applications (as well as a building permit if a new or modified structure is involved):</u></p> <ul style="list-style-type: none"> a. <u>Development Permit (Section 6.20.060);</u> b. <u>Administrative Development Permit (Section 6.20.020);</u> c. <u>Coastal Development Permit (Section 6.20.040); and/or</u> d. <u>Zoning Clearance (Section 6.20.110).</u> <p>2. Use shall not significantly disturb native vegetation and habitat.</p> <p>3. Use shall be associated with scientific/educational wildlife preserves or undisturbed open space uses and include bird-watching blinds, minimal nature paths, and other similar uses which are consistent with this Zone.</p> <p>4. Uses shall be compatible with visitor enjoyment of the beach and ocean, which do not require the use of any type of motor vehicle.</p> <p>5. Uses shall be compatible with visitor enjoyment of the beach and ocean, including but not limited to the use of motor vehicles.</p> <p>6. Telecommunication facilities are prohibited west of Highway 1, unless they are not visible from public viewing areas, meet the standards of Section 4.40.030.A.1., or such a prohibition would result in a conflict with Federal Law. (Am. Ord. 14-04)</p>						
Legend						
<p>P Permitted Use</p> <p>UP Use Permit Required</p> <p>-- Use Not Allowed</p>						

2.70.040 Open Space Zone Development Standards

- A. Development standards in the Open Space Zone shall be determined by the Review Authority as part of the development review process.
- B. Development standards in the Coastal Open Space Zone shall meet the following minimum development standards:
 - 1. Pathways shall be limited to a maximum width of four feet and shall follow existing paths and trails whenever possible. Pathways shall not be paved or covered wholly or partly with any material other than a wood boardwalk where necessary. When pedestrian boardwalks are constructed to go over the dunes to the pedestrian beach, said boardwalks shall be a raised wood deck suspended from pilings. There shall be sufficient room under the boardwalk to allow the natural movement of sand. The boardwalk shall be placed out of the vegetated dune areas.
 - 2. Permitted passive use facilities shall be of a height, bulk, and design visually and ecologically compatible with sensitive natural resources of the area and consistent with preservation of a rural and natural atmosphere.
 - 3. Passive use facilities listed in End Note 3 shall not be permitted within wetland areas and shall be sited and designed in peripheral areas in such a manner as to be compatible, complimentary, and subordinate to the natural vegetation and land forms.

2.80 Urban Reserve Zone

Sections:

2.80.010 - Purpose

2.80.020 - Urban Reserve Zone Allowable Land Uses and Permit Requirements

2.80.030 - Urban Reserve Zone Development Standards

2.80.010 Purpose

The Urban Reserve Zone as established by Section 2.10.020 (Official Zoning Map and Zones) applies to the area generally south of Highland Way, east of South 13th Street, west of South 4th Street and the southern City boundary. The purpose of the Zone is to allow for the continuation of agricultural and agricultural related uses until such time urban development is approved. Development of the site shall be preceded by adoption of a Specific Plan as prescribed in Government Code Section 65451. The Specific Plan shall be consistent with Land Use Element Policy LU-15.1-15.3.

2.80.020 Urban Reserve Zone Allowable Land Uses and Permit Requirements

All uses shall be determined as part of the Specific Plan. Prior to adoption of the Specific Plan, the Review Authority may approve development projects that are related to agricultural uses, public or quasi-public facilities, and telecommunication facilities subject to approval of a Use Permit. Prior to adoption of the Specific Plan, the Director may approve farmworker housing in compliance with Health and Safety Code Sections 17021.5 and 17021.6.

2.80.030 Urban Reserve Zone Development Standards

Development standards shall be determined by the Review Authority as part of the development review process.

2.90 Overlay Zones

Sections:

- 2.90.010 Purpose
- 2.90.020 Planned Development Overlay Zone
- 2.90.030 Emergency Shelter Overlay Zone

2.90.010 Purpose

This Section establishes the standards for overlay zones which apply to specific areas of the City or specific lots as approved by the Council. All overlay zones shall be established by Section 2.10.020 (Official Zoning Map and Zones) or as shown in this Section.

2.90.020 Planned Development Overlay Zone

- A. **Purpose.** The Planned Development (PD) Overlay zone may be applied to any area of the City for the purpose of facilitating better designed projects (e.g., innovative site planning, superior architectural design) by allowing flexible and relaxed development standards. The proposed development shall demonstrate that the development is of significantly higher quality than would be achieved through the application of the City's standard development standards.
- B. **Applicability.** The PD rezoning shall occur concurrently with the approval of a specific project. All Planned Development Overlay zones adopted by the Council shall be shown on the Official Zoning Map and the site specific development standards listed in Appendix A of this Development Code. Any amendments shall be processed in accordance with Chapter 7 (Administration).
- C. **Review Authority.** The Council is authorized to approve Planned Development Overlays to ensure compliance with this Section.
- D. **Relationship of PD overlay to applicable zone.**
 - 1. Allowable land uses. Any use or combination of uses allowed by Chapter 2 (Zones and Allowable Land Uses) within the applicable zone may be established within the PD Overlay zone, subject to any additional limitations on specific land uses provided by the PD Overlay as adopted. No PD Overlay shall allow a land use that is not allowed in the applicable zone.
 - 2. Development ~~permit~~ [application](#) requirements. Development and new uses within the PD Overlay zone shall obtain the development ~~permit~~ [application](#) required by Chapter 2 (Zones and Allowable Land Uses) for the applicable zone.
 - 3. Site planning and project development standards. Development and new land uses within the PD Overlay shall comply with all applicable development

standards of the zone, except as specifically modified, waived, or augmented by the PD Overlay.

- E. **Scope of approval.** The application of the PD Overlay zone to property may include the adjustment or modification, where necessary and justifiable, of any applicable development standard of this Development Code (e.g., building height, floor area ratio, lot size, parking, setbacks, etc.).
- F. **Mandatory project features.** The Council may approve a rezoning to apply the PD Overlay for a project that incorporates at least one of the following features. If a project is proposed to be constructed in phases, the Council shall determine when the project feature is completed.
 - 1. A minimum of 25 percent of the residential units within the project are affordable to households of very low, low or moderate incomes. (See [additional requirements of Section 3.20 Affordable Housing Density Bonuses and Concessions/Incentives](#)).
 - 2. The project will provide a substantial public amenity, for example, a public plaza, a public park, or a similar improved open space feature, including provisions for guaranteed long-term maintenance not at the expense of the City.
 - 3. The project will achieve at least a silver rating on the LEED or other equivalent rating system.
 - 4. The project will preserve, enhance, and/or create a significant natural feature.
- G. **Required findings.** The Council may approve a rezoning to apply the Planned Development Overlay after making the following findings:
 - 1. The project is consistent with the General Plan, Local Coastal Program (if applicable), and any applicable specific plan and the proposed land use is allowed within the applicable zone. (Am. Ord. 14-04)
 - 2. The project complies with all applicable provisions of this Development Code other than those modified by the PD rezoning;
 - 3. The approved modifications to the development standards of this Development Code are necessary and appropriate to accommodate the superior design of the proposed project, its compatibility with adjacent land uses, and its successful mitigation of environmental impacts;
 - 4. The project complies with all applicable City design guidelines;
 - 5. All affected public facilities, services, and utilities are adequate to serve the proposed project;
 - 6. The location, size, site planning, building design features, and operating characteristics of the project are highly suited to the characteristics of the site and surrounding neighborhood, and will be compatible with the character of the site, and the land uses and development intended for the surrounding neighborhood by the General Plan;

7. The site is adequate for the project in terms of size, configuration, topography and other applicable features, and has appropriate access to public streets with adequate capacity to accommodate the quantity and type of traffic expected to be generated by the use; and
8. The establishment, maintenance, or operation of the proposed project will not, in the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity of the proposed use or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

2.90.030 Emergency Shelter Overlay Zone

- A. **Purpose.** This Section provides standards for emergency shelters [as required by Government Code Section 65583\(A\)\(4\)](#) within the Emergency Shelter Overlay Zone as shown in Figure 2.34.

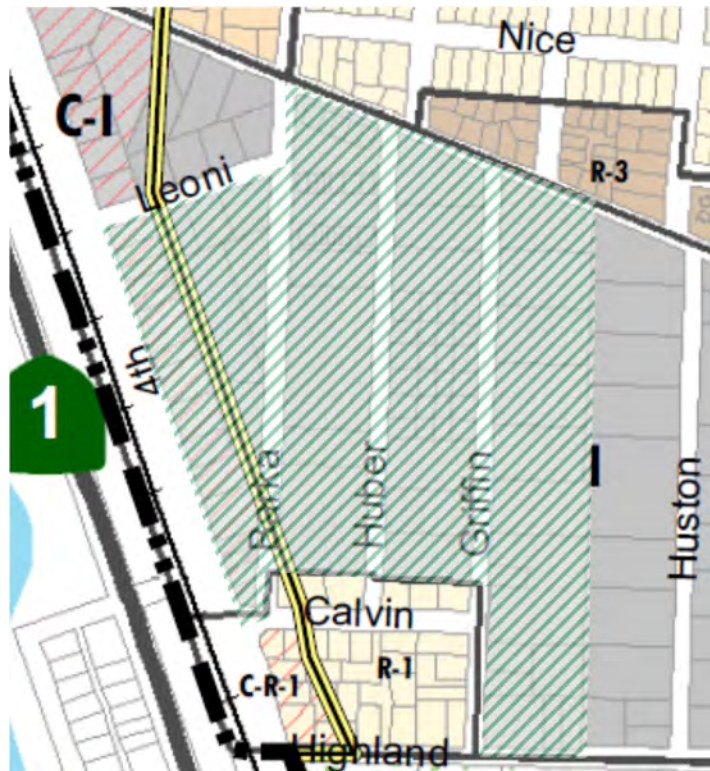


Figure 2.34 – Emergency Shelter Overlay Zone

- B. **Permit requirements.** Emergency shelters are permitted by right [in the zones where the overlay is applied](#), subject [only to the Zoning Clearance approval and the same development standards that apply to the other permitted uses in zones within the Overlay Zone, except for the requirements set forth in this Section that are unique to](#)

emergency homeless shelters and as authorized by Government Code Section 65583(a)(4). ~~In order to ensure compliance with the standards, an Administrative Development Permit shall be approved by the Director, and a A Coastal Development Permit shall be required when located in the Coastal Zone. (Am. Ord. 14-04)~~

- C. **Development standards.** An emergency shelter shall comply with the following standards:
1. The shelter shall be operated by a responsible agency or organization, with experience in managing or providing social services.
 2. The shelter shall provide at least one qualified on-site supervisor at all times, plus one attendant for each fifty occupants.
 3. A shelter shall not be approved when another homeless shelter exists within 300 feet of the proposed site.
 4. Nearby residential neighborhoods shall be adequately buffered from potential impacts of the proposed shelter.
 5. ~~Parking shall be supplied at a ratio of one vehicle space per ten beds, and one secured bicycle parking area designed to accommodate up to one bicycle per ten beds.~~ Off-street parking shall be based upon demonstrated need and sufficient to accommodate all staff working in the emergency shelter, provided that parking for an emergency shelter shall not be more than that required for other uses permitted in the underlying district.
 6. ~~Each shelter shall be limited to a maximum occupancy of 50 persons, including warming shelters and daytime facilities.~~
 7. A management plan shall be required to address how the immediate sheltering needs of individuals who may be turned away from the shelter will be handled. The management plan shall establish a maximum length of time for which clients may be accommodated.

CHAPTER 3. STANDARDS FOR ALL DEVELOPMENT AND LAND USES

3.10 Standards for All Development and Land Uses.....	4
3.10.010 Purpose & Applicability.....	4
3.10.020 Fences <u>and</u> Walls, and Screening	4
<u>3.10.025 Fractional Density for Multi-Unit Developments</u>	12
3.10.030 Height Limits and Exceptions	12
<u>3.10.035 Lot Coverage and Exceptions</u>	15
3.10.040 Outdoor Lighting.....	16
<u>3.10.045 Open Space for Residential Uses</u>	17
3.10.050 Performance Standards	18
3.10.060 Reasonable Accommodation.....	19
<u>3.10.065 Screening</u>	21
3.10.070 Setback Requirements and Exceptions	22
<u>3.10.075 Trash Enclosures</u>	25
<u>3.10.080 Upper Story/Rooftop Decks and Open Spaces</u>	26
3.20 Affordable Housing Density Bonuses and Concessions/Incentives.....	29
3.20.010 Purpose.....	29
3.20.020 General Affordable Housing Provisions.....	29
3.20.030 <u>Application Requirements</u>	30
Applicability: Affordable Housing Density Bonuses and Concessions/Incentives	32
3.20.040 <u>Density Bonus</u>	33

3.20.050	<u>Incentives</u>	34
3.20.060	<u>Local Coastal Program Consistency</u>	34
3.20.070	<u>Review Procedures</u>	34
3.20.080	<u>Affordable Housing and Senior Housing Agreements</u>	36
3.20.090	<u>Design and Quality</u>	37
3.30	Landscaping Standards	39
3.30.010	Purpose	39
3.30.020	Applicability	39
3.30.030	Landscape and Irrigation Plans	40
3.30.040	Landscape Standards	40
3.30.050	Landscape Requirements	43
3.30.050	3.30.060 Maintenance of Landscaped Areas	44
3.40	Mobile Home Park Conversion Process	46
3.40.010	Authority and Short Title	46
3.40.020	Definitions	46
3.40.030	Conversion Impact Report Requirements	48
3.40.040	Pre-Conversion Questionnaire	49
3.40.050	Relocation Specialist	50
3.40.060	Conversion Impact Report Content	50
3.40.070	Public Hearing Regarding Conversion Impact Report	52
3.40.080	Decision Regarding Conversion Impact Report	53
3.40.090	Application for Exemption from Relocation Assistance Obligations	55
3.40.0100	Certification of Acceptance	56
3.40.0110	Performance of Mitigation Measures	57
3.40.0120	Modification of Conversion Impact Report	57
3.40.0130	Expiration of Conversion Impact Report	57
3.40.0140	Nullification of Impact Report	58
3.40.0150	Right of First Refusal	58
3.40.0160	Appeal	58
3.40.0170	Processing Fees	59
3.40.0180	Building Permits	59

3.40.0190	Exemption	59
3.50	Parking Regulations	60
3.50.010	Purpose	60
3.50.020	Applicability	60
3.50.030	General Provisions	61
3.50.040	Required Parking Spaces	62
3.50.050	Bicycle Parking Spaces	68
3.50.060	Parking Reductions	68
3.50.070	Location of Required Parking	70
3.50.080	Parking Districts	71
3.50.090	Loading	71
3.50.0100	Parking Design and Driveway Standards	72
3.50.0110	Residential Front and Street Side Setback Parking	77
3.60	Sign Regulations	79
3.60.010	Purpose	79
3.60.020	Applicability	79
3.60.030	Exempt Signs	80
3.60.040	Prohibited Signs	81
3.60.050	Application Requirements	82
3.60.060	Signage within the Coastal Zone	83
3.60.070	Requirements for All Signage	84
3.60.080	Temporary Signs	87
3.60.090	Permanent Signs	89
3.60.0100	Special Consideration Signs	92
3.60.0110	Nonconforming Signs	93
3.60.0120	Signs on City Property	94

3.10 Standards for All Development and Land Uses

Sections:

- 3.10.010 - Purpose & Applicability
- 3.10.020 - Fences, ~~and~~ Walls, ~~and~~ Screening
- [3.10.025 - Fractional Density for Multi-Unit Developments](#)
- 3.10.030 - Height Limitations and Exceptions
- [3.10.035 - Lot Coverage and Exceptions](#)
- 3.10.040 - Outdoor Lighting
- [3.10.045 - Open Space for Residential Uses](#)
- 3.10.050 - Performance Standards
- 3.10.060 - Reasonable Accommodations
- [3.10.065 - Screening](#)
- 3.10.070 - Setback Requirements and Exceptions
- [3.10.075 - Trash Enclosures](#)
- [3.10.080 - Upper Story/Rooftop Decks and Open Spaces](#)

3.10.010 Purpose & Applicability

- A. **Purpose.** This Chapter expands upon the zoning standards of Chapter 2 (Zones and Allowable Land Uses) by addressing additional details of site planning, project design, and the operation of land uses. The intent of these standards is to ensure that proposed development is compatible with existing and future development on neighboring properties, and produces an environment of desirable character, consistent with the General Plan.
- B. **Applicability.** The requirements of this Chapter shall apply to all proposed development and new land uses, except as specified in Section 7.40 (Nonconforming Uses, Structures, and Lots), and shall be considered in combination with the standards for the applicable zone in Chapter 2 (Zones & Allowable Land Uses) and those in Chapter 4 (Standards for Specific Development and Land Uses). If there is a conflict between any standards, the provisions of Chapter 3 control over Chapter 2, and the provisions of Chapter 4 control over Chapters 2 and 3. Projects within the Coastal Zone shall comply with all standards in the Local Coastal Program. (Am. Ord. 14-04)

3.10.020 Fences ~~and~~ Walls, ~~and~~ Screening

- A. **Purpose.** The purpose of these regulations is to achieve a balance between concerns for privacy and public concerns for enhancement of the community appearance, visual image of the streetscape, overall character of neighborhoods, and to ensure the provision of adequate light, air, and public safety.
- B. **Applicability.** The requirements of this Section apply to all fences and walls located on private property unless otherwise stated.

- C. **Height limits within required setbacks or property frontages.** Fences or walls may be placed within required setbacks, provided they do not exceed the height limits shown in Table 3.1 and the standards of this Section.

Table 3.1 Maximum Height of Fences or Walls	
Location of Fence or Wall	Maximum Height
Within a front setback (refer to Figure 3.4.1)	3.5 feet (42 inches) ^{1, 4}
Corner lots (refer to Figure 3.4.2)	
Front setback	3.5 feet (42 inches) ^{1,3,4}
Street side setback	6 feet ^{3,4}
Within an interior side or rear setback	7 feet ²
Notes: 1. A fence or wall up to six feet in height is allowed when the portion above 3.5 feet is a minimum of 75% transparent allowing air and light to pass through (Refer to Figure 3.4.3). 2. In non-residential zones, a solid fence or wall up to eight feet in height may be allowed for screening or security purposes subject to approval of an Administrative Development Permit. 3. Property owners in residential zones with a corner lot may designate one side of the property as front setback, and the other as the street side setback as shown in Figure 3.4.2, for purposes of determining fence heights only. 4. All fences and walls shall comply with Section 3.10.030.E. (Restrictions to height limits at street corners, Figure 3.3.10)	

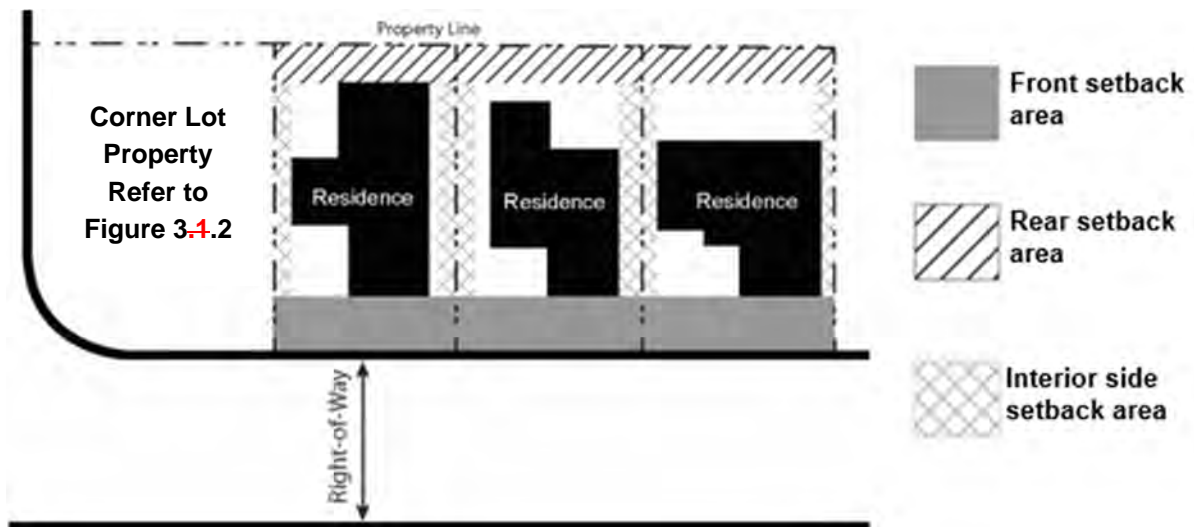


Figure 3.4.1 – Fence Setback Areas
 (Reference Chapter 2 for Specific Setbacks by Zone)

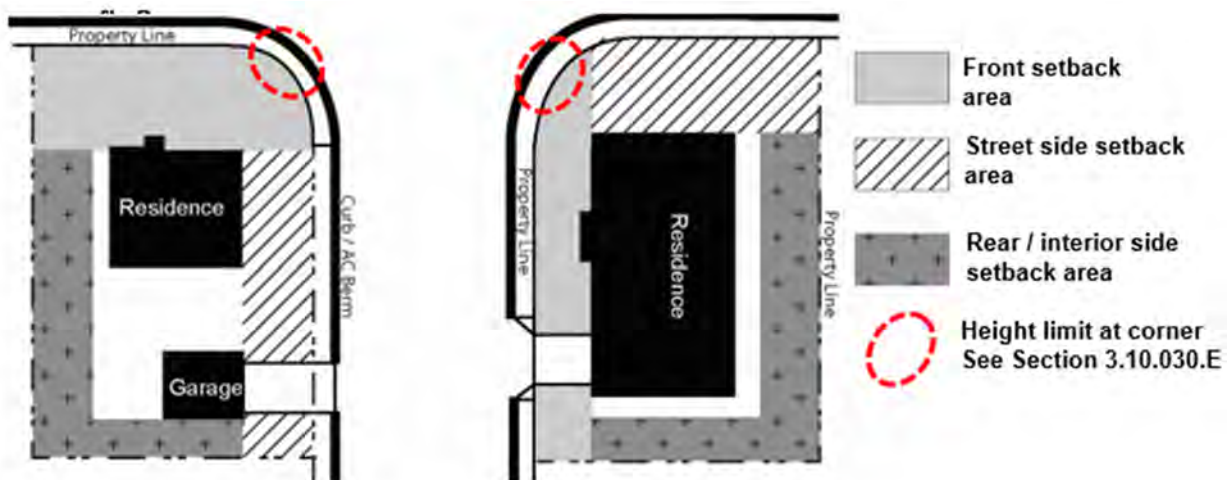


Figure 3.4.2 – Corner Lot Fence Setback Areas

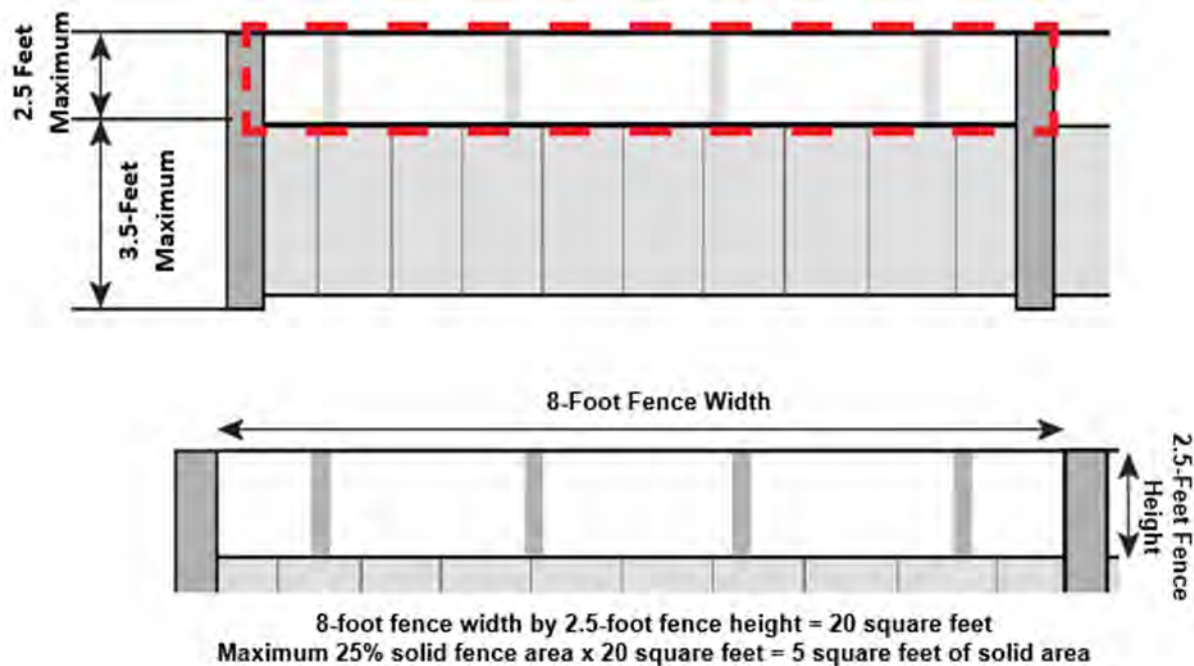


Figure 3.4.3 – Example of 75% Transparency Calculation

D. Fences on retaining walls within the front or street side setbacks.

1. Fence and/or wall height shall be measured from the adjacent grade along the lower side of the wall and/or fence, directly at the base of either the wall or fence. Fences on top of retaining walls within the front or street side setback shall be counted towards the maximum fence height.

2. Exception. A fence with maximum heights consistent with Section 3.10.020.C may be allowed with the following conditions:
 - a. Retaining Wall. Maximum height of retaining wall shall be six feet as measured from the adjacent grade on the lower side.
 - b. Setback required. A minimum setback of two feet as measured from the back of the retaining wall to the front of the fence (refer to Figure 3-4.4).

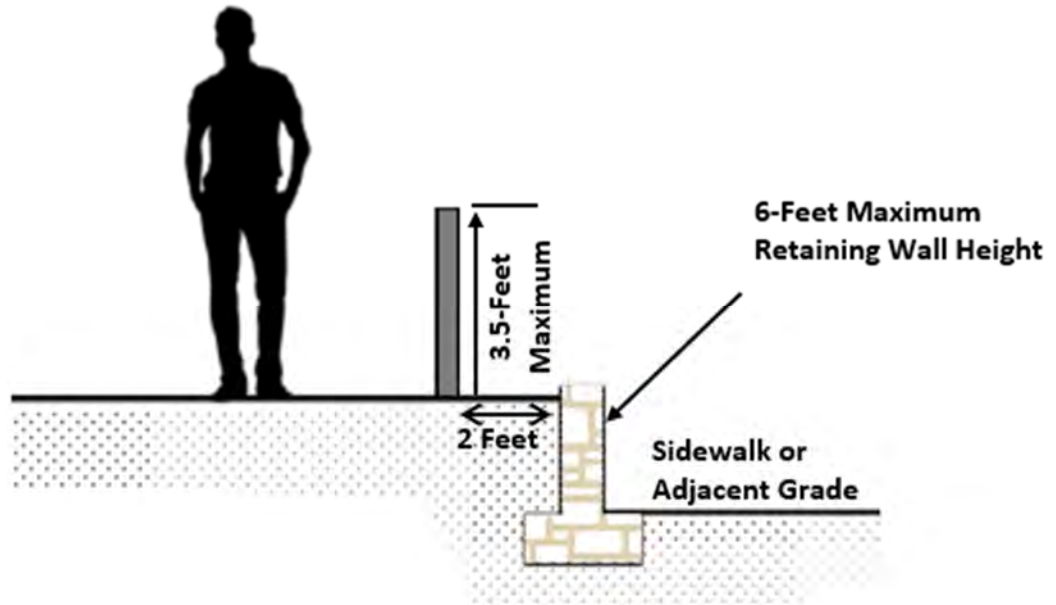


Figure 3-4.4 – Measurement of Retaining Wall and Fence Height located within the Front or Street Side Setbacks

- E. **Fences and walls located within the public right-of-way.** Fences and walls that comply with the requirements of this Section may be located within the public right-of-way behind the existing or future sidewalk location if an Encroachment Permit is issued.
- F. **Standards for fences located outside of the required setback areas.** The maximum wall or fence height is seven feet in residential zones outside of required setback areas.
- G. **Arbors, trellis, and ornamental features.**
 1. Arbors, trellises, and other similar ornamental features are allowed within a required setback subject to the same height limits that apply to fences and walls, except as provided in this Subsection.
 - a. Within front, street side, interior side and rear setbacks. Up to one arbor, trellis, or other similar ornamental feature per street frontage is allowed with a

maximum height of eight feet, and an area of not more than 40 square feet as measured by the perimeter formed by the vertical projection to the ground of the outermost elements of the feature, and no horizontal dimension shall exceed eight feet in length. Any portion of such a feature wider than 18 inches and that exceeds the usual fence height requirements of this Subsection shall be of an open design such that a person standing on the adjacent public right-of-way can see completely through at least 50 percent of the structure (refer to Figure 3-4.5). Features within required setbacks shall comply with Section 3.10.030.E (Restrictions to height limits at street corners).

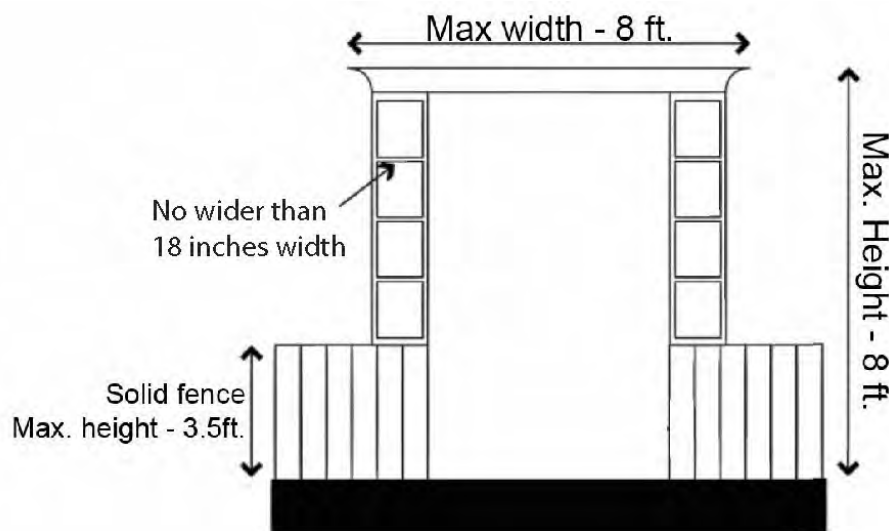


Figure 3-4.5 – Measurement of Arbor or Trellis

H. Measurement of height where fences or walls are located on retaining walls or berms within interior and rear setbacks.

1. Retaining walls located on the lower lot within interior side or rear setback.
Where fences or walls are located on retaining walls on the lower lot, the height of the retaining wall shall not be considered as a part of the overall height of the fence or wall (refer to Figure 3-4.6).

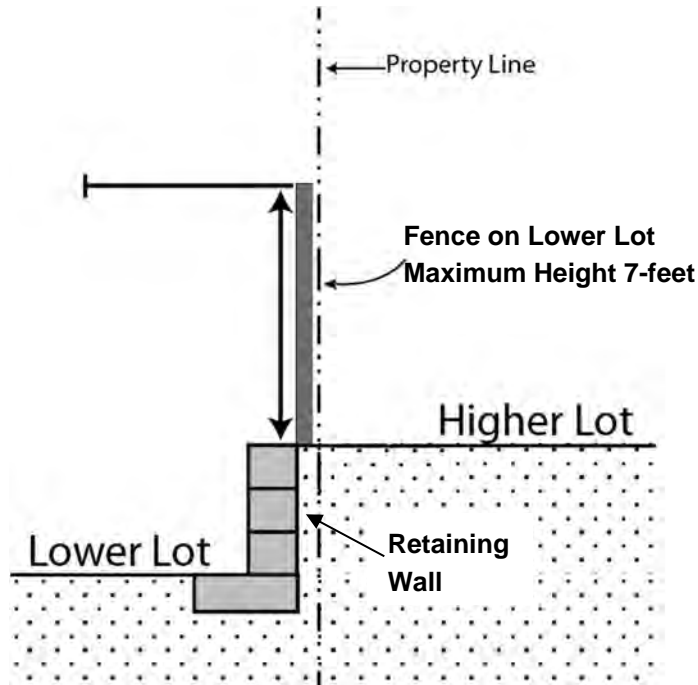


Figure 3-4.6 – Measurement of Retaining Wall and Fence Located on Lower Lot

2. Retaining walls located on the higher lot within interior side or rear setback. Where fences or walls are located on retaining walls greater than one foot in height on the higher lot, the height of the retaining wall shall be considered as a part of the overall height of the fence or wall and shall not exceed seven feet in height as measured from the lower side (refer to Figure 3-4.7).

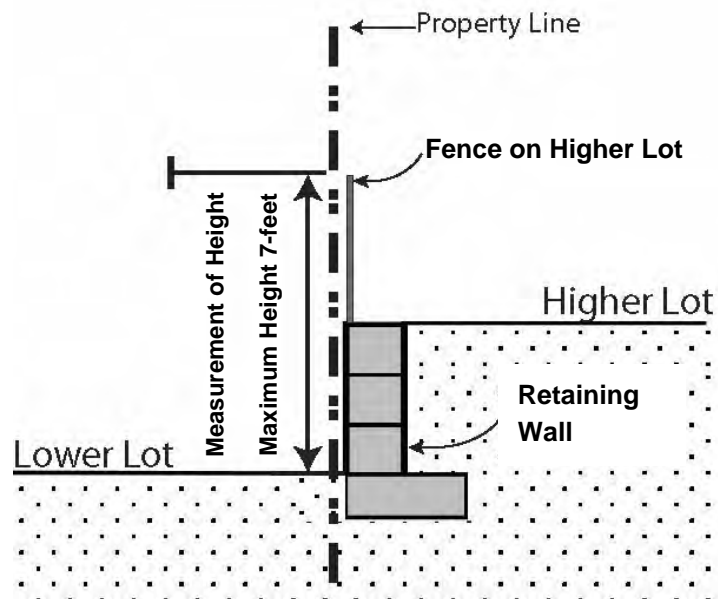


Figure 3-4.7 – Measurement of Retaining Wall and Fence Located on Higher Lot

3. Walls or fences shall have a minimum spacing of three feet between each other to be considered separate structures for purposes of measuring height.
4. Where fences are located on a landscaped berm. The height of the fence shall include the berm directly beneath the fence and above natural grade in the overall height measurement (refer to Figure 3-4.8).

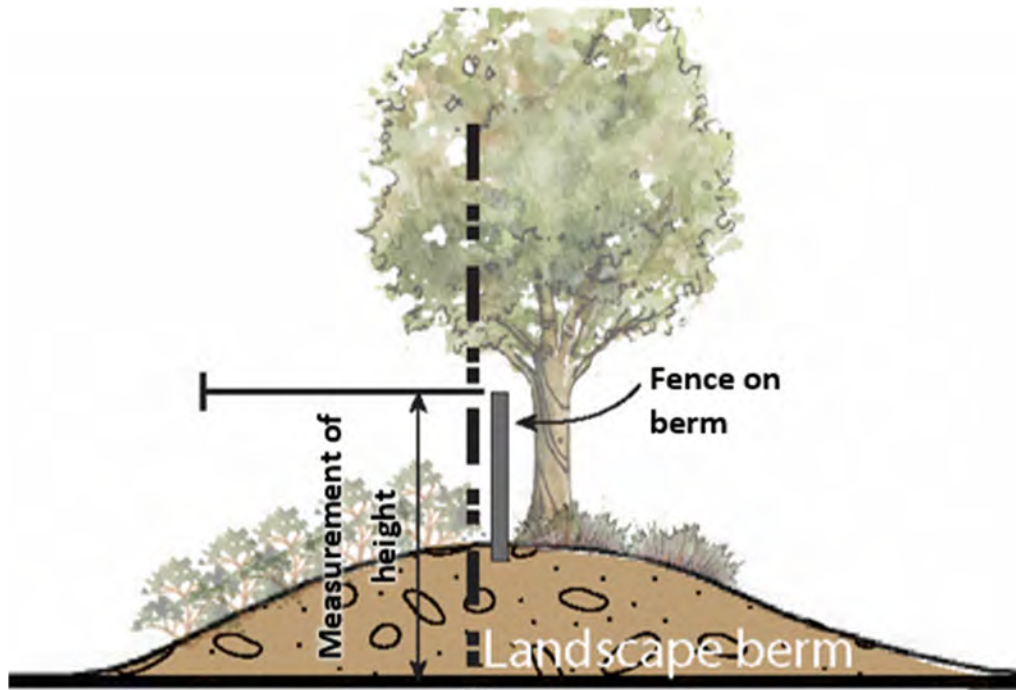


Figure 3-4.8 – Measurement of Fence on Landscaped Berm

- I. **Minor exceptions.** The Director may approve an Administrative Development Permit to make minor exceptions for unusual circumstances such as topography to maintain the effectiveness of screening as would generally be provided by Subsections A through H.
- J. **Prohibited materials.** The following fencing materials are prohibited in all zones except as follows.
 1. Razor or concertina (barbed) wire unless approved by a Use Permit within an industrial zone.
 2. Chain link fencing within a front or street side property frontage. Chain link fencing shall be prohibited in conjunction with all new structures, ~~including development permits~~, unless an exception is approved by the Review Authority.

~~K. Specific fence and wall requirements for specified uses.~~

- ~~1. Fencing between different land uses. Fencing between different land uses shall be provided in compliance with Subsection L. (Screening).~~
- ~~2. Outdoor equipment, storage, and work areas. Non-residential outdoor equipment, storage and uses adjacent to a residential zone shall be screened in compliance with Subsection L. (Screening). Mechanical equipment for residential zones shall be screened in compliance Subsection M (Screening).~~
- ~~3. Swimming pools, spas, and similar features. Swimming pools/spas and other similar water features shall be fenced in compliance with the City's Building Code requirements, regardless of the other requirements of this Section.~~

~~**L. Screening.** This Subsection establishes standards for the screening of non-residential uses when adjacent to residential zones at the lot boundary as follows:~~

- ~~1. The screen shall consist of a solid, decorative wall of masonry or similar durable material, six feet in height. The Review Authority may require a wall up to eight feet in height if necessary to screen the use from the residential use.~~
- ~~2. The decorative wall shall be architecturally treated on both sides, subject to the approval of the Review Authority.~~
- ~~3. In industrial zones, a minimum of 10 feet of dense landscaping shall be planted adjacent to residential zones.~~
- ~~4. In commercial zones, a minimum of five feet of dense landscaping shall be planted adjacent to residential zones.~~
- ~~5. The Review Authority may waive or approve a substitute for the requirements of this Subsection if the Review Authority determines that:~~
 - ~~a. The relationship of the proposed uses make the required screening unnecessary;~~
 - ~~b. The intent of this Subsection can be successfully met by means of alternative screening methods;~~
 - ~~c. Physical constraints on the site make the required screening infeasible; or~~
 - ~~d. The physical characteristics of the site or adjoining lots make the required screening unnecessary.~~

~~**M. Mechanical equipment, loading docks, and refuse areas.**~~

- ~~1. Mechanical equipment shall be screened from public view from adjoining public streets and adjoining areas zoned for residential uses. This equipment includes air conditioning, heating, ventilation ducts, and exhaust vents, loading docks, refuse storage areas, and utility services, electrical transformers, gas meters, etc.~~
- ~~2. Mechanical equipment shall be screen from public view in residential zones when visible from public streets. This includes air conditioning, heating, and other similar mechanical equipment.~~

3. ~~The colors, materials, and architectural style of screening shall be architecturally compatible with other on-site development.~~

3.10.025 Fractional Density for Multi-Unit Developments

- A. **Purpose.** To encourage smaller units that are affordable by design, the City authorizes fractional density units. This Section describes the required methods and applicability for using fractional density.
- B. **Applicability.** In the R1, CR1, and CPR1 zones, each dwelling unit counts as one density unit. In multi-unit residential zones (R2, CR2, R3, and CR3) and commercial zones that allow mixed-use projects and multi-unit dwellings, fractional density may be applied (Subsection C, below).
- C. **Multi-unit fractional density.** The following density unit value attributed to unit sizes may be used for the purpose of calculating multi-unit development density allowed on a parcel:
 1. Units up to 600 square feet = 0.50 units
 2. Units of 601 square feet up to 1,000 square feet = 0.66 units
 3. Units over 1,000 square feet = 1 unit
- D. **Development standards.** With the exception of density, which shall be calculated as indicated in Subsection C, all other development standards contained within the Development Code shall be applicable for fractional density units.
- E. **Maximum residential development potential.** Maximum residential development potential shall be the gross lot area (in whole and fractional acres), multiplied by the maximum density allowed. The resulting number (in density units, carried out to the nearest one hundredth unit) will be the maximum residential development potential. For example, when a calculation results in a density of 4.74 units, up to nine units that are less than 600 square feet in size would be permitted; when a calculation results in a density of 4.75 units, up to 10 units less than 600 square feet in size would be permitted). Any combination of dwelling types and numbers may be developed, so long as their combined density unit values do not exceed the maximum potential.

3.10.030 Height Limits and Exceptions

- A. **Purpose.** This Section describes the required methods for measuring the height of structures in compliance with the height limits established by this Development Code, and exceptions and restrictions to those height limits.

- B. **Maximum height of structures.** The height of each structure shall not exceed the height limit established for the applicable zone by Chapter 2 (Zones and Allowable Land Uses), except as otherwise provided by this Section.
- C. **Height measurement.** The maximum allowable height shall be measured as the vertical distance from the average level of the highest and lowest point, measured from natural grade, of that portion of the lot covered by the building to the topmost point of the roof as shown in Figure 3.92. Natural grade shall be determined by the Director using the best available information.

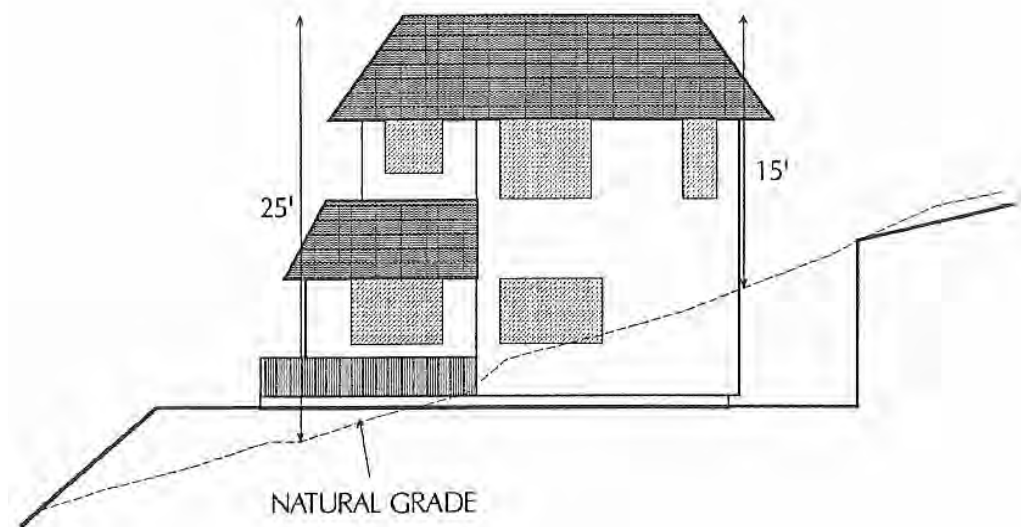


Figure 3.92— Height Measurement

- D. **Exceptions to height limits.** The following structures and structural features may exceed the height limits of this Development Code as noted:
1. Architectural features. A ~~chimney~~, steeple, tower, cupola, monument, ~~mechanical equipment, vent~~, or similar structure unoccupied architectural feature may exceed the height limit by up to eight feet subject to approval of a Use Permit by the Review Authority; except Modification to Standards (Section 6.20.072). Architectural features that exceed the height limit and are greater than eight feet require Use Permit approval.
 2. Chimney or vent. A chimney or vent may exceed the maximum height of the applicable zone if required to meet Building Code requirements without requiring approval of a Modification to Standards (Section 6.20.072).
 3. Mechanical equipment. Rooftop mechanical equipment and related architectural screening may exceed the height limit by up to eight feet subject to approval of a Modification to Standards (6.20.072).

4. Elevator shaft or stairway. An elevator or stairway to a rooftop deck/upper story open space that is no more than 100 square feet in area and set back from any building edge by at least five feet may exceed the maximum height limit by up to eight feet subject to approval of a Modification to Standards (Section 6.20.072).

5. Telecommunications facilities. The height of telecommunications facilities, including antennas, poles, towers, and necessary mechanical appurtenances shall comply with Section 4.40 (Telecommunications Facilities).

E. Restrictions to height limits at street corners.

1. Development adjacent to any public or private street shall be designed to provide a traffic safety visibility area or “sight triangle” for pedestrian and traffic safety (refer to Figure 3.310). For the specific sight triangle calculation refer to the City’s Standards and Specifications for sight triangle.

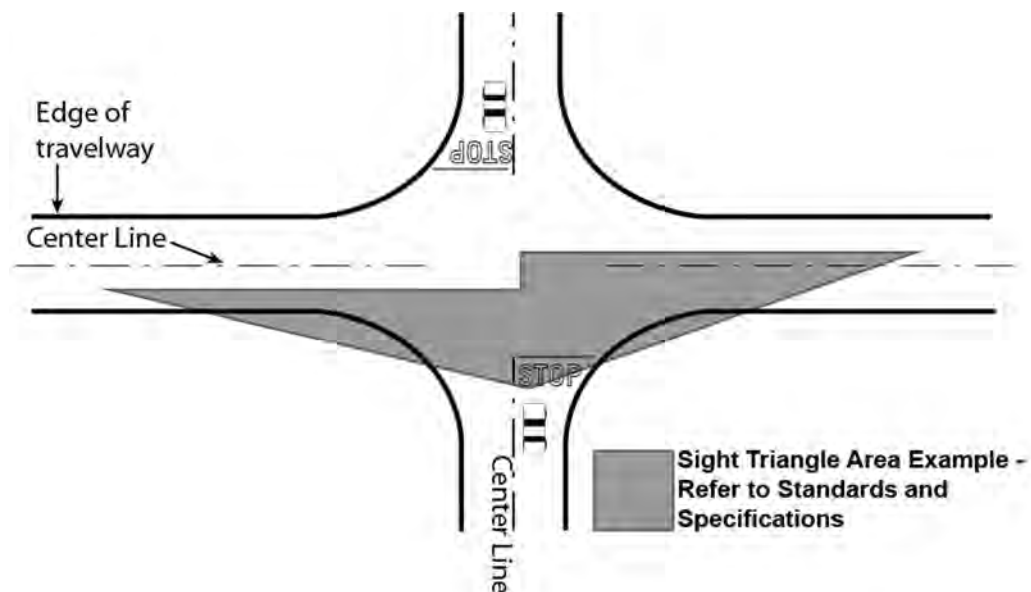


Figure 3.310 – Sight Triangle Example

4.2. Applicability. The Sight Distance Triangle requirements are applicable to every intersection of two or more public or private streets.

2.3. Location. At street intersections, the area behind the existing or future sidewalk at the corner must be clear of any obstruction that may impair visibility of oncoming vehicles.

3.4. Area Required for Sight. The City of Grover Beach Engineering Standards and Specifications shall be used to determine the dimensions of the sight triangle for corner sight distance.

4.5. Use of No Parking Areas to Maintain Visibility. Red curbing may be used to establish no parking zones, as approved by the City Engineer.

3.10.035 Lot Coverage and Exceptions

- A. **Generally.** Structures included in lot coverage calculations shall include buildings or structures that are 30 inches in height or more above adjacent existing grade. The size of all buildings and structures shall be measured from exterior walls, exclusive of projecting, unenclosed architectural features.
- B. **Excluded from Lot Coverage.** The following features shall not count toward lot coverage.
 - 1. Patio covers and trellises that are open on at least two sides (up to a maximum of one detached or attached) up to 120 square feet.
 - 2. Uncovered swimming pools and spas, sports courts, and other athletic and/or recreational surfaces that are not more than 30 inches above the adjacent finished grade, at any point, on which they are placed.
 - 3. Cornices and eaves.
 - 4. Front entrance stairs and stoops if uncovered and not more than four feet above grade.
 - 5. Chimneys.
 - 6. Outdoor kitchens and fire pits.
 - 7. Bay and greenhouse windows located on the first floor if all the following conditions are met:
 - a. Footprint of each window shall not exceed 20 square feet; and
 - b. Total cumulative bay/greenhouse window area shall not exceed 60 square feet.
 - 8. Uncovered balconies projecting up to four feet from the building.
 - 9. Basements.
 - 10. Mechanical equipment.
 - 11. Upper floor cantilevers projecting up to 30 inches from the building.
 - 12. Any attached or detached Accessory Dwelling Unit that complies with the provisions of Section 4.10.015 (Accessory Dwelling Units).
 - 13. Tiny homes that comply with provisions of Section 4.10.215 (Tiny Homes on Wheels in Residential Zones).

3.10.040 Outdoor Lighting

- A. **Purpose.** ~~The~~This Section provides standards for outdoor lighting ~~of non-residential uses~~ to minimize light and glare on adjacent properties. The intent of these standards is ~~that~~ to limit outdoor lighting ~~be limited~~ to the minimum necessary for safety and security.
- B. **Development standards.** New outdoor lighting ~~on non-residential~~ for all development projects shall comply with the following requirements:
1. ~~An outdoor light fixture~~ Light fixtures shall be limited to a maximum height of 20 feet or the height of the nearest building, whichever is less. ~~The Review Authority may approve a fixture in excess of 20 feet if it determines that the additional height will provide lighting that still complies with all other requirements of this Section.~~
 2. ~~Outdoor lighting shall utilize energy-efficient (high pressure sodium, low pressure sodium, hard-wired compact fluorescent, or other lighting technology that is of equal or greater energy efficiency) fixtures/lamps.~~
 3. Lighting Light fixtures shall be shielded ~~or recessed~~ to minimize ~~light bleed to glare impacts on~~ adjoining properties, by ensuring that the light source (e.g., bulb, etc.) is not visible from off the site property and confining glare and reflections ~~within the boundaries of the site~~ to the maximum extent feasible within the property boundaries.
 4. ~~Each light~~ 3. Light fixtures shall be directed downward and away from adjoining properties and public rights of-way, so that no on-site light fixture directly illuminates an area off the site.
 4. Lighting for (including access to) upper story/rooftop decks shall be designed and maintained to prevent lighting from shining onto adjoining properties either via shielding, orientation, and/or candle-power limits.
 5. Outdoor lighting shall utilize energy-efficient fixtures/lamps such as light-emitting diodes (LED), compact fluorescent lamp (CFL) lights, or other energy-efficient fixtures.
 6. Non-residential outdoor lighting affixed to poles shall not exceed 20 feet in height.
 7. Non-residential uses shall provide lighting that complies with International Dark-Sky Association standards.
 - 5 8. In the Coastal Zone, all lighting shall be designed to protect against impacts to coastal resources, including biological and visual resources, as required by the Local Coastal Program. ~~(Am. Ord. 14-04)~~

3.10.045 Open Space for Residential Uses

- A. **Useable.** All required open space shall be usable as defined in [Section 9.10.020 \(Definitions of specialized terms and phrases\)](#) and shall include no obstructions other than devices and structures designed to enhance its usability, such as fountains, planters, benches, play equipment, swimming pools/spas, landscaping, trellises, pergolas, umbrellas, and similar structures.
- B. **Minimum Required.** Open space shall be provided for all multi-unit dwellings in multi-unit and mixed-use developments as shown in [Table 3.2. Minimum open space requirements may be met through private open space, common open space, or a combination of both private and common open space. For mixed-use projects, open space requirements shall only apply to the residential component.](#)

Table 3.2 Minimum Open Space Standards					
	R2	CR2	R3	CR3	Commercial and Industrial Zones
Ground floor units	(SF)	(SF)	(SF)	(SF)	(SF)
Studio Unit	100	100	100	100	N/A
1 bedroom unit	120	120	120	120	N/A
2+ bedroom unit	140	140	140	140	N/A
Second floor or above units	(SF)	(SF)	(SF)	(SF)	(SF)
Studio Unit	100	100	60	60	60
1 bedroom unit	120	120	72	72	60
2+ bedroom unit	140	140	84	84	60

- C. **Private Open Space.** The minimum dimension, width or depth, of any private residential open space shall be five feet. The private open space shall be accessible from within the unit and may include patio areas, balconies, and decks, but not stairs, entrance decks, stoops, and/or landings.
- D. **Common Residential Open Space.**
- [The minimum dimension, width or depth, of any common residential open space area shall be 15 feet.](#)
 - [In residential zones, common open space requirements may be met within the rear and side setback areas, if minimum dimensions are met. Front yard areas shall not be considered as contributing toward common open space.](#)

3.10.050 Performance Standards

- A. **Purpose.** This Section provides performance standards that are intended to minimize various potential operational impacts of land uses and development within the City, and promote compatibility with adjoining areas and land uses.
- B. **Applicability.** The provisions of this Section apply to all new and existing land uses, including permanent and temporary uses in all zones, unless an exemption is specifically provided. Uses existing on the effective date of this Section shall not be altered or modified thereafter to conflict with these standards.
- C. **Air emissions.** No visible dust, gasses, or smoke shall be emitted, except as permitted by the San Luis Obispo Air Pollution Control District or as necessary for the heating or cooling of structures, and the operation of motor vehicles on the site.
- D. **Combustibles and Explosives.** The use, handling, storage and transportation of combustibles and explosive materials shall comply with the City's Building and Fire codes, and all other applicable State and local regulations.
- E. **Dust.** Activities that may generate dust emissions (e.g., construction, grading, commercial gardening, and similar operations) shall be conducted to limit the emissions beyond the site boundary to the maximum extent feasible. Appropriate methods of dust management shall include the following, subject to approval by the Public Works Director.
- F. **Ground vibration.** No ground vibration shall be generated that is perceptible without instruments by a reasonable person at the property lines of the site, except for vibrations from temporary construction or demolition activities, and motor vehicle operations.
- G. **Liquid waste.** No liquid shall be discharged into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the Regional Water Quality Control Board.
- H. **Noise.** All uses shall comply with the City's noise standards in Municipal Code Article III.
- I. **Odors.** No obnoxious odor or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site.
- J. **Radioactivity, electrical disturbance or electromagnetic interference.** None of the following shall be emitted:
 - 1. Radioactivity, in a manner that does not comply with all applicable State and Federal regulations; or
 - 2. Electrical disturbance or electromagnetic interference that interferes with normal radio or television reception or with the function of other electronic equipment beyond the property line of the site; or that does not comply with all applicable Federal Communications Commission (FCC) and other applicable State and Federal regulations.

- K. Historic resources. Changes to any registered historical building shall be consistent with the Secretary of Interior Standards.
- L. Archaeological and paleontological resources. If archaeological or paleontological resources are surfaced in the course of excavating or grading for a development project, such excavation or grading shall cease until the developer or other responsible party arranges for the professional recovery of the resources, as determined by the Director and in compliance with any applicable State and federal laws.

3.10.060 Reasonable Accommodation

A. Purpose.

1. The Acts. This Section provides a procedure to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA) (also known as the Acts) in the application of zoning laws and other land use regulations, policies, and procedures.
2. Adjustment to physical design standards. A Reasonable Accommodation is typically an adjustment to physical design standards (e.g., setbacks) to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident.

B. Applicability.

1. Eligible applicants.
 - a. A request for Reasonable Accommodation may be made by any person with a Disability when the application of a development standard or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities.
 - b. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.
 - c. This Section is intended to apply to those persons who are defined as disabled under the Acts.
2. Eligible request.
 - a. A request for Reasonable Accommodation may include a modification or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. In addition, the applicant may request a reduction to the required parking standards based on a reduced need for parking.

- b. The application shall include the information and materials specified in the Department handout for Reasonable Accommodation applications, together with the required fee in compliance with the Master Fee Schedule.
 - c. It is the responsibility of the applicant to provide evidence in support of the findings required in Subsection D (Required Findings).
- C. **Permit Requirements.** An Administrative Development Permit shall be approved by the Director.
- D. **Required findings.** The approval of an Administrative Development Permit shall require that the Director make the following findings:
 - 1. Whether the housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;
 - 2. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
 - 3. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City;
 - 4. Whether the requested Reasonable Accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning;
 - 5. Whether there are alternatives to the requested waiver or exception that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants or to the general public;
 - 6. Physical attributes of the property and structures; and
 - 7. Alternate Reasonable Accommodations that may provide an equivalent level of benefit.
- E. **Conditions of Approval.** In approving a request for Reasonable Accommodation, the Director may impose conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation will comply with the findings required by Subsection D (Required Findings).
- F. **Rescission of Approval of Reasonable Accommodation.**
 - 1. An approval or conditional approval of an application made in compliance with this Section may be conditioned to provide for its rescission or automatic expiration under appropriate circumstances (e.g., the individual defined as disabled under the Acts vacates the subject site, etc.), unless allowed to remain in compliance with Subsection G (Discontinuance).
 - 2. If rescinded or is subject to automatic expiration, the improvement made in compliance with the originally approved Reasonable Accommodation shall be removed from the subject property in compliance with this Section.

G. Discontinuance.

1. A Reasonable Accommodation shall lapse if the exercise of rights granted by it is discontinued for at least 180 consecutive days.
2. If the person(s) initially occupying a residence vacates, the Reasonable Accommodation shall remain in effect only if the Director first determines that:
 - a. The modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with this Development Code; or
 - b. The accommodation is to be used by another qualifying individual with a disability.
3. The Director may request the applicant or the successor(s)-in-interest to the property to provide documentation that subsequent occupants are qualifying persons with disabilities.
4. Failure to provide the documentation within 30 days of the date of a request by the Director shall constitute grounds for discontinuance by the City of a previously approved Reasonable Accommodation.
5. Discontinuance shall require that the improvement made in compliance with the originally approved Reasonable Accommodation shall be removed from the subject property.

3.10.065 Screening
A. Screening between nonresidential and residential zones. Visual screening shall be provided along any property line where a non-residential use abuts a residential zone. The following standards shall apply.

1. The screen shall consist of a solid, decorative wall of masonry or similar durable material at least six feet in height. The Review Authority may require a wall up to eight feet in height if necessary to screen the non-residential use from the residential use.
2. The decorative wall shall be architecturally treated on both sides and subject to the approval of the Review Authority.
3. The Review Authority may waive or approve a substitute for the requirements of this Subsection if the Review Authority determines that:
 - a. The relationship of the proposed uses makes the required screening unnecessary;
 - b. The intent of this Subsection can be successfully met by means of alternative screening methods;

- c. Physical constraints on the site make the required screening infeasible; and/or
- d. The physical characteristics of the site or adjoining lots make the required screening unnecessary.

B. Mechanical Equipment and Loading Docks.

1. In nonresidential zones, mechanical equipment shall be screened from public view from adjoining public streets and adjoining areas zoned for residential uses. This equipment includes air conditioning, heating, ventilation ducts, and exhaust vents, loading docks, trash storage areas, and utility services, electrical transformers, gas meters, etc. The exception is any required on-site fire-fighting equipment which must be accessible to emergency personnel.
2. In residential zones, mechanical equipment shall be screen from public view when visible from public streets. This includes air conditioning, heating, and other similar mechanical equipment. The exception is any required on-site fire-fighting equipment which must be accessible to emergency personnel.
3. The colors, materials, and architectural style of screening shall be architecturally compatible with the buildings they serve.
4. Roof-mounted mechanical equipment shall be prohibited unless fully screened from public view from adjacent public rights-of-way via architectural treatments. The preferred method of screening roof-mounted equipment shall be behind parapet walls or otherwise integrated into rooftop architectural features.
5. Ground-mounted utility and mechanical equipment shall not be located within any required open space area.
6. Ground-mounted mechanical and electrical equipment shall be placed to avoid conflicts with vehicular and pedestrian circulation.
7. Ground-mounted utility and mechanical equipment screening shall consist either of landscaping, low walls, or low structures. Walls and structures, where used, shall incorporate the same or similar architectural design, colors, and materials as the on-site building(s).
8. Loading docks and areas adjacent to residential uses and noise-sensitive receptors such as schools, hospitals, and community care facilities shall be screened by noise-attenuating walls to achieve City noise ordinance standards. All loading docks and areas shall not be visible from a public street.

3.10.070 Setback Requirements and Exceptions

- A. **Purpose.** This Section provides standards for setbacks requirements and exceptions to the requirements. Setback standards provide open areas around structures for: visibility and traffic safety; access to and around structures; access to

natural light, ventilation and direct sunlight; separation between potentially conflicting activities; and space for privacy, landscaping and recreation.

B. Setback requirements.

1. Minimum setbacks for all structures. Each structure shall comply with the front, interior side, street side, and rear setback requirements of the applicable zone as established in Chapter 2 (Zones and Allowable Land Uses), except:
 - a. Where a different setback requirement is established for a specific land use by Chapter 4 (Standards for Specific Development and Land Uses);
 - b. As otherwise provided by this Section.
2. Exemptions from setback requirements. The minimum setback requirements of this Development Code do not apply to the following:
 - a. A projection into a required setback allowed by Subsection C (Allowed projections into setbacks).
 - b. Fences and walls as specified in Section 3.10.020.
 - c. Buildings or structures less than 120 square feet that do not require a building permit when located within an interior side or rear setback.
 - d. In commercial zones, an architectural feature such as an awning, eave or balcony may encroach into the public right-of-way a maximum of 36 inches with a minimum clearance of eight feet, provided required encroachment license is obtained. ~~An architectural feature such as an awning, eave or balcony may encroach into the public right-of-way a maximum of 36 inches with a minimum clearance of eight feet. The Review Authority may approve a greater encroachment if a finding is made that the architectural feature will enhance the building design.~~
 - e. A sign in compliance with Section 3.60 (Sign Regulations).

- C. Allowed projections into setbacks.** An architectural feature attached to a primary structure may extend beyond the wall of the structure and into a required front, side, or rear setback in compliance with Table 3.3-2.

Table 3.2- Allowed Projection into Setbacks		
	Allowed Projection into Specified Setback	
Projecting Feature	Front & Rear Setback	Side Setback
Bay window, or similar projecting feature	36 inches	24 inches ¹
Chimney/fireplace, 6 ft. or less in breadth	36 inches	24 inches ¹
Cornice, eave, awning, roof overhang, or similar feature	36 inches	24 inches ¹

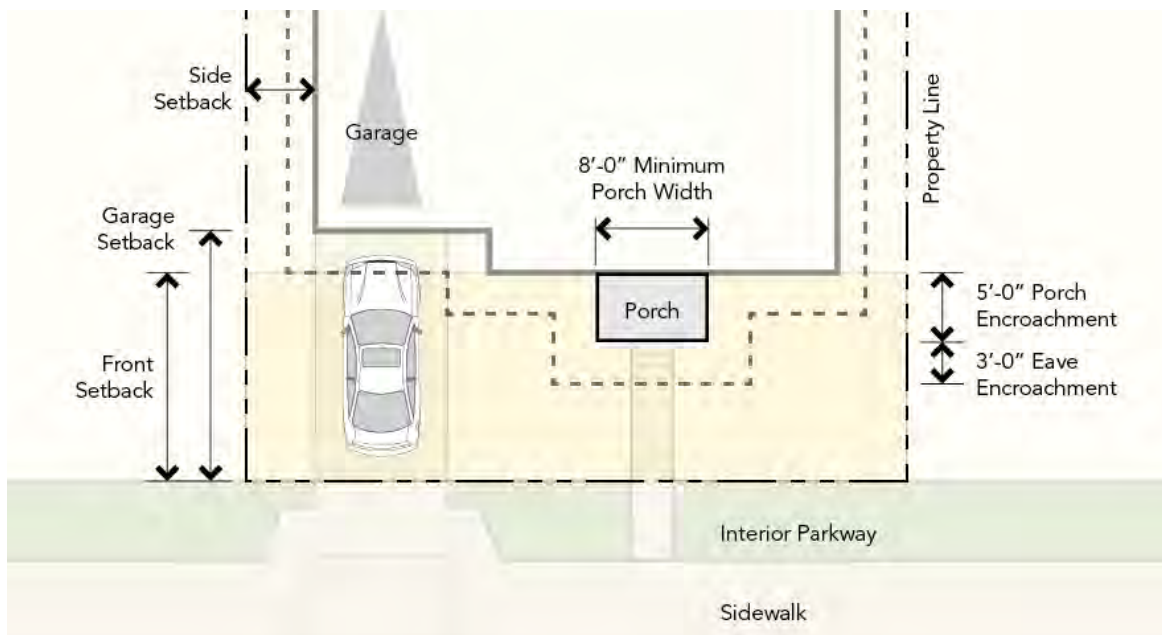
Notes: 1. Feature may project no closer than 36 inches to any side property line.

Table 3.3. Allowed Projection into Setbacks

Projecting Feature	Allowed Projection into Specified Setback ³			
	Front Setback ¹	Rear Setback	Side Setback ²	Street Side Setback ¹
Bay window, or similar projecting feature	3 feet	3 feet	2 feet	2 feet
Chimney, 6 ft. or less in breadth	3 feet	3 feet	2 feet	2 feet
Cornice, eave, awning, roof overhang, or similar feature	3 feet	3 feet	2 feet	2 feet
Porches in the R-1, CPR1 and CR-1 zones (not including eaves)	5 feet	N/A	N/A	3 feet
Porches in the R-2, CR-2, R-3, and CR-3 zones (not including eaves)	5 feet	N/A	N/A	3 feet

Notes:

1. Feature shall be at least 2 feet from any front or street-side property line.
2. Feature shall be at least 3 feet from any side property line.
3. Where property line exists within two feet of back of sidewalk (existing or future), no encroachments are permitted.

**Figure 3.11 – Allowed Porch Encroachments in Residential Zones**

- D. **Setback requirements for swimming pool, hot tub, etc.** A swimming pool, hot tub, or spa and any related mechanical equipment shall be set back a minimum of five feet from side and rear property lines, and shall not be located within ~~a front setback~~ the front half of a property.
- E. **Setback requirements for Meadow Creek.** All structures adjacent to Meadow Creek shall have a minimum 50 foot ~~setback~~ buffer on both sides of the creek as measured from the top of the highest creek bank or designated /regulated floodway.

- F. **Setback requirements for ESHA.** All structures adjacent to Environmentally Sensitive Habitat Areas (ESHA) shall have a minimum 50 foot setback. ~~(Am. Ord. 14-04)~~

3.10.075 Trash Enclosures

- A. For nonresidential development and multi-unit residential development with five or more units, common trash, recycling, organic waste, and green waste bins receptacles shall be housed in a trash enclosure with a gate that screens the trash receptacles. Sizing of the enclosures shall conform to solid waste provider requirements. Residential development with four or fewer units may use individual bins without a common enclosure.
- B. Trash enclosures shall be constructed of the same primary wall material and color as the most adjacent building within the development, or decorative masonry block, or similar solid materials that are architecturally compatible with the building architecture.
- C. Trash enclosures shall have both a vehicular access gate with a concrete apron and a pedestrian entrance. Access shall conform to solid waste provider requirements.
- D. Gates shall be solid and constructed of durable metal or composite materials. Chain link and wood fencing are prohibited. Gates shall be continuously maintained in working order.
- E. When a trash enclosure is located within 50 feet of a street-facing property line, a trellis or similar covering shall be provided on the top of the enclosure to provide additional architectural articulation.

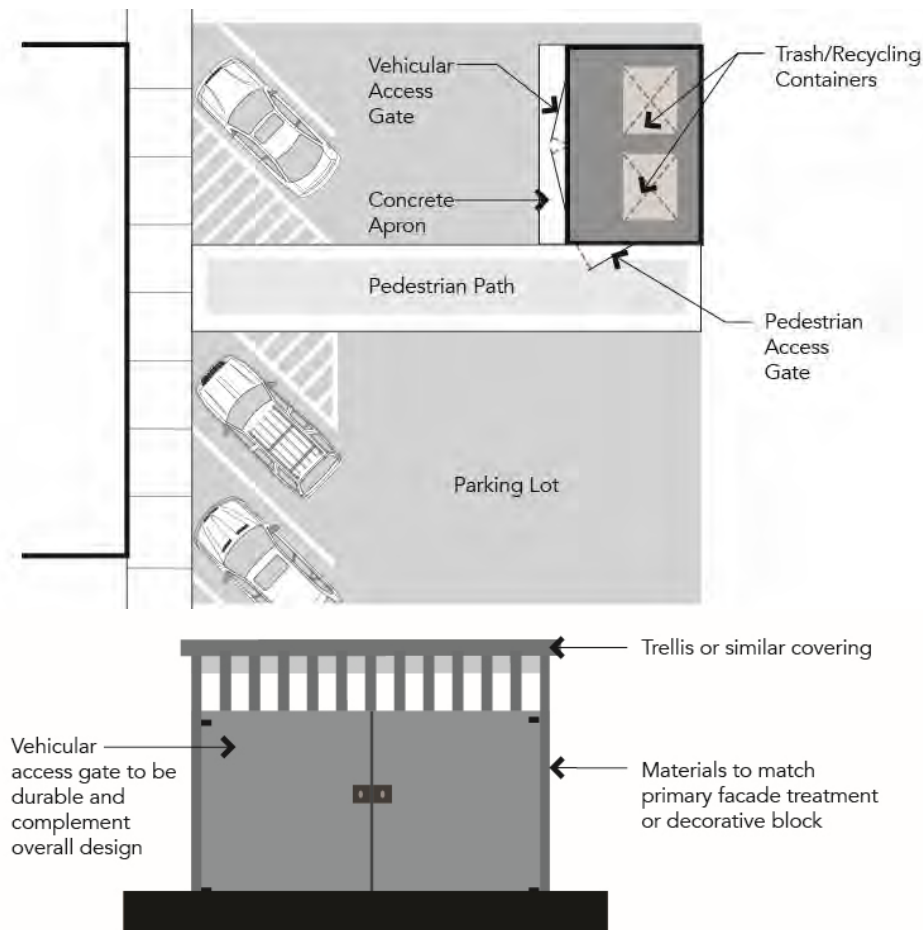


Figure 3.13 – Trash Enclosures

3.10.080 Upper Story/Rooftop Decks and Open Spaces

- A. **Purpose.** This section provides development and design standards for new construction, additions, or remodels of upper story/rooftop decks and open spaces on rooftops and upper-level stories to provide additional open space that is functional for its users and mitigates noise and visual impacts on adjacent properties.
- B. **Rooftop Decks in Residential Zones – Rear and Side Setbacks.**
 1. The upper story/rooftop deck and required guardrail shall be set back a minimum of five feet from the floor located directly below on the rear and side setback sides. In cases where the top story is already set back at least five feet from the minimum required setback, the rooftop deck does not require an additional setback.

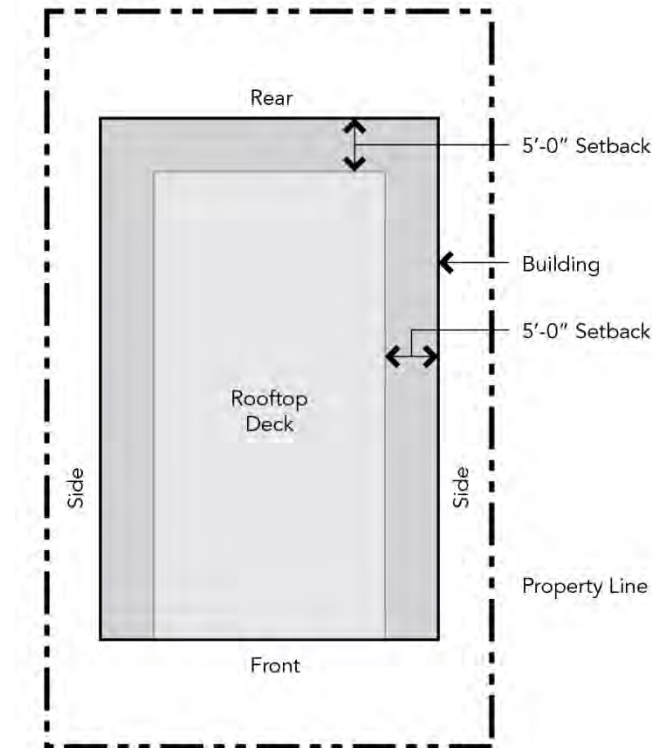


Figure 3.12 – Setbacks for Upper Story/Rooftop Decks in Residential Zones

- C. **Rooftop Decks in Commercial and Industrial Zones.** No additional setback for rooftop decks is required in Commercial and Industrial zones.
- D. **Rooftop Decks in All Zones.**
 1. Permit requirements. Upper story/rooftop decks are subject to Zoning Clearance approval.
 2. Accessory Structure Rooftop Decks Prohibited. Upper story/rooftop decks are prohibited on accessory structures and detached accessory dwelling units (ADUs).
 3. Rooftop Deck Access. The access to the rooftop deck and stairway design shall be integrated into the design of the residential structure in terms of materials, colors, and architectural style and shall not be visible from any front or street side public right-of-way. Cantilevered stairway designs are specifically prohibited.
 4. Height Limits.
 - a. Guardrail. The guardrail shall not exceed the maximum height limit for the zone in which the building is located.
 - b. Cover. No portion of upper story/rooftop decks shall be covered with temporary or permanent shade structures, including awnings, canopies,

- pergolas, trellises, or similar structures, unless such structure does not exceed the maximum height limit for the zone in which the building is located.
- c. Furniture and Landscaping. Other temporary objects that rest upon the rooftop deck such as patio furniture and landscaping shall be allowed to exceed the maximum height limit by five feet. No other temporary or permanent structures or features shall exceed the maximum height limit.
 - d. Exceptions to Height Limits. Section 3.10.030.D (Exceptions to height limits) shall not apply to features located on upper story/rooftop decks, with the exception of elevators and stairways required for egress. For elevators and stairways, see Section 3.10.030 (Height Limits and Exceptions).
5. Furniture. All furniture and accessories located on a rooftop deck shall be secured as necessary to prevent wind damage or dislocation.
6. Lighting. Lighting for (including access to) upper story/rooftop decks shall comply with Section 3.10.040 (Outdoor Lighting). Prior to building permit issuance, the applicant shall provide a lighting plan to demonstrate compliance with this requirement.

3.20 Affordable Housing Density Bonuses and Concessions/Incentives

Sections:

- 3.20.010 - Purpose
- 3.20.020 - General Affordable Housing Provisions
- ~~3.20.030 - Applicability: Affordable Housing Density Bonuses and Concessions/Incentives~~
- [3.20.030 - Application Requirements](#)
- [3.20.040 - Density Bonus](#)
- [3.20.050 - Incentives](#)
- [3.20.060 - Local Coastal Program Consistency](#)
- [3.20.070 - Review Procedures](#)
- [3.20.080 - Affordable Housing Agreement and Senior Housing Agreement](#)
- [3.20.090 - Design and Quality](#)

3.20.010 Purpose

A. Purpose.

1. Implement the goals, objectives, and policies of the Housing Element for developing housing affordable ~~housing for to various~~ households with very low, low and moderate incomes and units intended to serve seniors, transitional foster youth, disabled veterans, homeless persons, and lower income students.
2. ~~Encourage~~ Provide the implementing framework, as it relates to affordable housing density bonuses, and offer concessions and incentives for eligible housing developments that are consistent with the City's commitment to provide for affordable housing. units to be provided throughout the community and designed to be consistent with the surrounding neighborhood.
3. ~~Implement~~ Specify how compliance with the provisions of State Government Code Section 65915 ("State Density Bonus Law") will be implemented, as required by Government Code Section 65915, subdivision (a).
- ~~4. Increase affordable housing opportunities by offering incentives for smaller proposed housing projects that are less than the State's threshold of five residential units as set forth in State Government Code Section 65915.~~

3.20.020 General Affordable Housing Provisions

- A. **Availability.** All designated affordable housing units shall be made available to qualified occupants at the same time as the market-rate housing units are made available within the same project.
- B. **Median Income Levels.** For the purpose of determining the income levels for Households under this Section, the City shall use the San Luis Obispo County income limits found in Title 25, Section 6932 of the California Code of Regulations,

and regularly updated and published by the State Department of Housing and Community Development, or other income limits adopted by the City Council.

- C. **Density Bonus.** The granting of a density bonus shall not, in and of itself, be interpreted to require an Amendment to the General Plan, Local Coastal Program or Development Code, or other discretionary approval.
- D. **Affordable Housing Agreement.** The owner of the affordable unit shall sign an Affordable Housing Agreement with the City, agreeing to the term, affordability, resale and any other topic deemed appropriate by the City and in conformance with State Density Bonus Law.
- E. **Additional Applicability.** This ~~ordinance~~ Section is also applicable to mixed-use development projects that include at least a two-thirds housing component in terms of project square footage. The concessions/incentives available herein apply to the entire project and are not limited to the residential component, unless otherwise specified.
- F. **Definitions.** The definitions found in State Density Bonus Law shall apply to the terms contained in this Section.
- G. **Interpretations.** If any portion of this Section conflicts with State Density Bonus Law or other applicable State law, State law shall supersede this Section. Any ambiguities in this Section shall be interpreted to be consistent with State Density Bonus Law.

3.20.030 Application Requirements

Any applicant requesting a density bonus and any incentive(s), waiver(s), or parking reductions shall submit a density bonus report that includes the following information:

- A. **Requested Density Bonus.**
 - 1. Summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, proposed affordable units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre.
 - 2. A tentative map and/or preliminary site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed affordable units and density bonus units.
 - 3. The zoning and general plan designations and assessor's parcel number(s) of the housing development site.
 - 4. A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known,

if any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size of residents occupying dwelling units when the site contained the maximum number of dwelling units, if known.

5. Description of any recorded covenant, ordinance, or law applicable to the site that restricted rents to levels affordable to very low or lower income households in the five-year period preceding the date of submittal of the application.
6. If a density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control, and reasonable documentation that each of the requirements included in State Government Code Section 65915, subdivision (g) can be met.

B. **Requested Concession(s) or Incentive(s).** In the event an application proposes concessions or incentives for a housing development pursuant to State Density Bonus Law, the density bonus report shall include the following minimum information for each incentive requested, shown on a site plan, if appropriate:

1. The City's usual development standard and the requested development standard or regulatory incentive.
2. Except where mixed-use project is proposed as a concession or incentive, reasonable documentation to show that any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents.
3. If approval of mixed-use project is proposed, reasonable documentation that nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located, and that mixed-use zoning will provide for affordable housing costs or rents.

C. **Requested Waiver(s).** In the event an application proposes waivers of development standards for a housing development pursuant to State Density Bonus Law, the density bonus report shall include the following minimum information for each waiver requested on each lot, shown on a site plan, if appropriate:

1. The City's usual development standard and the requested development standard.
2. Reasonable documentation that the development standards for which a waiver is requested will have the effect of physically precluding the construction of a development at the densities or with concessions or incentives permitted by State Density Bonus Law.

D. **Requested Parking Reduction.** In the event an application proposes a parking reduction for a housing development pursuant to Government Code Section 65915, subdivision (p), a table showing parking required by the zoning regulations, parking proposed under Section 65915, subdivision (p), and reasonable documentation that the project is eligible for the requested parking reduction.

- E. **Child Care Facility.** If a density bonus or incentive is requested for a child care facility in a housing development, reasonable documentation that all of the requirements included in Government Code Section 65915, subdivision (h) can be met.
- F. **Condominium Conversion.** If a density bonus or incentive is requested for a condominium conversion, reasonable documentation that all of the requirements included in Government Code Section 65915.5 can be met.
- G. **Fee.** Payment of any fee in an amount set by resolution of the City Council for determination that the proposed density bonus plan complies with this Section and State Density Bonus Law.

Applicability: Affordable Housing Density Bonuses and Concessions/Incentives

- ~~B.—In application for projects meeting the State minimum threshold of five units or more, the provisions dealing with State Government Code Section 65915, as amended from time to time, shall apply, pursuant to State Government Code Section 65915.~~
- ~~C.—In application for projects not meeting the State minimum threshold of five units, the applicant may request specific incentives and/or concessions that would contribute significantly to the economic feasibility of providing affordable units as set forth below:~~
 - ~~1.—One or more units for Moderate Income. One incentive may be requested from the following:~~
 - ~~a.—Reduce minimum outdoor and/or private usable open space requirements in total square feet. (Up to 20 percent reduction).~~
 - ~~b.—Reduced minimum outdoor and/or private usable open space requirements in dimension. (Up to 20 percent reduction).~~
 - ~~2.—One or more units for Low Income. Two incentives may be requested from the following:~~
 - ~~a.—Any incentive listed under "Moderate Income" Subsection B1.~~
 - ~~b.—Increased maximum lot coverage. (Up to percentage permitted in the applicable zone).~~
 - ~~c.—Increased in the allowable first to second floor square footage ratio from 80 to 100 percent.~~
 - ~~d.—Allowance for required guest parking requirement to be located in tandem to the garage or in a required setback.~~
 - ~~3.—One or more units for Very Low Income. Three incentives may be requested from the following:~~

- ~~a. Any incentive listed under “moderate income” and “low income” Subsections B.1 and B.2.~~
- ~~b. Reduce minimum building setbacks from property lines and building separation requirements that exceed minimum building code and fire code standards.~~
- ~~c. Reduce minimum lot sizes and/or dimensions.~~
- ~~D. Parking may be reduced by the City's Air Quality Provisions from the City required parking standards on a case-by-case basis and shall not be considered as a development incentive. Granting of such reductions shall be by the Review Authority. A parking/traffic study may be required to ensure the parking reduction will not be detrimental to the surrounding area.~~
- ~~E. It is the intent of this Section to insure that all projects applying for the concessions and incentives of this Section provide for affordable housing units that are comparable in size, design and quality to the market units in the same project. The Director shall have the discretion and authority to enforce this provision during the application process.~~

3.20.040 Density Bonus

- A. **Number of Units.** All calculations shall be rounded up for any fractional numeric value in determining the total number of units to be granted, including base density and bonus density, as well as the resulting number of affordable units needed for a given density bonus project. The density bonus units shall not be included in determining the number of affordable units required to qualify a housing development for a density bonus pursuant to State Density Bonus Law.
- B. **Multiple Qualifying Factors.** If a housing development qualifies for a density bonus under more than one income category, or additionally as a senior citizen housing development, or as housing intended to serve transitional foster youth, disabled veterans, homeless persons, or lower income students, the applicant shall identify the categories under which the density bonus would be associated and granted. Density bonuses from more than one category can be combined up to the maximum allowed under State Density Bonus law.
- C. **Lower or Zero Percent Density Bonus.** The applicant may elect to accept a lesser percentage of density bonus than the housing development is entitled to, or no density bonus, but no reduction will be permitted in the percentages of required affordable units as outlined in Government Code Section 65915, subdivisions (b), (c), and (f). Regardless of the number of affordable units, no housing development shall be entitled to a density bonus of more than what is authorized under State Density Bonus Law.

3.20.050 Incentives

- A. **Number.** Incentives include incentives and concessions as defined in State Density Bonus Law. The number of incentives that may be requested shall be based upon the number the applicant is entitled to pursuant to State Density Bonus Law.
- B. **Financial Assistance.** Nothing in this section requires the provision of direct financial incentives for the housing development, including, but not limited to, the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The City, at its sole discretion, may choose to provide such direct financial incentives.

3.20.060 Local Coastal Program Consistency

- A. **Applicability.** State Density Bonus Law provides that it shall not be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Cal. Public Resources Code § 30000 et seq.), and further provides that the granting of a density bonus or an incentive shall not be interpreted, in and of itself, to require a Local Coastal Program (LCP) amendment.
- B. **Certified LCP.** For development within the coastal zone, any requested density bonus, incentive(s), waiver(s), parking reduction(s), or commercial development bonus shall be consistent with all applicable requirements of the certified Grover Beach Local Coastal Program, with the exception of density.
- C. **LCP Consistency Findings.** Within the Coastal Zone, the Review Authority may approve a density bonus only after making all of the following findings:
 - a. The proposed increased density is consistent with Coastal Act Section 30604(f); and
 - b. The project is found to be in conformity with the Local Coastal Program (including but not limited to sensitive habitat, public viewshed, public services, public recreational access and open space protections), with the exception of the density standards. ~~(Am. Ord. 14-04)~~

3.20.070 Review Procedures

- A. **Housing Development.** To ensure that an application for a housing development conforms with the provisions of State Density Bonus Law and the Coastal Act, the Review Authority shall determine whether the application conforms to the following requirements of State law, as applicable:
 - 1. The housing development provides the affordable units or senior housing required by State Density Bonus Law to be eligible for the density bonus and any incentives, parking reduction, or waivers requested, including the replacement of

units rented or formerly rented to very low and low income households as required by Government Code Section 65915, subdivision (c)(3).

2. Any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents; except that, if a mixed-use development is requested, the application must instead meet all of the requirements of Government Code Section 65915, subdivision (k)(2).
 3. The development standards for which a waiver is requested would have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by State Density Bonus Law.
 4. The housing development is eligible for any requested parking reductions under Government Code Section 65915, subdivision (p).
 5. If the density bonus is based all or in part on donation of land, all of the requirements included in Government Code Section 65915, subdivision (g) have been met.
 6. If the density bonus or incentive is based all or in part on the inclusion of a child care facility, all of the requirements included in Government Code Section 65915, subdivision (h) have been met.
 7. If the density bonus or incentive is based all or in part on the inclusion of affordable units as part of a condominium conversion, all of the requirements included in Government Code Section 65915.5 have been met.
 8. If the housing development is in the coastal zone, the requested density bonus and any requested incentive(s), waiver(s), or parking reduction(s) are consistent with all applicable requirements of the certified Grover Beach Local Coastal Program, with the exception of density.
- B. **Exception to Approval of Requested Incentive.** The Review Authority shall grant an incentive requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:
1. The proposed incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for affordable rents, as defined in Health and Safety Code Section 50053; or
 2. The proposed incentive would be contrary to State or Federal law; or
 3. The proposed incentive would have a specific, adverse impact upon public health or safety or the physical environment or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low and moderate income households. For the purpose of this subsection, specific adverse impact means a significant, quantifiable, direct, and unavoidable impact based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete.

- C. **Exception to Approval of Requested Waiver.** The Review Authority shall grant the waiver of development standards requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:
1. The proposed incentive would be contrary to State or Federal law; or
 2. The proposed incentive would have a specific, adverse impact upon public health or safety or the physical environment or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low and moderate income households. For the purpose of this subsection, specific adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete.
- D. **Agreement Required.** If any density bonus, incentive, parking reduction, or waiver is approved pursuant to this Section, the applicant shall enter into an affordable housing agreement or senior housing agreement with the City pursuant to the requirements of this Section.

3.20.080 **Affordable Housing and Senior Housing Agreements**

- A. **Affordable Housing Agreement.** Except where a density bonus, incentive, waiver, or parking reduction is provided for a market-rate senior housing development, the applicant shall enter into an affordable housing agreement with the City to ensure that the requirements of this Section are satisfied. The affordable housing agreement shall guarantee the affordability of the affordable units for a minimum of 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program; shall identify the type, size and location of each affordable unit; and shall specify phasing of the affordable units in relation to the market-rate units.
- B. **Senior Housing Agreement.** Where a density bonus, waiver, or parking reduction is provided for a market-rate senior housing development, the applicant shall enter into a restrictive covenant with the City, running with the land, to require that the housing development be operated as "housing for older persons" consistent with State and Federal Fair Housing laws.
- C. **Recordation of Agreement.** The executed affordable housing agreement or senior housing agreement shall be recorded against the housing development prior to final or parcel map approval, or, where a map is not being processed, prior to issuance of building permits for the housing development. The affordable housing agreement or senior housing agreement shall be binding on all future owners and successors in interest.

- D. **Contents.** The affordable housing agreement shall include, but not be limited to, the following:
1. The number of density bonus dwelling units granted;
 2. The number and type of affordable dwelling units;
 3. The unit size(s) (square footage) of target dwelling units and the number of bedrooms per target dwelling unit;
 4. The proposed location of the affordable dwelling units;
 5. Schedule for production of affordable dwelling units;
 6. Incentives or concessions or waivers provided by the City;
 7. Where applicable, tenure and conditions governing the initial sale of the affordable units;
 8. Where applicable, tenure and conditions establishing rules and procedures for qualifying tenants, setting rental rates, filling vacancies, and operating and maintaining units for affordable rental dwelling units;
 9. Marketing plan with publication and notification of availability of affordable units;
 10. If construction of dwelling units is to be phased, a phasing plan stating the number of market-rate and affordable housing units in each phase;
 11. Compliance with Federal and State laws;
 12. Prohibition against discrimination;
 13. Indemnification;
 14. City's right to inspect units and documents; and
 15. Remedies.

3.20.090 **Design and Quality**

- A. **Comparable Units.** Affordable units shall be comparable in exterior appearance and overall quality of construction to market rate units in the same housing development. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the City. The Director shall have the discretion and authority to enforce this provision during the application process.
- B. **Number of Bedrooms.** The size of the units in terms of the number of bedrooms per unit shall be proportionally equivalent in the market rate units and affordable units. For example, if the market rate units provide 50% one-bedroom units and 50% two-bedroom units, the same proportions shall be provided for the affordable units.

- C. **Building Permits and Final Inspection.** If the project proposes multiple phases, the City will not issue building permits for the market rate units until it has issued building permits for an equivalent proportion of the affordable units. Furthermore, the City will not approve any final inspections or certificates of occupancy for the market rate units until it has issued final inspections or certificates of occupancy for the equivalent proportion of affordable units.

3.30 Landscaping Standards

Sections:

- 3.30.010 - Purpose
- 3.30.020 - Applicability
- 3.30.030 - Landscape and Irrigation Plans
- 3.30.040 - Landscape Standards
- 3.30.050 - ~~Landscape Requirements~~
- ~~3.30.060~~ - Maintenance of Landscaped Areas

3.30.010 Purpose

This Section establishes minimum landscaping requirements for ~~landscaping to enhance all uses for the purposes of enhancing~~ the appearance of public street frontages ~~and development projects, conserve~~ conserving water ~~and other resources~~, controlling soil erosion and ~~provide~~ providing screening where necessary. The additional purpose of this chapter is to establish a structure for planning, designing, installing, maintaining, and managing water-efficient landscapes in new construction and rehabilitated projects. ~~California natives, drought tolerant, and low water usage plants are strongly encouraged to reduce water usage.~~

3.30.020 Applicability

The provisions of this Section shall apply to all land uses as follows:

- A. **New Projects.** All new development projects shall provide landscaping in compliance with this Section.
- B. **Existing Development.** The approval of a development application for minor additions (e.g., 25 percent or less of the existing floor area) and/or a change in use within an existing development may include conditions of approval requiring compliance with specific requirements of this Section.
- C. **Timing of Installation.** Required landscape and irrigation improvements shall be installed prior to the final building inspection.
- D. **Alternatives to requirements.** The Review Authority may modify the standards of this Section to accommodate alternatives to required landscape materials or methods, where the Review Authority determines that the proposed alternative will be equally or more effective in achieving the purposes of this Section per Section 6.20.072 (Modifications to Standards).

3.30.030 Landscape and Irrigation Plans

- A. **Conceptual Landscape Plan.** A conceptual landscape plan shall be submitted as part of the development application for all new development, additions or redevelopment of an existing use, as determined by the Director, except for a single-unit dwelling on an existing lot.
- B. **Final Landscape Plan.** A final landscape and irrigation plan shall be submitted as part of the building permit application. The Director shall approve the final landscape plan if it is in substantial compliance with the approved conceptual landscape plan. All irrigation systems shall be designed to maximize water conservation.
- C. **Compliance with State Model Water Efficient Landscape Ordinance.** All projects shall comply with Government Code Section 65591 et seq. to provide water conservation.

3.30.040 Landscape Standards

- A. ~~Purpose~~ Minimum Landscape Coverage. All projects shall meet the minimum landscape coverage for lot area as established in Chapter 2 (Zones and Allowable Land Uses).
- B. ~~Exceptions:~~ The minimum landscape coverage requirements may be reduced by the Review Authority as follows:
 - 1. ~~In commercial and industrial zones if a finding is made that it is impractical or infeasible to meet the minimum standards and the proposed landscaping is in compliance with the purpose of this Section.~~
 - 2. ~~In residential zones for non-residential uses (e.g., churches) if a finding is made that the proposed landscaping is in compliance with the purpose of this Section.~~
- C. **Determination of Landscape Coverage Areas.** ~~Landscape coverage area shall include all areas not covered by structures, driveways, parking lots and hardscape materials. Landscape areas may include setback areas, drainage basins, and natural areas. In residential zones, patios, decks, walkways, and other hardscape materials may be included as landscape area if incorporated into the site landscaping as determined by the Review Authority.~~
 - 1. Location. Landscaped areas shall be prioritized within required front and street side setback areas and in other areas visible from the public right of way.
 - 2. Plant material. Landscaped areas shall primarily consist of grass, annuals, perennials, groundcover, shrubs, trees, and other living vegetation.
 - 3. Non-plant material. Landscape coverage areas may include permeable or pervious non-plant materials including: gravel, inorganic and organic mulches, modular paving units set on sand, embellished permeable pavers, and decks as approved by the City Engineer.

4. Artificial turf. Artificial turf may only be used if it is permeable and has a minimum pile height of 1.25 inches.
- D. Parking Area Buffer. Parking areas provided in all non-residential zones shall be landscaped in compliance with this Section.
1. In non-residential zones, parking areas adjacent to a public street shall have a minimum landscaped setback area of 5 feet in width between the back of sidewalk and parking area.

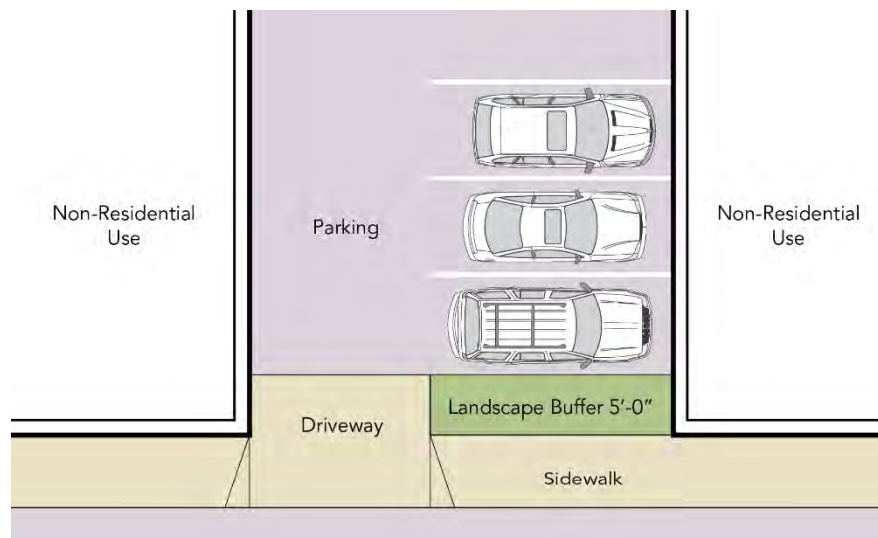
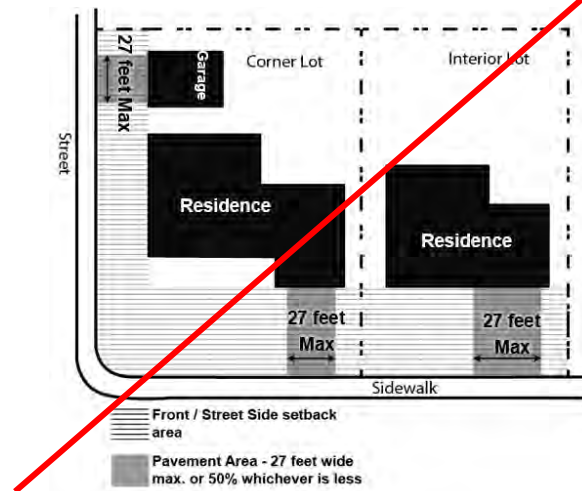


Figure 3.14 – Parking Area Buffer

2. The required landscape buffer area between the sidewalk and parking area shall be designed and maintained to screen parking areas from public streets. Landscape screening materials may include a combination of plant materials, earth berms, fences/walls, and raised planters.
 3. Plant materials, signs, or structures within a traffic safety visibility area of a driveway shall comply with Section 3.10.040 (Restrictions to height limits at street corners).
- E. Parking lot landscaping.
1. General location of landscaping. Required landscaping shall be met first to comply with Subsection A (Minimum Landscape Coverage) and Subsection D (Parking Area Buffer). Any remaining required landscaping shall be installed as either perimeter landscaping and/or dispersed throughout the parking area via interior landscape planters with trees. The Review Authority may approve a reduction for small in-fill parking lots where compliance with this standard is not feasible without significantly reducing the number of parking spaces per Section 6.20.120 (Modifications to Standards).

2. Tree height. Trees within the parking lot interior shall reach a mature height of at least 20 feet.
- F. **Groundwater recharge.** The design of landscaped areas shall be required to include provisions for the on-site detention of stormwater runoff, pollutant cleansing, and groundwater recharge (refer to Development Code Section 5.60).
- G. **Requirements for plant materials.**
1. Size at time of planting. Plant materials shall be sized and spaced to achieve immediate effect and shall not be less than a 15-gallon container for trees and one-gallon container for shrubs, perennials, vines, and mass planting, unless otherwise approved by the Review Authority on the basis that the alternate size will achieve the desired immediate and/or long-term effect equally well.
 2. Trees. Tree planting shall comply with the following standards.
 - a. Trees in landscape planters less than 10 feet in width or located closer than five feet from a permanent structure shall be planted with root barriers or root barrier panels to prevent damage to adjacent structures or pavement.
 - b. Street trees in non-residential zones shall be a minimum of 24-inch box size and provided along all public frontages as specified in Section 5.30 and the City Standards and Specifications.
 - c. Street trees in residential zones shall be a minimum of 15-gallon size and provided along all public and private street frontages as specified in Section 5.30 and the City Standards and Specifications.
 4. Groundcover shall be provided throughout the landscaped area and shall be spaced to achieve full coverage within one year.
 5. Use of turf (grass) is discouraged in non-residential zones.
 6. Landscaped areas, other than lawn or groundcover, shall be top dressed with a bark chip mulch or approved alternative to avoid exposed bare soil.
- ~~D. **Maximum amount of paving for parking allowed in front and street side setback areas in residential zones.** Paving for parking areas shall be limited to a maximum of 50 percent of the front or street side setback areas or 27 feet in width, whichever is less, to limit the amount of hardscape paving in these areas (refer to Figure 3.4); except that the Review Authority may allow an increase for irregularly shaped or small lot that lacks sufficient area for adequate driveway.~~

Figure 3.4 Examples of Paving in Front and Street Side Setback Areas

3.30.050 Landscape Requirements

- A. **Purpose.** ~~Parking areas for all non-residential uses shall be landscaped in compliance with this Section.~~
- B. **Adjacent to streets.**
 1. ~~Parking areas adjacent to a public street shall have a minimum landscaped area of 10 feet in multi-family residential zones and a minimum of five feet in non-residential zones.~~
 2. ~~Landscaping shall be designed and maintained to screen parking areas from public streets. Screening materials may include a combination of plant materials, earth berms, fences/walls, raised planters, or other screening devices that are determined by the Review Authority to meet the intent of this requirement.~~
 3. ~~Plant materials, signs, or structures within a traffic safety visibility area of a driveway shall comply with Section 3.10.030 (Restrictions to height limits at street corners).~~
- C. **Parking lot landscaping.**
 1. ~~Location of landscaping. Landscaping shall be dispersed throughout the parking area and include interior landscape planters with trees and perimeter landscaping. The Review Authority may approve a reduction for small in-fill parking lots where compliance with this standard is not feasible without significantly reducing the number of parking spaces.~~
 2. ~~Tree height. Trees within the parking lot interior shall reach a mature height of at least 20 feet.~~
- D. **Groundwater recharge.** ~~The design of parking lot landscape areas shall consider and may be required to include provisions for the on-site detention of stormwater runoff, pollutant cleansing, and groundwater recharge.~~

- ~~E. **Plant material.** Required landscape shall include trees, shrubs, and ground covers.~~
- ~~1. **Size at time of planting.** Plant materials shall be sized and spaced to achieve immediate effect and shall not be less than a 15-gallon container for trees, and one-gallon container for shrubs, perennials, vines, and mass planting, unless otherwise approved by the Review Authority on the basis that the alternate size will achieve the desired immediate and/or long-term effect equally well.~~
 - ~~2. **Trees.** Tree planting shall comply with the following standards.~~
 - ~~a. **Trees in landscape planters less than 10 feet in width or located closer than five feet from a permanent structure shall be planted with root barriers or root barrier panels to prevent damage to adjacent structures or pavement.**~~
 - ~~b. **Street trees in non-residential zones shall be a minimum of 24-inch box size and provided along all public frontages as specified in Section 5.30 and the City Standards and Specifications.**~~
 - ~~c. **Street trees in residential zones shall be a minimum of 15-gallon size and provided along all public and private street frontages as specified in Section 5.30 and the City Standards and Specifications.**~~
 - ~~3. **Groundcover and shrubs.** The majority of areas required to be landscaped shall be covered with groundcover, shrubs, turf, or other types of plants.~~
 - ~~a. **Groundcover shall be provided throughout the landscaped area and shall be spaced to achieve full coverage within one year, except where the Review Authority approves an alternative such as crushed rock, stones, pebbles, or similar materials.**~~
 - ~~b. **Excessive use of turf is discouraged.**~~
 - ~~c. **Landscaped areas shall be top-dressed with a bark chip mulch or approved alternative to avoid exposed bare soil.**~~

3.30.050 ~~3.30.060~~ Maintenance of Landscaped Areas

~~A. **Maintenance required.**~~

- ~~1. A. All landscaping (e.g., ground cover, hedges, ~~lawns~~, shrubs, and trees) shall be maintained ~~in a healthful and thriving condition~~ at all times. This section may be waived if the City is in a State or City-mandated drought water emergency.~~
- ~~2. B. Irrigation systems and their components shall be maintained in a fully functional manner.~~
- ~~3. C. Landscaping ~~The landscaping~~ shall ~~regularly~~ be kept clean and free of debris, litter, and weeds.~~
- ~~4. D. All dead or decaying material shall be replaced with new material within 30 days upon notice of the Department.~~

5. E. All fences and walls which have been incorporated into an approved landscaping plan shall be regularly ~~be~~ maintained ~~in an attractive and safe manner.~~

3.40 Mobile Home Park Conversion Process

Sections:

- 3.40.010 - Authority and Short Title
- 3.40.020 - Definitions
- 3.40.030 - Conversion Impact Report Requirement
- 3.40.040 - Pre-Conversion Questionnaire
- 3.40.050 - Relocation Specialist
- 3.40.060 - Conversion Impact Report Content
- 3.40.070 - Public Hearing Regarding Conversion Impact Report
- 3.40.080 - Decision Regarding Conversion Impact Report
- 3.40.090 - Application for Exemption from Relocation Assistance Obligations
- 3.40.100 - Certificate of Acceptance
- 3.40.110 - Performance of Mitigation Measures
- 3.40.120 - Modification of Conversion Impact Report
- 3.40.130 - Expiration of Conversion Impact Report
- 3.40.140 - Nullification of Impact Report
- 3.40.150 - Right of First Refusal
- 3.40.160 - Appeal
- 3.40.170 - Processing Fees
- 3.40.180 - Building Permits
- 3.40.190 - Exemption

3.40.010 Authority and Short Title

This Section is enacted pursuant to the City's police power and authority of California Government Code Section 65863.7, 65863.8 and 66427.4; and pursuant to the City's adopted General Plan. The Housing Element ~~Policy 5.2.1~~ discourages the removal of affordable housing unless it achieves General Plan objectives and provides for replacement housing that is affordable or corrects unsafe or blighted conditions. ~~In addition, Housing Element Policy 5.3.1 indicates the City will require a developer to assist displaced residents to find affordable housing when affordable housing is removed.~~ This Section, which shall be known and may be cited as the "Grover Beach Mobile Home Park Conversion Ordinance," implements General Plan policies related to affordable housing and mobile home parks specifically.

3.40.020 Definitions

Absentee Owner means a person who owns a mobile home is a mobile home park and does not reside at such mobile home.

Affected Mobile Home Owners and Residents means absentee owners, resident owner and resident tenants whose mobile home will be displaced by the conversion of a mobile home park.

Applicant means a mobile home park owner who proposes to perform a mobile home park conversion.

Certificate of Acceptance means a written declaration expressing an Applicant's acceptance of the conditions imposed by the City in connection with approval of a conversion impact report.

Comparable Housing means housing within a 25 mile radius of the park to be converted that is equivalent (or better) in terms of amenities, condition, location, price and size (floor area and number of bedrooms) to the mobile home to which comparison is being made.

Comparable Mobile Home Park means a mobile home park within a 25 mile radius of the park to be converted that is equivalent (or better) in terms of amenities, condition, location and rental price to the mobile home park to which comparison is being made.

Conversion Impact Report means a report, meeting the requirements of this Section, describing (i) the impacts of a mobile home park conversion on affected mobile home owners and residents; and (ii) the measures that will be taken to mitigate adverse impacts of such conversion on affected mobile home owners and residents.

Immediate Family Member means the spouse, registered domestic partner, parents, grandparents, children, or siblings, by blood, marriage, domestic partnership or adoption, of a mobile home owner, or any other person claimed and allowed as a dependent of the mobile home owner for the purposes of federal income taxes.

Mobile Home means a "Mobile Home" as such term is defined in the Mobile Home Residency Law. "Mobile Home" also means camping trailers, motor homes, slide-in campers, park model recreational vehicles and travel trailers when used as the occupant's primary place of residence as established by nine months continuous residency.

Mobile Home Improvements means carports, earthquake bracing, landscaping, new roofs, patios, porches and similar amenities and major repairs.

Mobile Home Park means a "Mobile Home Park" as such term is defined in the Mobile Home Residency Law.

Mobile Home Park Conversion means (i) the conversion of a mobile home park or any part thereof to another use; (ii) the closure of a mobile home park or any part thereof; and (iii) the cessation of use of land as a mobile home park.

Mobile Home Residency Law means California Civil Code Section 798 et seq. as such statute exists at the time of enactment of this Section or is subsequently amended.

Resident Owner means a person who owns a mobile home in a mobile home park and resides at such mobile home as the person's primary residence or maintains such mobile home as a primary residence for an immediate family member, who occupied the mobile home as a primary residence prior to receiving any notification of the filing of a development applicant or a request for approval for closure or conversion. This definition also shall include persons subletting their mobile homes pursuant to California Civil Code Section 798.23.5.

Resident Tenant means a person who rents or leases a mobile home in a mobile home park and resides at such mobile home as the person's primary residence.

3.40.030 Conversion Impact Report Requirements

- A. Each conversion impact report submitted for City approval shall contain the following:
1. Legal description of the mobile home park.
 2. The purchase price paid by the Applicant to acquire the mobile home park.
 3. Current sale value of the mobile home park property as a mobile home park and as all other uses permitted by the zoning designation of the property, as demonstrated by a professional appraisal completed within the six months preceding the application.
 4. Description of any use proposed to replace the mobile home park.
 5. Any offers to sell or purchase the mobile home park, including offer dates.
 6. Timetable for the proposed mobile home park conversion.
 7. Number of spaces in the mobile home park and the current rental rate for each space (in the event of units owned by the mobile home park owner, the combined rental rate for space and unit shall be provided).
 8. Name, mailing address, age and disability status of each affected mobile home owner and resident having a mobile home in the mobile home park and whether the mobile home constitutes such person's primary place of residence.
 9. Name and mailing address of each absentee owner having a mobile home in the mobile home park.
 10. Name and mailing address of each lender having an interest in a mobile home in the mobile home park.
 11. Manufacture date, size, length of occupancy and the appraised on-site fair market value of each mobile home in the mobile home park. "Fair market value" shall be determined assuming the continuation of the mobile home park in a safe, sanitary and well-maintained condition. The appraisal shall be performed by an appraiser selected by the Director. The Applicant shall pay all costs and expenses associated with the appraisal, including any appraisal fees.
 12. Estimated from two moving companies, chosen by the Applicant with the Director's approval, as to the cost of moving mobile homes, relocatable mobile home improvements, and personal property. The estimates shall include tear-down and set-up costs to establish the mobile home in the new location in substantially the same condition as prior to relocation. "Set-up costs" include the cost of connecting utilities at the new location and the cost of any upgrades required to comply with applicable laws. No estimate of mobile home relocation and associated set-up and tear-down costs shall be required for any park-owned units.
 13. Estimates from two temporary lodging facilities, chosen by the Applicant with the Director's approval, as to the cost of providing temporary lodging for resident

owners and resident tenants who are unable to complete relocation within one day.

14. Itemization of available mobile home spaces within comparable mobile home parks within a fifty mile radius within the County or, if no such spaces are available, itemization of spaces available within a 50 mile radius, but outside the County. Such itemization shall indicate the rental rate for each space and whether the owner of that mobile home park has agreed in writing to accept affected mobile home owners and residents that are displaced by the mobile home park conversion.
 15. Itemization of available comparable housing within a 25 mile radius within the County, if no such spaces are available, itemization of spaces available within a 50 mile radius, but outside the County. Such itemization shall indicate the purchase price for each equivalent (or better) mobile home or condominium, as well as the rental rate for each equivalent (or better) mobile home, condominium or apartment.
 16. Completed pre-conversion questionnaires.
 17. Proposed measures to mitigate the adverse impacts of the mobile home park conversion on affected mobile home owners and residents.
 18. A copy of any agreement reached with any resident or owner relating to the purchase or relocation or a resident/owner or provision of other relocation assistance. This requirement may be waived by the Director at Director's discretion.
- B. The Director may require an Applicant to include information in the conversion impact report in addition to that specified in Subsection A above.

3.40.040 Pre-Conversion Questionnaire

- A. Prior to filing a conversion impact report for City approval, an Applicant shall distribute a pre-conversion questionnaire to affected mobile home owners and residents. The affected mobile home owners and residents shall have no less than 30 days from the date of certified mailing to complete the pre-conversion questionnaire.
- B. The Director shall provide a standard pre-conversion questionnaire for use by Applicants. At a minimum, the pre-conversion questionnaire shall include questions requesting the affected mobile home owners and residents to provide the following information:
 1. The purchase date and purchase price for the mobile home.
 2. The amount and terms of any outstanding mortgage obligation for the mobile home.

3. Any mobile home improvements that have been paid for by the affected mobile home owner or tenant and the costs of such improvements.
 4. Any circumstances, including but not limited to job location, disability status if any, medical circumstances or other relevant information, which restrict potential relocation areas.
 5. Manufacturing date, purchase date and size of the mobile home.
 6. Any available housing opportunities known to the affected mobile home owners and /or residents that would be acceptable as a relocation option.
 7. Any other information that the Director may deem necessary to facilitate the Planning Commission's consideration of appropriate conditions to mitigate the adverse impacts of proposed conversion on affected mobile home owners and residents.
- C. Neither the completed pre-conversion questionnaire form nor any personal information provided in response thereto shall be considered public information and the City shall not publicly disclose any such information, except as necessary to facilitate the evaluation of the adequacy of the report herein or as may be required by law.

3.40.050 Relocation Specialist

The Director shall require an Applicant to hire a relocation specialist to assist in: providing notification to mobile home owners and residents regarding any application under this Chapter; developing conversion impact report, including relocation proposals for affected mobile home owners and residents; assisting in finding alternate housing for affected mobile home owners and residents and any other function necessary to assist those affected by the process as determined by the Director. The Applicant shall choose the relocation specialist with the Director's approval. The Applicant shall pay all costs and expenses incurred by the relocation specialist.

3.40.060 Conversion Impact Report Content

- A. Each conversion impact report submitted for City approval shall contain the following:
1. Legal description of the mobile home park.
 2. The purchase price paid by the Applicant to acquire the mobile home park.
 3. Current sale value of the mobile home park property as a mobile home park and as all other uses permitted by the zoning designation of the property, as

demonstrated by a professional appraisal completed within the six months preceding the application.

4. Description of any use proposed to replace the mobile home park.
5. Any offers to sell or purchase the mobile home park, including offer dates.
6. Timetable for the proposed mobile home park conversion.
7. Number of spaces in the mobile home park and the current rental rate for each space (in the event of units owned by the mobile home park owner, the combined rental rate for space and unit shall be provided).
8. Name, mailing address, age and disability status of each affected mobile home owner and resident having a mobile home in the mobile home park and whether the mobile home constitutes such person's primary place of residence.
9. Name and mailing address of each absentee owner having a mobile home in the mobile home park.
10. Name and mailing address of each lender having an interest in a mobile home in the mobile home park.
11. Manufacture date, size, length of occupancy and the appraised on-site fair market value of each mobile home in the mobile home park. "Fair market value" shall be determined assuming the continuation of the mobile home park in a safe, sanitary and well-maintained condition. The appraisal shall be performed by an appraiser selected by the Director. The Applicant shall pay all costs and expenses associated with the appraisal, including any appraisal fees.
12. Estimate from two moving companies, chosen by the Applicant with the Director's approval, as to the cost of moving mobile homes, relocatable mobile home improvements, and personal property. The estimates shall include tear-down and set-up costs to establish the mobile home in the new location in substantially the same condition as prior to relocation. "Set-up costs" include the cost of connecting utilities at the new location and the cost of any upgrades required to comply with applicable laws. No estimate of mobile home relocation and associated set-up and tear-down costs shall be required for any park-owned units.
13. Estimates from two temporary lodging facilities, chosen by the Applicant with the Director's approval, as to the cost of providing temporary lodging for resident owners and resident tenants who are unable to complete relocation within one day.
14. Itemization of available mobile home spaces within comparable mobile home parks within a fifty mile radius within the County or, if no such spaces are available, itemization of spaces available within a 50 mile radius, but outside the County. Such itemization shall indicate the rental rate for each space and whether the owner of that mobile home park has agreed in writing to accept

affected mobile home owners and residents that are displaced by the mobile home park conversion.

15. Itemization of available comparable housing within a 25 mile radius within the County, if no such spaces are available, itemization of spaces available within a 50 mile radius, but outside the County. Such itemization shall indicate the purchase price for each equivalent (or better) mobile home or condominium, as well as the rental rate for each equivalent (or better) mobile home, condominium or apartment.
 16. Completed pre-conversion questionnaires.
 17. Proposed measures to mitigate the adverse impacts of the mobile home park conversion on affected mobile home owners and residents.
 18. A copy of any agreement reached with any resident or owner relating to the purchase or relocation or a resident/owner or provision of other relocation assistance. This requirement may be waived by the Director at Director's discretion.
- B. The Director may require an Applicant to include information in the conversion impact report in addition to that specified in Subsection A.

3.40.070 Public Hearing Regarding Conversion Impact Report

- A. No less than 15 days prior to the first public hearing regarding the adequacy of the conversion impact report, the Applicant shall conduct an informational meeting for the residents of the mobile home park. The meeting shall be conducted on the premises of the park, or other noticed location approved by the Director. The relocation specialist and a representative from City staff shall be present at such meeting. A copy of a conversion impact report shall be provided to each resident and owner prior to the meeting. The meeting shall address the proposed conversion or closure, the content of the conversion report and approval process, the project application process, if a replacement project is proposed, and the proposed relocation assistance for displaced mobile home owners and residents. The Applicant shall make the relocation specialist available for individual meetings with residents and owners to discuss issues and needs unique to the individual resident or owner.
- B. Upon the filing of a complete conversion impact report for City review, the Director shall schedule a public hearing before the Planning Commission. Notice of the public hearing shall be provided in accordance with Subsection C.
- C. At least 30 days prior to the hearing date, the Director shall perform the following actions:
 1. Mail a notice of the public hearing and a copy of conversion impact report to affected mobile home owners and residents, to the owners of properties within a

300-foot radius of the Applicant's property, and to each lender having an interest in a mobile home in the mobile home park. The notice shall contain a general explanation of the matters to be considered by the Planning Commission. The copy of the conversion impact report shall not include the completed pre-conversion questionnaires, which will be considered private information of each responding individual and not subject to public disclosure, but shall include the appraisal of the mobile home owned or resided in by that particular notice recipient.

2. Inform the Applicant in writing of the provisions of Civil Code Section 798.56 regarding the Applicant's duty to notify affected mobile home owners and residents of the proposed conversion. Such writing shall specify the manner in which the Applicant shall verify that affected mobile home owners and residents have been notified of the proposed conversion. Notify the Applicant of the requirement for an informational meeting in accordance with Subsection A above.
- D. The Planning Commission shall conduct a public hearing on the conversion impact report at the time and place set forth in the hearing notice. Such hearing shall not be held before the Applicant has satisfactorily verified that affected mobile home owners and residents have been notified of the proposed conversion pursuant to Civil Code Section 798.56.
- E. The Applicant shall pay all costs associated with providing notice, including any publishing and postage expenses.

3.40.080 Decision Regarding Conversion Impact Report

- A. After the conclusion of the public hearing, the Planning Commission shall adopt a resolution approving or rejecting a proposed conversion impact report. The Planning Commission shall approve or conditionally approve a conversion impact report if it finds that the conversion impact report contains, or has been conditioned to contain, reasonable measures to mitigate the adverse impacts of the mobile home park conversion on affected mobile home owners and residents.
- B. Subject to Subsection C, the Planning Commission may impose conditions in connection with its approval of a conversion impact report. Such conditions may include, but are not limited to, lump sum payments to affected mobile home owners and residents to mitigate the following expenses as applicable to each particular absentee owner, resident owner and resident tenant having a mobile home in the mobile home park:
 1. The expense of relocating the mobile home to a comparable mobile home park. The amount of such payment shall be based upon consideration of moving, tear-down and set-up costs. "Moving costs" include the cost of moving the mobile

home and the cost of moving associated relocatable mobile home improvements. "Set-up costs" include the cost of connecting utilities at the replacement mobile home park and the cost of any upgrades required to comply with applicable laws. Assistance with these expenses shall be payable only to a resident or absentee owner of a mobile home in the mobile home park.

2. The expense of forfeiting the mobile home. The amount of such payment shall be based upon consideration of: (i) the on-site fair market value of the mobile home and associated mobile home improvements; and (ii) any outstanding mortgage obligation of the owner. "Fair market value" shall be determined assuming the continuation of the mobile home park in a safe, sanitary and well-maintained condition. Assistance with these expenses shall be payable only to a resident owner of a mobile home in the mobile home park.
 3. The expense of assuming tenancy in a comparable mobile home park. The amount of such payment shall be based upon consideration of: (i) moving costs; (ii) first month's rent, last month's rent and security deposit at the replacement mobile home park; (iii) differential between rental rates at the mobile home park being converted and the replacement mobile home park during the first year of relocation; and (iv) if necessary, the cost of purchasing an equivalent mobile home in the replacement mobile home park. Assistance with these expenses shall be payable only to a resident or absentee owner who are relocating their homes and resident tenants.
 4. The expense of assuming tenancy in comparable housing. The amount of such payment shall be based upon consideration of: (i) moving costs; (ii) first month's rent, last month's rent, and security deposit at the replacement housing; and (iii) differential between the rental rate at the mobile home park being converted and the replacement housing during the first year of relocation. Assistance with these expenses shall be payable only to resident tenants.
 5. The expense of purchasing comparable housing. The amount of such payment shall be based upon consideration of: (i) moving costs; (ii) down payment for the replacement housing; and (iii) differential between the rental rate at the mobile home park being converted and the mortgage payment for the replacement housing during the first year of relocation. Assistance with these expenses shall be payable only to an affected resident owner of a mobile home in a mobile home park as an alternative to the assistance available pursuant to Subsection (B)(2).
- C. The conditions imposed in connection with approval of a conversion impact report shall not exceed the reasonable costs of relocation. Conditions shall only be imposed in order to ensure that the Applicant adequately mitigates adverse impacts of the mobile home park conversion on affected mobile home owners and residents. In imposing conditions, the City shall interpret and apply this Chapter in a manner consistent with all applicable laws and shall not require cumulative forms of relocation assistance from the above options that result in costs to the applicant in excess of the

reasonable costs of relocation in light of the circumstances of each affected resident or owner.

3.40.090 Application for Exemption from Relocation Assistance Obligations

- A. Any Applicant for change of use of a mobile home park may, simultaneous with such application, file an application for total or partial exemption from the obligation to provide relocation assistance.
- B. If such application is filed, notice of such application, with the information contained therein, and distribution thereof to the owners and residents of the mobile home park shall be provided with the application for change of use.
- C. Any such application shall establish that it is made on either or both of the following bases:
 - 1. That provision for relocation assistance would eliminate substantially all reasonable use or economic value of the property. Such basis may only be established if it is demonstrated that the imposition of such obligations would eliminate the reasonable use or economic value of the property for alternate uses, and that continued use of the property as a mobile home park would eliminate substantially all reasonable use or economic value of the property for reasons not caused or contributed by the park owner or Applicant.
 - 2. That a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the closure or cessation of use of said property as a mobile home park is necessary, and that such court has taken further action which would prohibit or preclude payment of relocation assistance benefits, in whole or in part.
- D. Any such application made pursuant to Subsection (C)(1) shall contain, at a minimum, the following information:
 - 1. Statements of profit and loss from the operations of the mobile home park for the most recent five-year period of the date of the application or request, certified by a certified public accountant. All such statements shall be maintained in confidence as permitted by the California Public Records Act.
 - 2. A statement to support the Applicant's assertion that continued use of the property as a mobile home park necessitates repairs or improvements or both, that are not the result of the park owner or Applicant's negligent failure to properly maintain the property, and that the costs thereof make continuation of the park economically infeasible. This statement must be made under penalty of perjury by a general contractor licensed as such pursuant to the laws of the State of California to certify that such contractor has thoroughly inspected the entire mobile home park; that such contractor has determined that certain repairs and improvements must be made to the park to maintain the park in decent, safe and

sanitary condition, and that those certain repairs are not the result of the park owner or Applicant's negligent failure to properly maintain said property; the minimum period of time in which such improvements or repairs must be made; and itemized statement of such improvements and repairs; and the estimated cost thereof of repairs and improvements, if any, due to deferred maintenance separately identified. The Applicant shall also submit a statement verified by a certified public accountant as to the necessary increase in rental rates of mobile home spaces within the park within the next five years necessary to pay for such repairs or improvements that are not the result of the park owner or Applicant's negligent failure to properly maintain said property. If the Director requires an analysis of the information submitted by the general contractor, the Director may procure services of another such licensed general contractor to provide such written analysis, and the cost thereof shall be billed to and payment therefore shall be required from the Applicant.

3. The estimated total cost of relocation assistance which would otherwise be required to be provided pursuant to this chapter, which shall be based upon documented surveys, included with the application, of the available mobile home spaces within 25 miles of the mobile home park, residents of the park who are willing to relocate and those who would elect to sell their mobile homes, and the value of the mobile homes in the park.
 4. An estimate of the value of the mobile home park by a qualified real estate appraiser if the park were permitted to be developed for the change of use proposed in the application for redevelopment of the park, and an estimate of the value of such park by such appraiser if use of the property as a mobile home park is continued.
 5. Such other information which the Applicant believes to be pertinent, or which may be required by the Director.
- E. Any such application filed pursuant to Subsection (C)(2) shall be accompanied by adequate documentation as to the title, case number, and court in which the bankruptcy proceeding was held, and copies of all pertinent judgments, orders, and decrees of such court.

3.40.0100 Certification of Acceptance

Upon City approval of a conversion impact report, the Applicant shall record a certificate of acceptance on the title of the mobile home park property. City approval of a conversion impact report shall not be effective until proof of recordation of a certificate of acceptance has been delivered to the Director. The Director shall provide the certificate of acceptance form for use by Applicants.

3.40.0110 Performance of Mitigation Measures

The Applicant shall fully perform the mitigation measures set forth in, and the conditions imposed in connection with, the approved conversion impact report and such performance shall also be a condition of approval of any concurrent or subsequent development application proposing an alternate or replacement use of the mobile home park property. No affected mobile home owner or resident shall be required to vacate a mobile home space unless the Applicant has performed all mitigation measures and conditions of approval applicable to such owner or resident.

3.40.0120 Modification of Conversion Impact Report

- A. The Planning Commission may, upon request of Applicant and after holding a public hearing, modify the provisions of an approved conversion impact report. A modification may be approved where the Planning Commission finds that there has been a change in circumstances, or there is new information that could not have reasonably been known or considered at the time of the original hearing on approval of the conversion impact report.
- B. The Planning Commission may impose additional conditions as deemed necessary to mitigate any adverse impacts resulting from a modification of an approved conversion impact report.
- C. Upon City approval of modification of an approved conversion impact report with additional conditions, the Applicant shall record a certificate of acceptance on the title of the mobile home park property. City approval of modification of an approved conversion impact report shall not be effective until proof of recordation of a certificate of acceptance has been delivered to the Director.

3.40.0130 Expiration of Conversion Impact Report

- A. An approved conversion impact report shall expire: (i) the 30th day after adoption of the resolution of approval, unless proof of recordation of a certificate of acceptance is delivered to the Director prior to such date; or (ii) one year after delivery to the Director of proof of recordation of a certification of acceptance, unless an extension is granted prior to such date pursuant to this Section.
- B. The Planning Commission may, upon request of the Applicant and after holding a public hearing, extend the term of an approved conversion impact report. An extension may be granted where the Planning Commission finds that expiration of the conversion impact report would constitute an undue economic hardship to the Applicant.

- C. The Planning Commission may impose additional conditions as deemed necessary to mitigate any adverse impacts resulting from an extension. The Planning Commission may grant multiple extensions of an approved conversion impact report but no single extension shall have a duration in excess of one year.
- D. Upon City approval of an extension of an approved conversion impact report with additional conditions, the Applicant shall record a certificate of acceptance on the title of the mobile home park property. City approval of an extension of an approved conversion impact report shall not be effective until proof of recordation of a certificate of acceptance has been delivered to the Director.

3.40.0140 Nullification of Impact Report

- A. The Planning Commission may, upon request of the Director and after holding a public hearing, order an approved conversion impact report null and void. No nullification shall be ordered unless the Planning Commission makes either of the following findings:
 - 1. Approval of the conversion impact report was obtained fraudulently.
 - 2. The Applicant has failed to comply with the mitigation measures set forth in, or the conditions imposed in connection with, the approved conversion impact report.
- B. If a conversion impact report is nullified, then the Applicant shall not be entitled to perform the mobile home park conversion until a new conversion impact report is approved in accordance with this Section.

3.40.0150 Right of First Refusal

An Applicant shall afford affected mobile home owners and residents a right of first refusal to purchase, lease or rent housing that is constructed for sale, lease or rental on the site of the mobile home park proposed to be converted.

3.40.0160 Appeal

Any Planning Commission decision pursuant to this Section may be appealed to the City Council in accordance with Section 7.20 (Appeals).

3.40.0170 Processing Fees

Each Applicant seeking City approval, modification or extension of a conversion impact report shall pay a nonrefundable application deposit in an amount established by City Council resolution. In addition, the Applicant shall reimburse the City for all costs, including staff time and attorney's fees, incurred in processing and reviewing the Applicant's conversion impact report.

3.40.0180 Building Permits

No building permit shall be issued for conversion of a mobile home park property until the Applicant has filed with the Director a written statement confirming full performance of the mitigation measures set forth in, and the conditions imposed in connection with, the approved conversion impact report. Such statement shall specify in itemized form the name of each affected mobile home owner and resident and the date and type of relocation assistance provided to such person. The statement shall be executed under penalty of perjury.

3.40.0190 Exemption

This Section shall not apply to any mobile home park conversion or closure resulting from an adjudication of bankruptcy.

3.50 Parking Regulations

Sections:

- 3.50.010 Purpose
- 3.50.020 Applicability
- 3.50.030 General Provisions
- 3.50.040 Required Parking Spaces
- 3.50.050 Bicycle Parking Spaces
- 3.50.060 Parking Reductions
- 3.50.070 Location of Required Parking
- 3.50.080 Parking Districts
- 3.50.090 Loading
- 3.50.100 Parking Design and Driveway Standards
- 3.50.110 Residential Front and Street Side Setback Parking

3.50.010 Purpose

- A. Require parking spaces for all land uses that are sufficient in number, size, and arrangement;
- B. Offer flexible means of minimizing the amount of required parking spaces by allowing reductions for projects with transit accessibility, [fractional density](#), shared parking facilities, and in other situations expected to have lower vehicle parking demand; and
- C. Establish standards and regulations for safe and well-designed parking, unloading, and vehicle circulation areas that minimize conflicts between pedestrian and vehicles within parking lots.

3.50.020 Applicability

- A. **New Buildings and Land Uses.** Parking shall be provided in accordance with this Section at the time any main building or structure is erected, or any new land use or new residential unit is established.
- B. **Existing Buildings and Land Uses.** Existing buildings and land uses that are conforming or nonconforming to the requirements of this Section may be changed, altered, or enlarged as follows.
 - 1. Residential Buildings and Uses.
 - a. Additions to existing residences which are no greater than 500 square feet are not required to meet the parking standards of this Section, but shall be required to retain the number and type (covered or uncovered) of existing parking spaces.
 - b. Additions greater than 500 square feet are required to comply with parking standards in this Section; however, the Review Authority may make minor

exceptions for parking space dimensions if it can be demonstrated that it is unreasonable or impractical.

2. Non-Residential Buildings and Uses.

- a. Additions. Where an addition of floor area creates an increase of 10 percent or more of the existing square footage, additional parking as required in Table 3.3 shall be provided for the increase in parking required for the addition.
 - i. The existing parking shall be maintained.
 - ii. If the number of existing parking spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the addition.
- b. Change in Use. Where an existing land use is changed to another land use, parking shall be provided in accordance with this Section except as follows.
 - i. Coastal Visitor Serving, Central Business, and Central Business Open Zones. No additional off-street parking is required for a change in use of an existing structure in the Coastal Visitor Serving, Central Business, and Central Business Open zones, provided that for locations within the Coastal Zone, any adverse impacts to public access are appropriately mitigated.
- c. Same Use. Where an existing use is proposed to be replaced with the same use that previously occupied the building, no additional parking is required. All commercial/industrial buildings in an industrial zone that do not meet the minimum parking requirements of this Section are allowed to have uses that require one space per 750 square feet.

- C. **When Constructed.** Parking facilities required by this Section shall be constructed or installed prior to the issuance of a Certificate of Occupancy for the uses that they serve.

3.50.030 General Provisions

- A. **Existing Parking to be Maintained.** No existing parking serving any use may be reduced in amount or changed in design or location below the requirements for such use, unless equivalent substitute facilities are provided, or it is necessary to comply with accessible parking spaces required by the California Building Code.
- B. **Accessibility.** Parking and loading areas shall be accessible for its intended purpose during all hours of operation.

- C. **Valet and Stacked Parking.** Stacked or valet parking is allowed if an attendant is present or an automated system is in place to move vehicles. If stacked parking managed by an attendant is used for required parking spaces, an acceptable form of guarantee must be filed with the Director ensuring that an attendant will be present while the lot is in operation.
- D. **Recreational Vehicle Parking.** Boats, trailers, and other recreational vehicles may be parked in any Residential Zone in compliance with Municipal Code Article V.

3.50.040 Required Parking Spaces

- A. **Minimum Number of Spaces Required.** Each land use shall provide the minimum number of parking spaces stated in Table 3.34, Required Parking Spaces by Land Use, unless otherwise provided in this Section. The parking requirement for any use not listed in Table 3.34 shall be determined by the Director based upon the requirements for the most similar comparable use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand. Where a parking requirement is provided as a ratio of parking spaces to floor area, the floor area shall be calculated based on gross floor area, unless otherwise stated.
- B. Fractional Density Parking Incentives. Notwithstanding the requirements of Table 3.4, multi-unit detached dwellings, multi-unit attached dwellings, and mixed-use development projects that incorporate at least 50 percent fractional density units shall receive parking incentives for residential components as follows:
1. Guest parking requirement waived for the project; and
 2. Parking requirement reduced to one space per unit for the fractional density units.
- C. West Grand Avenue. Notwithstanding the requirements of Table 3.4, the commercial component parking ratio for mixed-use projects fronting West Grand Avenue shall be one space per 450 square feet of floor area and one space per 1,500 square feet of outdoor use area.

Table 3.34, Required Parking Spaces by Land Use	
Land Use	Parking Requirement
Residential	
Accessory Dwelling Unit (ADU) <u>/ Junior Accessory Dwelling Unit (JADU)</u>	None
Single Family <u>Unit Dwelling</u>	2 spaces per unit

Table 3.34 Required Parking Spaces by Land Use	
Land Use	Parking Requirement
Multi-Unit and Mixed-Use Residential Component	<p>1 guest space per every 4 units plus parking per unit as follows:</p> <ul style="list-style-type: none"> • Studios: 1 space per unit • One-bedroom units: 1 space per unit • Two or more bedroom units: <ul style="list-style-type: none"> ◦ Extremely-low-, very-low-, and low-income affordable housing units in all zones: 1.5 spaces per unit ◦ CVS, VS, CB, CBO, and CC zones: 1.5 spaces per unit ◦ All zones other than CVS, VS, CB, CBO and CC zones: 2 spaces per unit <p>Guest Parking: 1 guest space per every 4 units</p> <p>Fractional density units shall comply with Section 3.50.040.B.(Fractional Density Parking Incentives).</p>
Multiple Detached Dwellings/Cluster Developments	<p>2 spaces per unit plus 1 guest space per every 2 units. However, no guest parking is required for units served by an individual driveway 20 feet or more in length.</p> <p>Fractional density units shall comply with Section 3.50.040.B.(Fractional Density Parking Incentives).</p>
Boarding House	4 space per every 2 units
Caretaker's Residence	1 space per unit
Communal Housing	1 space per unit
Day Care – Small or Large Family Home	None beyond the parking required for the residential dwelling
Day Care—Large Family Home	1 on-site passenger loading space, which may be located in the driveway, in addition to the parking required for the residential dwelling
High Occupancy Residential	4 space per adult occupant, minus 2 spaces of the aggregate
Live/Work	Each live/work unit shall provide parking based on the area of commercial or industrial use, or a minimum of two spaces, whichever is greater. The Review Authority may modify this requirement for the use of existing structures with limited parking.
Low Barrier Navigation Center	No additional parking is required beyond the standard for residential dwellings in the zone in which the use is located.

Table 3.34 Required Parking Spaces by Land Use	
Land Use	Parking Requirement
Residential Care 1-6 clients	None beyond the parking required for the residential dwelling
Residential Care - 7 or more clients	1 space per every 3 beds
Residential Care Facility for the Elderly	1 space per every 3 beds
Residential Common Area Developments (PUDs)	2 garage spaces per unit plus 1 guest space per every 2 units. However, no guest parking is required for units served by an individual driveway 20 feet or more in length.
Senior Housing	1 space per unit plus 1 guest space per every 4 units
Single Room Occupancy Facility	1 space per every 3 units
Tiny Homes on Wheels	None
Transitional & Supportive Housing	None beyond the parking required for the residential dwelling. No additional parking is required beyond the standard for residential dwellings in the zone in which the use is located. None is required if the Transitional or Supportive Housing is located within one-half mile of any high-frequency public transit stop.
Retail	
Adult Business	1 space per 300 square feet of floor area
Automobile Service Station	1 space per 300 square feet of floor area
Bar/Tavern/Night Club	1 space per 200 square feet of floor area and any outdoor use area
Building/Landscape Materials	1 space per 300 square feet of floor area plus 1 space per 1,500 square feet of outdoor use area
Fuel Dealer	1 space per 300 square feet of floor area plus 1 space per 1,500 square feet of outdoor use area
Retail	1 space per 300 square feet of floor area plus 1 space per 1,500 square feet of outdoor use area
Plant Nursery	1 space per 300 square feet of floor area plus 1 space per 1,500 square feet of outdoor use area

Table 3.34 Required Parking Spaces by Land Use	
Land Use	Parking Requirement
Restaurant	<ul style="list-style-type: none"> When located on a site with multiple uses and restaurant square footage is less than 50% of the total building square footage on site: 1 space per 300 square feet of floor area and outdoor seating area Otherwise: 1 space per 200 square feet of floor area and outdoor seating area No additional parking is required for sidewalk seating in accordance with Section 4.10.190 (Sidewalk Seating for Outdoor Dining)
Vehicle Sales	1 space per 300 square feet of floor area
Wine Tasting	1 space per 300 square feet of floor area plus 1 space per 1,500 square feet of outdoor use area
Services	
Animal Boarding	1 space per employee plus 1 space for animal loading and unloading
Animal Care Facility	1 space per 300 square feet of floor area
Business Support Services	1 space per 300 square feet of floor area
Catering Service	1 space per 300 square feet of floor area
Child Day Care – Day Care Center	1 space per 300 square feet of floor area
Equipment Rental	1 space per 300 square feet of floor area
Financial Institutions	1 space per 300 square feet of floor area
Lodging	1 space per guest room
Maintenance Service – Client Site Services	1 space per 300 square feet of floor area
Massage Establishments	1 space per 300 square feet of floor area
Medical Services – Clinic/Urgent Care	1 space per 300 square feet of floor area
Medical Services – Doctor Office	1 space per 300 square feet of floor area
Medical Services – Extended Care	1 space per every 3 beds
Mortuary/Funeral Home	1 space per 300 square feet of floor area
Office	1 space per 300 square feet of floor area
Personal Service	1 space per 300 square feet of floor area

Table 3.3.4 Required Parking Spaces by Land Use	
Land Use	Parking Requirement
Repair Services	1 space per 300 square feet of floor area
Vehicle Rental	1 space per 300 square feet of floor area
Vehicle Repair and Services	1 space per 300 square feet of floor area
Industry, Manufacturing & Processing	
High Technology Uses	1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area
Manufacturing, Artisan	1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area
Manufacturing/Processing	1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area
Media Production	1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area
Printing and Publishing	1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area
Recycling-Processing Facilities	1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area
Storage-Warehouse	1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area
Storage-Outdoor	1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area
Storage – Personal Storage Facility	1 space per 50 storage units, minimum of 2 spaces
Storage-Vehicles	1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area
Wholesaling and Distribution	1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area
Recreational, Education & Public Assembly	
Commercial Recreation Facility - Indoor	Theater/Cinema: <ul style="list-style-type: none"> • 1 space per 20 square feet of seating floor area Other: <ul style="list-style-type: none"> • 1 space per 500 square feet of floor area
Commercial Recreation Facility – Outdoor	1 space per 1,000 square feet of lot area

Table 3.3.4 Required Parking Spaces by Land Use	
Land Use	Parking Requirement
Community Gardens	2 spaces
Health/Fitness Facility	1 space per 300 square feet of floor area
Meeting Facility, public or private	1 space per 4 seats, but not less than 1 space per 40 square feet of floor area of the largest meeting hall
Recreational Vehicle Park	1 space per unit plus 1 guest space per every 4 units
Specialized Education/Training	1 space per 300 square feet of floor area
Studio – Art, Dance, Martial Arts	1 space per 300 square feet of floor area
Transportation & Infrastructure	
Freight Terminal	1 space per 300 square feet of office floor area
Parking Facility	1 space per 300 square feet of office floor area
Telecommunication Facility	1 space per 300 square feet of office floor area

D. Calculation of Required Spaces.

1. Fractions. When the number of parking spaces required result in a fraction of a space, fractions of one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions of less than one-half (0.5) shall be rounded down to the nearest whole number.
2. Accessory or Incidental Uses.
 - a. 10 Percent or Less. Accessory or incidental uses that occupy 10 percent or less of the square footage of the primary use on a site shall not be subject to additional parking requirements other than required for the primary use.
 - b. More than 10 Percent. For accessory or incidental uses that occupy more than 10 percent of the square footage of the primary use on a site, the number of required parking spaces shall be equal to the sum of the requirements for each use calculated as follows:
 - i. The number of required parking spaces shall be calculated separately for each use to the hundredth decimal place and summed together and then rounded as described pursuant to Subsection D.1 (Fractions).
3. Sites With Multiple Uses. If more than one use is located on a site, the number of required parking spaces shall be equal to the sum of the requirements for each use as follows, unless a reduction is approved pursuant to Section 3.50.060 (Parking Reductions).

- a. The number of required parking spaces shall be calculated separately for each use to the hundredth decimal place and summed together. If the sum of the number of required parking spaces calculated separately for each use to the hundredth decimal place contains a fraction of a whole number, the result shall be rounded as described pursuant to Subsection D.1 (Fractions).
4. On-street Parking. In the CVS, VS, CB, CBO, [CIC](#), and CC zones, on-street parking along a lot's corresponding frontage lines may be counted toward the parking requirement for ~~Retail and Service~~ [commercial](#) uses. Where on-street parking is not marked, 22 lineal feet of curb space shall constitute an on-street parking space. Where an on-street parking space is adjacent to multiple lots, the credit shall be given to the development on the lot whose frontage contains more than 50 percent of the parking space length.

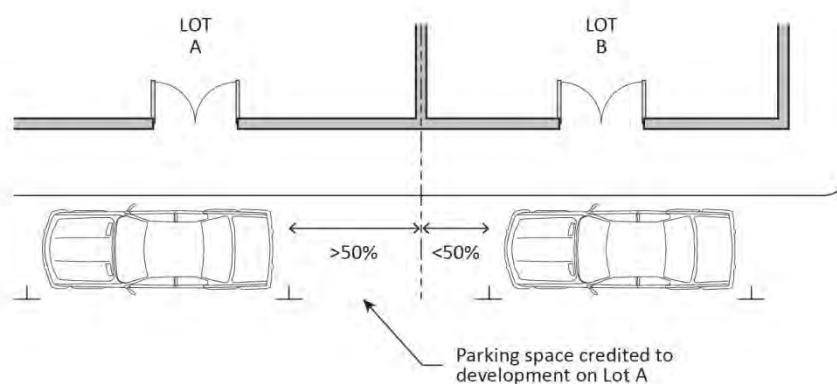


Figure 3.615 – On-Street Parking Credit

3.50.050 Bicycle Parking Spaces

Bicycle parking shall be provided in accordance with Building Code requirements.

3.50.060 Parking Reductions

- A. **Motorcycle Parking.** Motorcycle parking may substitute up to five percent of the required number of parking spaces for parking lots with 20 or more spaces. Each motorcycle space must be at least four feet wide and seven feet deep, and can accommodate two-wheeled motorized vehicles, including scooters, mopeds, and similar vehicles.
- B. **Transit Accessibility.** For any land use except for Single-Unit and [Multi-Unit Detached Dwellings](#) and projects using fractional density pursuant to [Section](#)

3.10.025~~Planned Unit Developments~~, the number of required parking spaces may be reduced by up to 10 percent if any portion of the lot is located within 1000 feet of a transit route with regular, scheduled service during the weekday hours of 7:00 a.m. to 9:00 a.m. and 5:00 p.m. to 7:00 p.m.

- C. **Car Sharing Programs.** For any land use except for Single-Unit and Multi-Unit Detached Dwellings and projects using fractional density pursuant to Section 3.10.025, required parking spaces may be substituted with designated carshare vehicle parking space, and the required number of parking spaces may be reduced, pursuant to the following:
1. Reduction Allowed. A 10 percent reduction in the required parking shall be allowed where 10 percent of the net required spaces are designated as carshare vehicle parking spaces.
 2. Car Share Service Only. Car share vehicles shall be maintained for active use by a car share service and not for other purposes. No sales, servicing, storage, repair, administrative, or similar functions shall occur and no personnel shall be employed on the site except for occasional short-term maintenance of vehicles, unless otherwise permitted by the land use regulations of the zone in which the car share facility is located.
 3. Accessibility. Car sharing parking spaces shall be made available to a car share organization for purposes of providing car share services for service subscribers. In addition to conforming to the requirements of Section 3.50.0100 (Parking Design and Driveway Standards), the parking area shall be designed to be accessible to local and non-local car share subscribers 24 hours a day, seven days a week.
 - a. Exception. Car share parking spaces may be occupied by non-car share vehicles, if it is demonstrated to the satisfaction of the Director that no car share organization can make use of the parking spaces. This is provided that upon 90 days of advance written notice to the property owner from a car share organization, the property owner shall terminate any non-car share leases for such spaces and shall make the spaces available to the car share organization.
 4. Recorded Covenant. Prior to issuance of a building permit, a covenant shall be recorded identifying the number and location of the car share parking spaces. The location of the car share spaces shall be subject to approval by the Director.
- D. **Other Parking Reductions.** Required parking for any use may be reduced through approval of an Administrative Development Permit ~~or Administrative Use Permit~~ as follows:
- ~~1. Review Process. The Director may approve parking reductions of 10 percent or less of the number of required parking spaces subject to approval of an Administrative Development Permit. Reductions of more than 10 percent are subject to approval of an Administrative Use Permit.~~

1. Criteria for Approval. The Review Authority may approve a parking reduction if one of the following findings can be made:
 - a. Special conditions exist—including, but not limited to, the nature of the proposed operation; peak hours of uses that share the parking facility will not overlap or coincide; transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a transportation demand management program that reduce parking demand at the site, or
 - b. Coastal Commercial Zone. In the Coastal Commercial zone, the Review Authority may reduce the parking requirements in this Section if a finding is made that the existing structure location and/or lot size render the parking requirement unreasonable or impractical (e.g., a portion of the existing building would need to be removed) and any adverse impacts to public access are mitigated.
2. Parking Demand Study. In order to evaluate a proposed project's compliance with the above criteria, a parking demand study which substantiates the basis for granting a parking reduction may be required.

3.50.070 Location of Required Parking

- A. **Setback Areas.** Parking spaces shall not be located within required setback areas except as otherwise noted in this Development Code and as allowed below.
 1. Single-~~Unit Dwellings~~~~Family Residences~~. Parking may be located within the setback area if the following standards are met:
 - a. A minimum dimension of 9-foot by 18-foot for each space.
 - b. All parking spaces shall be located behind existing or future sidewalk.
 - c. Parking spaces shall be located on an all-weather surface as approved by the City Engineer (e.g., hardscape, gravel) and accessed by a driveway apron or curb cut.
 - d. Parking shall be located on paved areas that are designed in compliance with Section 3.50.100.C.2.b (Maximum Width in Residential Zones).
 - ~~2. Multi-Family~~Unit Attached and Detached Dwellings in Residential Zones. Parking may be located within the side or rear setback areas. Review Authority may allow parking in side and rear setback areas.
- B. **Recreational Vehicle Parking.** Recreational vehicle parking shall comply with Municipal Code Article V, Section 5217 (Parking of Trailers, Recreational Vehicles, and Boats on Private Property).

- C. **On-Site Parking Requirement and Off-Site Parking Allowance.** Required parking shall be located on the same lot as the use it serves, except as allowed below.
1. Off-Site Parking Allowance. Required parking may be located off-site provided the following conditions are met.
 - a. Location.
 - i. Residential Uses. Off-site parking facilities shall be located within 200 feet, along a pedestrian route, of the unit or use served.
 - ii. Non-Residential Uses. Off-site parking facilities shall be located within 500 feet, along a pedestrian route, of the main entrance containing the use served.
 - b. Parking Agreement. A written agreement between the landowner and the City in a form satisfactory to the City Attorney shall be executed and recorded in the Office of the County Recorder. The agreement shall include:
 - i. A guarantee from the landowner for access to and use of the shared parking facility; and
 - ii. A guarantee that the spaces to be provided will be maintained and reserved for the uses served for as long as such uses are in operation.

3.50.080 Parking Districts

Parking required in any Commercial or Industrial Zone may be reduced below the stated requirements when included within a City Council approved public parking district or assessment district for financing off-street parking facilities.

3.50.090 Loading

All uses requiring the receipt or distribution by vehicles or trucks of material or merchandise shall provide off-street loading and unloading areas to handle the volume of truck traffic and loading requirements.

A. Commercial and Industrial Buildings.

1. Number of Loading Spaces Required. At a minimum, one loading space shall be provided for all commercial and industrial buildings in excess of 10,000 square feet plus one additional space for every additional 40,000 square feet of floor area.

- a. **Multi-Tenant Buildings.** The gross floor area of the entire building shall be used in determining spaces for multi-tenant buildings. A common loading area may be required, if each tenant space is not provided with a loading area. Drive-in roll-up doors for multi-tenant industrial projects may be substituted for required loading areas.
2. **Reduction to Number of Loading Spaces Required.** The Director may waive the loading space upon finding that the applicant has satisfactorily demonstrated that, due to the specific nature of the use and building, such loading space will not be necessary.
3. **Additional Loading Spaces Required.** Additional loading spaces may be required to ensure that trucks will not be loaded, unloaded, or stored on public streets. Such requirement shall be based on the anticipated frequency of truck deliveries.
- B. **Location.** Loading zones and docks shall be located to the rear of properties and no truck entrance door, loading zone, or dock-serving commercial vehicles shall be permitted to face a residential area within 50 feet.
 1. **Exceptions.** The location requirement may be modified or waived where the Review Authority finds that:
 - a. The intended use of the property or the location of or shape of the site and/or existing development warrant a variation,
 - b. That street-facing loading areas will exhibit architectural treatment, or will be enhanced with landscaping, in such a way as to minimize visual and noise impacts, and
 - c. There are specific features of the site and design of the building such that strict application of the orientation requirement is impractical.
- C. **Size and Dimensions.** Each on-site loading space required by this Section shall not be less than 10 feet wide, 35 feet long, and 14 feet high. The minimum size requirement may be modified if the Director finds that the applicant has satisfactorily demonstrated that due to the nature of the proposed use, such size will not be needed.

3.50.0100 Parking Design and Driveway Standards

All parking areas shall be designed and developed consistent with the following standards.

- A. **Tandem Parking.** Tandem parking may be permitted to satisfy parking requirements for single-family unit and multi-family unit residential uses in accordance with the following:
 1. No more than two vehicles shall be placed one behind the other.
 2. Both spaces shall be assigned to the same dwelling unit.

3. Tandem parking shall not be used to meet a guest parking requirement.
- B. Assigned Parking.** Lots developed with multiple uses and a shared parking area shall not assign parking spaces to individual tenant spaces or uses, except that parking spaces for residential uses in a mixed-use development shall be assigned to residential occupants.
- C. Parking Access and Driveways.**
1. Forward Egress Required. All parking access and driveways shall be designed to require vehicles to enter a public street in a forward direction, except for lots adjacent to alleys and for single-unit and multi-unit detached dwellings family residences having access from local and collector streets. Single-unit and multi-unit detached dwellings family residences having access from an arterial street shall provide an on-site turnaround. Dead end parking areas shall be designed with an adequate turnaround area. Exceptions for existing parking lots with less than five spaces may be approved by the City Engineer if there is no feasible alternative and it would not create a traffic safety issue. The City Engineer may approve exceptions to this subsection if there is no feasible alternative and it would not create a traffic safety issue.
 2. Driveway and Private Street Width.
 - a. Minimum Width.
 - i. Planned Unit Developments and Cottage Clusters. Multi-Unit Residential and Mixed-Use Projects. Planned Unit Developments, and multi-unit residential and mixed-use projects with one access point shall provide the following minimum common driveway width and back-up distance unless otherwise approved by the City Engineer.
 - (1) Minimum Common Driveway Width: ~~18~~ 14-feet or 10 feet for lots with a depth of 200 feet or less.
 - (2) Minimum Back-up Distance from Garage Doors and Parking Spaces: ~~24~~ 22-feet. Minor exceptions may be approved by the City Engineer where it can be demonstrated that adequate turnaround can be provided to allow vehicles to enter a street in a forward direction.
 - ii. ~~Non-Residential~~ Commercial and Industrial Development. Private streets/driveways in all non-residential uses commercial and industrial developments shall be a minimum of 24-feet wide.
 - b. Maximum Width in Residential Zones. Paving for parking areas in residential zones shall be limited to a maximum of 50 percent of the front or street side setback areas or 27 feet in width, whichever is less, to limit the amount of hardscape paving in these areas (refer to Figure 3.164); except that the Review Authority may allow an increase for irregularly shaped or small lot that lacks sufficient area for adequate driveway or for projects with three or more units through the Modification to Standards process. ~~The maximum~~

~~width of a driveway shall not exceed 36 feet unless it can be demonstrated that the type of use requires a wider driveway subject to review and approval by the City Engineer or Review Authority.~~

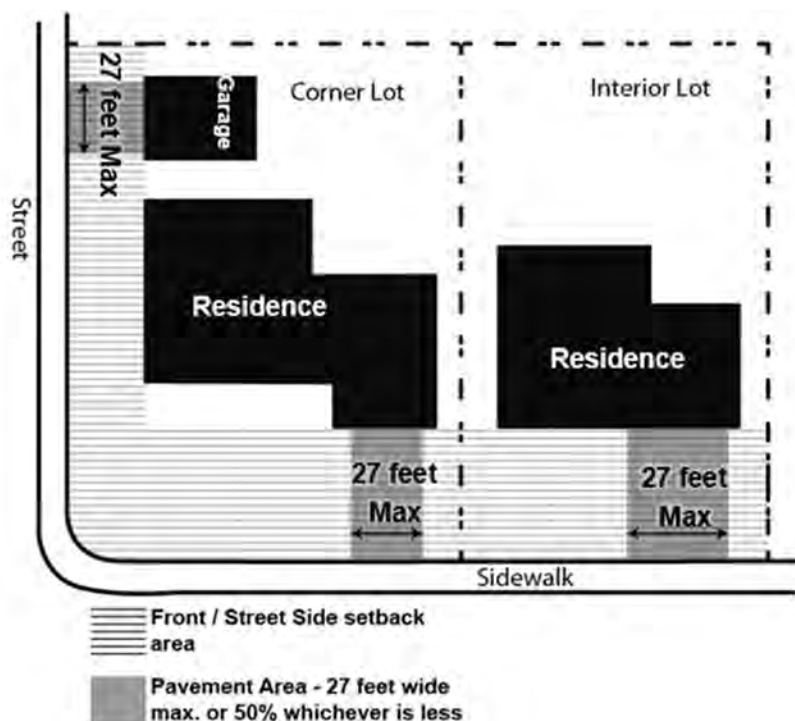


Figure 3.16 – Examples of Paving in Front and Street Side Setback Areas

3. Driveway Aprons.

- a. Width. Apron widths shall be constructed in compliance with the City's Standards and Specifications.
 - ~~i. Single Family Residences. All driveway aprons serving single family residences shall be a minimum of 10 feet wide and a maximum of 24 feet wide. The area of driveways/paving shall comply with Development Code Section 3.30.040.D for maximum areas of paving allowed.~~
 - ~~ii. Multi-Family Residential and Non-Residential Development. All driveway aprons serving multi-family and non-residential uses shall be a minimum of 14 feet wide for one-way driveways and 24 feet wide for two-way driveways.~~
- b. Separation. All driveway aprons on abutting parcels shall be separated by a minimum of two-feet of full height curb or berm. Exceptions may be approved by the City Engineer when it can be demonstrated that it is not feasible and/or will not create a traffic safety issue.

- c. Encroachment Permit Required. An Encroachment Permit for a new driveway apron shall be conditioned to remove all abandoned driveway aprons and replace with new curb, gutter and sidewalk per City Standards.
 4. Corner Radius. The minimum inside corner radius for [common parking areas for multi-unit residential and all non-residential uses](#) shall be 20 feet.
- D. **Size of Parking Spaces and Maneuvering Aisles.** Parking spaces and maneuvering aisles shall meet the minimum dimensions required by this Subsection. Screening walls, roof support posts, columns, or other structural members shall not intrude into the required dimensions for parking spaces.
1. Standard Parking Spaces and Drive Aisles. The minimum basic dimension for standard parking spaces is 9 feet by 18 feet, with a minimum vertical clearance of seven feet. Table 3.45, Standard Parking Space and Aisle Dimensions, provides the dimensions of spaces and aisles according to the angle of parking spaces. The required aisle width may be modified if the City Engineer finds that sufficient space is provided, so that maneuvering areas will not interfere with traffic and pedestrian circulation.

Table 3.45: Standard Parking Space and Aisle Dimensions			
Angle of Parking	Stall Width	Stall Depth	Aisle Width
Parallel	8 ft	22 ft (curb length)	14 ft
45°	12 ft 9 in	19 ft 1 in	One way: 14 ft Two-way: 20 ft
60°	10 ft 5 in	20 ft 9 in	One way: 16 ft Two-way: 20 ft
90°	9 ft	18 ft	24 ft

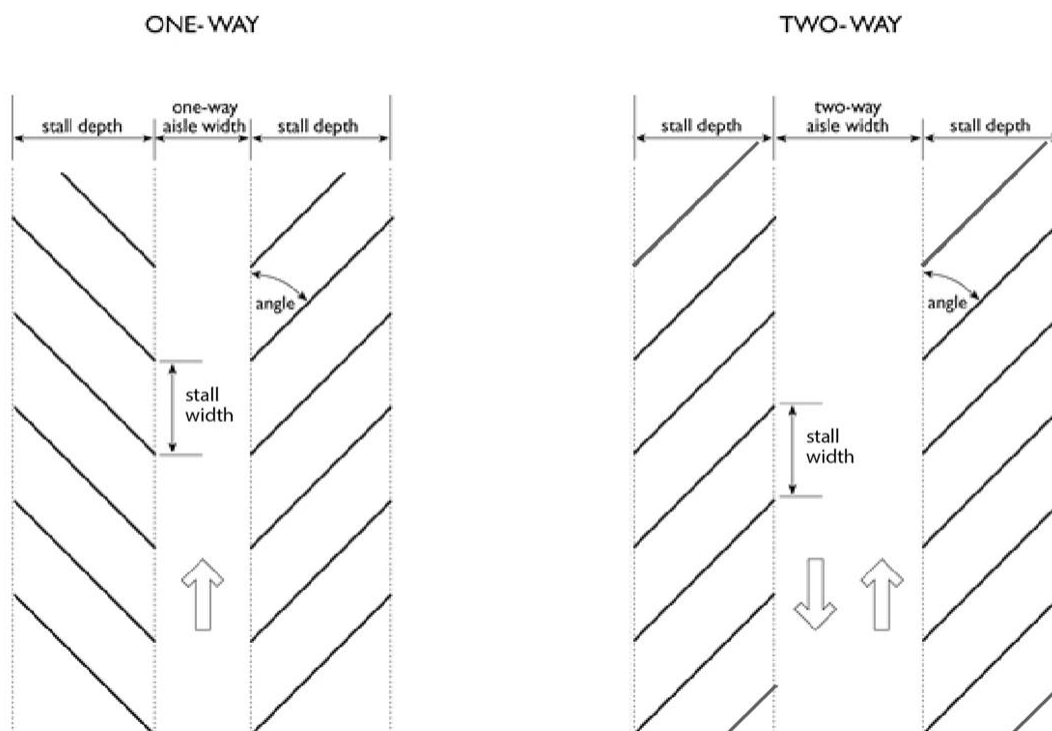


Figure 3.717 – Parking Space and Aisle Dimensions

2. **Compact Parking Spaces.** For any use that provides four or more parking spaces, up to 25 percent of the required spaces may be reduced to eight by 16 feet and labeled “compact”.
 3. **Parking Spaces Adjacent to a Property Line or Obstruction.** The width of each parking space adjacent to a property line or a wall, fence, or other solid obstruction shall be increased by one foot.
 4. **Minimum Dimensions for Garages.** Garage parking spaces as measured from the interior walls shall be a minimum of 10-feet by 20-feet; double spaces shall be 20-feet by 20-feet. Minor encroachments into the required spaces may be approved by the Director for water heaters, steps, and other similar features.
- E. **Striping and Marking.** Parking spaces shall be painted white lines 4-inches in width or with alternative materials as approved by the City Engineer.
- F. **Bumpers, Curbs, and Wheel Stops.** A permanent curb, bumper, wheel stop, or similar device shall be installed where spaces are perpendicular to a structure, City right-of-way, or landscaping. A six-inch high concrete curb surrounding a landscape area at least six feet wide may be used as a wheel stop, provided that the overhang will not damage or interfere with plant growth or its irrigation. A concrete sidewalk

may be used as a wheel stop if the overhang will not reduce the walkway width to below the minimum required width.

- G. **Paving and Surfacing.** All parking lots shall be paved with an all-weather surface. Pervious materials may be used on private property (i.e., not in the City right-of-way) as approved by the City Engineer. Parking surfaces and striping shall be maintained in good condition.
- H. **Drainage.** Parking lot plans shall include a drainage plan subject to review and approval by the City Engineer.
- I. **Lighting.** Lighting shall be provided in compliance with Section 3.10.040 (Outdoor Lighting).
- J. **Landscaping.** Landscaping and screening shall be provided in compliance with Section 3.30 (Landscaping Standards).

3.50.0110 Residential Front and Street Side Setback Parking

- A. **Applicability.** These regulations apply to vehicle parking in residential zones within the front and street side setback areas as defined in Section 9.10.020 (Definitions of specialized terms and phrases). No person shall park, stop, or leave standing any vehicle, operable or inoperable, unless consistent with the provisions of this Section.
- B. **Parking Allowed.** Vehicles parked in front and street side setback areas of residential lots shall conform to all of the following:
 - 1. Vehicle parking shall comply with the size, surface and other standards in Section 3.50.070 (Location of Required Parking) ~~and the maximum driveway areas in Subsection 3.30.040.D.~~
 - 2. Vehicles, including tires, shall be parked completely within the designated parking area.
 - 3. Vehicles may be parked in tandem (one vehicle behind the other) provided that no part of the vehicle encroaches into an existing sidewalk.

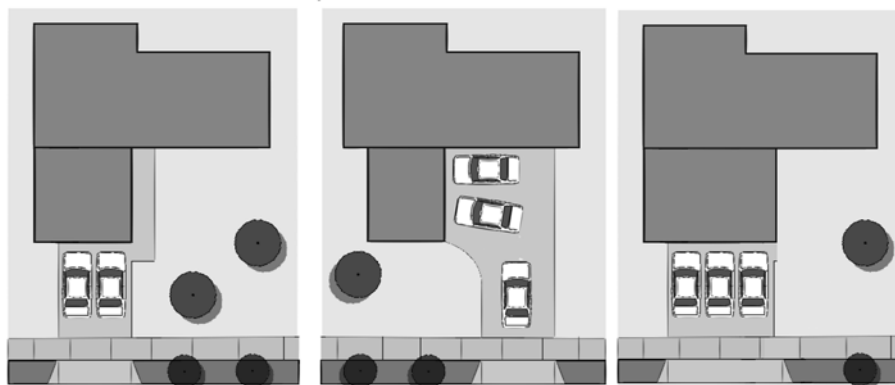


Figure 3.8 18 – Examples of Allowed Parking on Driveways

- C. **Parking Prohibited.** Vehicle parking shall be prohibited within the front or street side setback areas under the following conditions:
1. Outside of the designated parking area or driveway. Vehicles shall not be parked outside the driveway width area leading to garage or allowed parking area or in any other manner inconsistent with Subsection B (Parking Allowed), including where vehicles are “straddling” or are partially on the driveway or designated parking area.
 2. On lawn, landscaped areas, dirt, or mulch.
 3. Diagonal Parking configuration. Vehicles shall not be parked diagonally or in any other configuration that would require vehicle circulation outside the width of the driveway area.

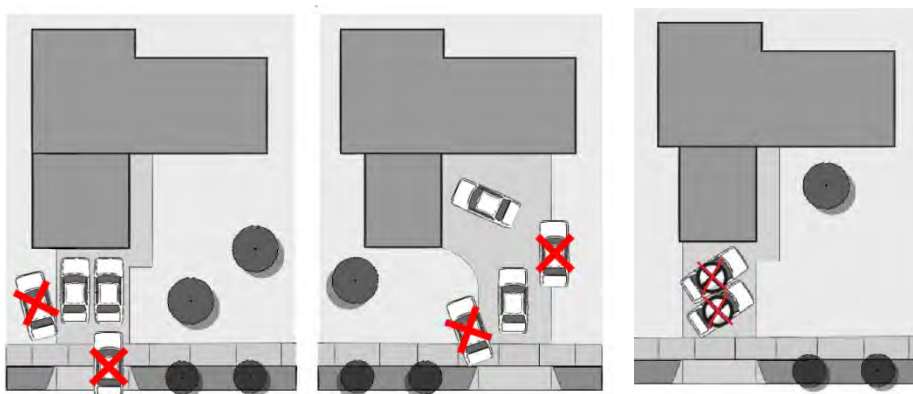


Figure 3.199 – Examples of Prohibited Parking on Driveways

3.60 Sign Regulations

Sections:

- 3.60.010 - Purpose
- 3.60.020 - Applicability
- 3.60.030 - Exempt Signs
- 3.60.040 - Prohibited Signs
- 3.60.050 - Application Requirements
- 3.60.060 - Signage within the Coastal Zone
- 3.60.070 - Requirements for All Signage
- 3.60.080 - Temporary Signs
- 3.60.090 - Permanent Signs
- 3.60.100 - Special Consideration Signs
- 3.60.110 - Nonconforming Signs
- 3.60.120 - Signs on City Property

3.60.010 Purpose

- A. The purpose of this Section is to promote public safety and welfare by regulating signs in keeping with the following objectives:
 - 1. The design, construction, installation, repair and maintenance of signs will not interfere with traffic safety or otherwise endanger public safety;
 - 2. Regulations established by the City Council will provide reasonable protection to the visual environment by controlling the size, height, spacing, and location of signs;
 - 3. That residents, visitors, and sign users will benefit from signs having improved legibility, readability, and visibility; and
 - 4. Adequacy of message opportunities will be applicable to sign users without dominating the visual appearance of the area.

3.60.020 Applicability

- A. This Section applies to all signs including on-site signs, off-site signs, and temporary signs within the City.
- B. No person shall install, alter, or relocate any sign within the City without first meeting requirements of Section 3.60.050 (Application Requirements) unless otherwise exempt consistent with Section 3.60.030 (Exempt Signs).
- C. Nothing in this Section shall be construed to prohibit a person from holding a sign while picketing or protesting on City property and/or right-of-way that is open to the public, so long as the person holding the sign does not block ingress and egress from

buildings, create a safety hazard by impeding travel on sidewalks, in bike or vehicle lanes, or on trails, or violate any other reasonable time, place, and manner restrictions adopted by the City.

- D. This Section is not intended to, and does not, restrict speech on the basis of its content, viewpoint, or message. No part of this Section shall be construed to favor commercial speech over non-commercial speech.
- E. A non-commercial message may be substituted for any commercial message displayed on a sign, or the content of any non-commercial message displayed on a sign may be changed to a different non-commercial message, without the need for any approval or permit, provided that the size, and location of the sign is not altered. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech or favoring of any particular non-commercial message over any other non-commercial message. To the extent any provision of this Section is ambiguous, the term shall be interpreted not to regulate on the basis of the content of the message. This provision prevails over any more specific provisions to the contrary.
- F. Where a particular type of sign is proposed in a permit application, and the type is not expressly allowed, restricted, or prohibited by this Section, the Review Authority shall approve, conditionally approve, or deny the application based on the most similar sign type that is expressly regulated by this Section.
- G. Where a sign may be subject to multiple provisions of this Section 3.60 (Sign Regulations) because it may be considered to fall within more than one of the sign type definitions of Section 9.10.50 (Sign Regulation Definitions), the sign shall comply with the most restrictive requirements.

3.60.030 Exempt Signs

- A. **Types of exempt signage.** The sign types listed below are exempt from the requirement of a Sign Permit, Registration, and Program, and any corresponding fees provided that the sign is consistent with the standards of Section 3.60 (Sign Regulations). The size and placement standards set forth in subsequent Sections shall be adhered to in order for such sign to qualify as exempt. However, any sign listed below that requires a Coastal Development Permit as provided in Section 3.60.060 (Signage within the Coastal Zone) shall not be exempt.
 - 1. Any sign, posting, notice, or similar signs placed, installed, or required by law by the City, local school districts, Federal, or State governmental agency.
 - 2. Official Government Flags.
 - 3. Flags. Flags displaying either a commercial or non-commercial message are permitted as follows: one flag not to exceed 10 square feet in size in residential zones, and one flag not to exceed 24 square feet in commercial and industrial zones.

4. Business information signs. Non-illuminated signs which provide business information including, but not limited to, credit card acceptance, business hours, open/closed, or menus provided signs do not exceed an aggregate six square feet in sign area.
5. Special event decorations that display non-commercial messages may be in place up to 45 days per event, except for signs listed in Section 3.60.040 (Prohibited Signs).
6. Signs affixed to a vehicle through magnets, vinyl application, or other forms of permanent adhesive. Such signage shall not be a banner, board, paper, wood material, or any temporary sign and shall not project or deviate above or from the vehicle profile.
7. Art murals displaying a non-commercial message and does not include any registered trademarks, logos, etc. that promotes a commercial product or service.
8. Temporary off-site directional signs for limited duration events, placed on private property with permission of the property owner, a maximum of two hours before and one hour after the conclusion of an event. Events are limited to a maximum of three events per week. Maximum sign area is five square feet.
9. Non-commercial message signage with a maximum aggregate of three-square feet for each residence or business in all zones, except in the OS zones.
10. Temporary yard signs.
11. Temporary projected image signs.
12. Temporary window signs.
13. Directory signs affixed to a building.

3.60.040 Prohibited Signs

- A. **Prohibited Signs.** The following sign types are prohibited within the City.
1. Off-site signage unless expressly authorized by Section 3.60 (Sign Regulations).
 2. Abandoned signs.
 3. Signs that simulate in color or design any traffic sign or signal, or which makes use of words, symbols, or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic, including signage that is highly reflective.
 4. Digital display/LED messaging signs including animated, moving, flashing, blinking, reflecting, glaring, or revolving, or any other similar sign, except electronic message boards displaying time, temperature, or required prices of gasoline or similar fuels.

5. Backlit, translucent, semi-transparent and illuminated awnings from a light source under or within the awning.
6. Roof signs.
7. Snipe signs or any other sign attached to a tree, utility pole, fence post, etc.
8. Inflatable signs, including but not limited to air-activated graphics.
9. Feather flag signs.
10. Signs, including non-commercial signs that are placed or encroach into the right-of-way without a valid encroachment permit issued by the City Engineer.
11. Signs emitting audible sounds, odors or particulate matter.
12. People signs except human signs used as in-person protest picketing.
13. Mobile signs that utilize the parking of off-site mobile billboard advertising displays for the direct purpose of advertising a business off-site, as defined herein, either standing alone, or attached to a motor vehicle, upon any public street, City owned land, or on private property.
14. Billboards.
15. No sign shall be located within the sight triangle as defined in Section 3.10.030 (Height Limits and Exceptions).

3.60.050 Application Requirements

A. Applicability.

1. Sign Registration.
 - a. A Sign Registration is required for temporary A-frame and banner signs as specified in this Section and shall be submitted and approved by the Director prior to installation of the sign.
2. Sign Permit.
 - a. A Sign Permit is required for all signs unless otherwise specified in this Section and shall be submitted and approved by the Director prior to installation of the sign.
3. Sign Program.
 - a. A Sign Program is required as specified in this Section or modifications are requested for exceptions to the requirements of this Section. This can be approved in conjunction with other development applications.
 - b. A Sign Program shall require approval of a Use Permit consistent with Section 6.20.060 ~~060~~ 090 (Use Permit).

- c. As part of a Sign Program approval, exceptions may be granted to the standards of this Section if the findings can be made as required in Subsection C (Findings).

B. Procedures.

1. Application requirements. An application for a Sign Registration, Sign Permit, or Sign Program shall be filed on the form(s) provided by the Department, together with all required fees and all other information and materials specified by the application submittal requirements provided by the Department. It is the applicant's responsibility to provide evidence to support any required findings.
2. Other permits required. In addition to the requirements of this Section, all signs shall be in compliance with applicable requirements of the California Building Code and any additional permits or requirements.
3. Review authority. Table 3.46 identifies the Review Authority responsible for reviewing and making a decision on each type of sign approval.

Table 3.46 Review Authority			
Type of Action	Director	Commission	Council
Sign Registration	Decision	Appeal	Appeal
Sign Permit	Decision	Appeal	Appeal
Sign Program	Recommendation	Decision	Appeal

- C. **Findings.** The Planning Commission may approve a Sign Program, only after making the following findings:

1. There are special circumstances applicable to the property including size, shape, topography, location, surroundings, building placement, public access or architectural style that warrant modified standards.
2. The sign is in substantial compliance with any applicable design guidelines and Sign Design Subsection 3.60.070.C (Sign design, materials, and illumination).
3. The sign's design or proposed construction will not threaten the public health, safety, or welfare.

3.60.060 Signage within the Coastal Zone

Within the Coastal Zone, new signs shall be of a size, location, and appearance so as not to detract from scenic areas or views from public roads and other public viewing points. A Coastal Development Permit is required for any sign that could impact public recreational access, including parking opportunities near beach access points or parklands, including any changes in parking timing and availability, and any signage indicating no public parking, no trespassing, and/or no public coastal access allowed. Coastal Development Permits for signs shall be consistent with all applicable Local Coastal Program standards.

3.60.070 Requirements for All Signage

A. Sign Message.

1. Allowed signage may contain commercial or non-commercial message, provided that the sign complies with the size, height, area, location, and other requirements of this Section.

B. Sign Measurement Criteria. The measurement of sign area and height shall be regulated as follows:

1. Sign area. The area of a sign is calculated by enclosing the extreme limits of all framing, emblem, logo, representation, writing, or other display composed of squares or rectangles with no more than eight (8) lines as shown in Figure 3.620.

Example of Individual Letter Surface Area Calculation



Example of Surface Area Calculation Limits of Framing



Figure 3.620 – Sign Area Calculations

2. Sign structure. Supporting sign frame and support structures that are incidental to the display itself shall not be computed as sign area.
3. Double-sided signs. The area of a double-sided sign that has no more than 24 inches separating the outer surfaces of the sign's two parallel planes shall be computed by multiplying the total height by the total length of only one side of the sign area.
4. Three-dimensional objects. Where a sign consists of one or more three dimensional objects (e.g., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area is measured at their maximum projection upon a vertical plane.
5. Multiple objects. When signs are composed of individual elements, the area of all sign elements, which together convey a single complete message, are considered a single sign as shown in Figure 3.721.

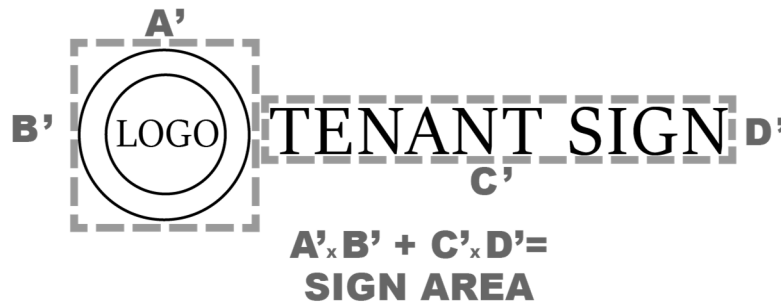


Figure 3.721 – Multiple Objects

6. Height. Sign height is measured as the vertical distance from the highest elevation of the finished grade below or surrounding the base of the sign to the top of the highest element of the sign. In cases where substantial fill is proposed, “finished grade” shall be established by the Director, consistent with properties in the immediate vicinity, and shall not be artificially raised to gain additional sign height. If highest finished grade surrounding the sign is lower than the grade of an adjacent street, the height of the sign shall be measured from the top of curb elevation nearest to the sign as shown in Figure 3.822.

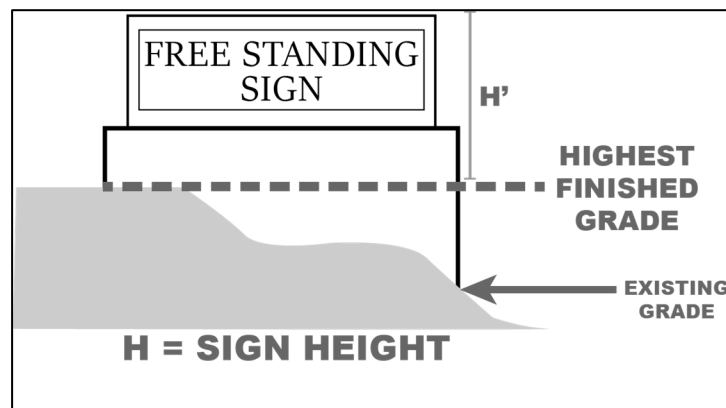


Figure 3.822 – Sign Height

- C. **Sign design, materials, and illumination.** All signs shall be designed and constructed in compliance with the following standards:
1. Design and construction.
 - a. Signs shall be in compliance with all applicable Council adopted design guidelines and standards.

- b. The size of the structural elements (e.g., columns, crossbeams, and braces) shall be proportional to the sign type they are supporting.
- c. Signage shall be designed so that it is integrated with the design of a building.
- d. Signs shall be securely attached to a building, structure or ground.
- e. Freestanding signs utilizing bases shall be a minimum of one foot in height with a maximum height of three feet. Bases shall be decorative and located in a landscape planter.

2. Materials.

- a. Sign materials including framing, supports, and base, shall be compatible with the type and scale of materials used in the building's design.
- b. Sign materials shall be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance.
- c. Use of raceways to place signage shall be painted to match the building color.

3. Illumination.

- a. Lighting for signs shall not create a hazardous glare for pedestrians or vehicles.
- b. The light source shall be shielded from view, except for diffused exposed neon.
- c. Externally illuminated signs shall utilize focused light fixtures that are directed towards the sign.
- d. Signs shall be designed so that illumination does not exceed 10 foot candles (100 lumens) measured at a distance of 10 feet from the sign.
- e. Signs in commercial and industrial zones with building elevations that directly face adjacent residential zones shall not be illuminated.

D. **Sign Maintenance.** All signs shall be continuously maintained in compliance with the following standards:

- 1. Each sign and supporting hardware shall be maintained in good repair so that it is able to function properly at all times. This includes the replacement of burned out or broken light bulbs, and repair or replacement of faded, peeled, cracked, or otherwise damaged parts of a sign.
- 2. Any repair to a sign shall be of materials and design of equal or better quality as the original sign.
- 3. Signs that have been physically damaged by weather or physical impact shall be repaired.
- 4. When an existing sign is replaced, all brackets, poles, and other supports that are no longer required shall be removed.

3.60.080 Temporary Signs

- A. **Purpose.** The purpose of these regulations is to ensure that temporary signs do not create a distraction to the traveling public or cause visual blight to the aesthetic environment.



Figure 3.44 23 – Temporary Signs

- B. **Temporary signs allowed.** The following temporary signs are allowed:

1. A-Frame signs.
 - a. Zones allowed. Allowed in commercial zones, industrial zones, Recreational, Education, and Public uses in the Public Facilities zone as defined in Section 2.50.020, and Urban Reserve zone.
 - b. Maximum sign area. Six square feet.
 - c. Number of signs. One per business.
 - d. Sign height. Minimum sign height of two feet. Maximum sign height of five feet.
 - e. Location. A-frame signs shall be placed on private property and cannot interfere with pedestrian ingress or egress as required by the Building Code. Exception: An A-frame sign may be located in the right-of-way with an approved encroachment permit if the building is less than five feet from the City's right-of-way and there is no other feasible location to place the sign on privately owned property outside of the City's right-of-way.
 - f. Time of display. A-frame signs shall only be displayed during the hours of business operations.
2. Banner signs.
 - a. Zones allowed. Allowed in commercial zones, industrial zones, Recreational, Education, and Public uses in the Public Facilities zone as defined in Section 2.50.020, Recreational, Education, and Public uses in residential zones as defined in Section 2.20.030, and Urban Reserve zone.

- b. Maximum sign area. 24 square feet.
 - c. Number of signs. One per business.
 - d. Location. Shall not be located above a first story or located on roof.
 - e. Time of display. May be in place a maximum of 30 consecutive days. Once removed, a minimum of 30 consecutive days must pass before installing a new banner sign.
3. Projected image signs.
- a. Zones allowed. Allowed in commercial zones and industrial zones.
 - b. Number of signs. One projected image sign per business.
 - c. Projected image signs may be in place a maximum of 30 days. A minimum of 30 consecutive days must pass before installing a new projected image sign.
 - d. Time of display. Only be displayed during the hours of business operation.
4. Window signs. Window signage is considered graphics, lettering, or perforated window film on windows visible from the right-of-way.
- a. Zones allowed. Allowed in commercial zones, industrial zones, Recreational, Education, and Public uses in the Public Facilities zone as defined in Section 2.50.020, and Urban Reserve zone.
 - b. Maximum sign area. Window signs shall not exceed 50 percent of window area, except for properties in the CVS, VS, CB and CBO zones, where window signs shall not exceed 33 percent of window area.
 - c. Location. Shall not be located above a first story window.
 - d. Time of display. May be in place a maximum of 180 consecutive days. Once removed, a minimum of 30 consecutive days must pass before installing a new temporary window sign.
5. Yard Signs in residential zones.
- a. Maximum sign area. Three square feet.
 - b. Number of signs. One per property or residential unit when multiple units are located on one common lot. Residential developments with a common lot are allowed a maximum of one yard sign per unit during an event on the common lot, with permission of the common lot ownership.
 - c. Maximum height. Six feet as measured from average natural grade.
 - d. Location. May be located within the front and street side setback, behind the back of sidewalk or curb if no sidewalk is present. In no instance may a yard sign be placed on a sidewalk, public or private street.
 - e. Time of display. All yard signs shall be temporary and only placed during an event subject to the following:

- i. Event. Yard signs may be placed prior to an event, but must be removed within seven days after the event or purpose for which the sign is erected. For purposes of example only, a political sign shall be removed within seven days after an election. A yard sign that designates a sale or rental of a property would be required to be removed within seven days after the property is sold, leased or rented. A sign for an on-site sales event shall be removed within seven days after the event.
- 6. Yard signs in commercial zones, industrial zones, Public Facilities zone, and Urban Reserve zone.
 - a. Zones prohibited. Yard signs are prohibited in Open Space zones.
 - b. Maximum sign area. 32 square feet.
 - c. Number of signs. One per business.
 - d. Maximum Height. Six feet.
 - e. Location. Must be located on private property and shall not encroach within the right-of-way (streets, sidewalks, easements, etc.).
 - f. Time of display. All yard signs shall be temporary and only placed during an event subject to the following:
 - i. Event. Yard signs shall be placed prior to an event but must be removed within seven days after the event or propose for which the sign is erected. For purposes of example only, a political sign shall be removed within seven days after an election. A real estate sign shall be removed within seven days after the property is sold, leased or rented. A sign for on-site sales event shall be removed within seven days after the event.
- 7. Yard Sign Exceptions. The following are exceptions to yard signage standards in all zones, excluding Open Space zones, for all properties or multiple units/tenants located on one common lot, 60 days prior to a federal, state, or local election and up to seven days after an election:
 - a. Maximum sign area. Total sign area shall not exceed an aggregate of 32 square feet in addition to other allowed yard signs.
- C. **General to Temporary Signage Requirements.** Temporary signs are allowed only in compliance with the provisions of this Section 3.60 (Sign Regulations) and shall not have any attachments, including, but not limited to, balloons, pennant flags, ribbons, loudspeakers, or other items to attract attention.

3.60.090 Permanent Signs

Signs shall comply with the standards provided in this Section. The purpose of these regulations is to ensure that permanent signs serve a common purpose to promote,

identify, and provide information on a business or commercial activity located on the premise.



Figure 3.40 24 – Typical Building Sign Types

- A. **Permanent Sign Standards.** As listed in Table 3.57, signs shall comply with the following standards applicable to the specific sign type.

Table 3.57 Sign Type Performance Standards					
Sign Type	Zones Allowed	Max. Sign Area¹	Number of sign(s) permitted	Max. Height²	Special Requirements
1. Awning	Commercial zones, Industrial zones, PF zone, and UR zone	One square foot per one lineal foot of awning canopy, not to exceed 50% coverage of the awning	One per business or tenant	Not above first story	(a) Minimum vertical clearance from the ground of eight feet. (b) May project a maximum of five feet into the right-of-way with approved encroachment permit. (c) Valance limited to 75% maximum coverage.
2. Free Standing	Commercial zones, Industrial zones PF zone, and UR zone	36 s.f.	One per property	Six feet	(a) New cabinet type signs shall be prohibited in the CVS, VS, CB, and CBO zones. (b) A singular pole, whether circular or rectangular is prohibited. (c) In the CVS and RC zones properties with frontage along El Camino Real are allowed one freeway oriented free-standing monument sign as follows: <ul style="list-style-type: none"> • Maximum height shall not exceed 40-feet for freestanding monument signage. • Total sign area shall not exceed 100 square feet.

Table 3.5 Z Sign Type Performance Standards

Sign Type	Zones Allowed	Max. Sign Area ¹	Number of sign(s) permitted	Max. Height ²	Special Requirements
3. Projecting	Commercial zones, Industrial zones, PF zone, and UR zone	15 s.f.	One per public street frontage	20 feet above finished grade	(a) May encroach up to two feet within the right-of-way with issuance of an encroachment permit. (b) Sign shall be perpendicular to the building or wall. (c) Sign may be at an angle if located at the corner of a building located on a corner lot.
4. Suspended	Commercial zones, Industrial zones, PF zone, and UR zone	10 s.f.	One per business or tenant	Not above first story	
5. Wall	Commercial zones, Industrial zones PF zone, and UR zone	One square foot per lineal foot of business/ building frontage	One per public street frontage	Based on building height	(a) Business frontage is the lineal front of owned or leased space. (b) Wall signs shall be located below the top of the parapet or roofline on single story buildings and below the second-floor sill on multi-story buildings. (c) Cabinet type signs shall be prohibited in the CVS, VS, CB, and CBO zones. (d) An additional wall sign may be permitted for a business that has an additional building face visible from the right-of-way. (e) The sign's size shall be in scale and proportion to the building.
6. Permanent Window Signs/ Lettering	Commercial zones, Industrial zones PF zone, and UR zone	50 percent of window area, except CVS, VS, CB and CBO zones 33 percent of window area in CVS, VS, CB, and CBO zones	One per business or tenant	Not above first story	(a) Limited to lettering, graphics, and perforated window film. (b) Window area is aggregate of both temporary and permanent signage.

Notes:

1. Maximum sign area measured in square feet (s.f.).
2. Maximum height measured in feet (ft) and from finished grade for all sign types.

3.60.0100 Special Consideration Signs

- A. **Signs with special consideration.** This Section applies to permanent signs that are unique, or for sites located in specific locations, or based on size of sites.
1. Changeable copy signs.
 - a. Zones allowed. Commercial zones, industrial zones, and Recreational, Education, and Public uses in residential zones as defined in Section 2.20.030 (Residential Zones Allowable Land Uses and Permit Requirements).
 - b. Number of signs. One per property.
 - c. Maximum height. Six feet.
 - d. Design standards. Signs shall comply with design standards in Section 3.60.070.C (Sign design, materials, and illumination).
 - e. Permit requirements. A Sign Program shall be approved by the Planning Commission.
 2. Site Directional/Wayfinding signs.
 - a. Zones allowed. Commercial and Industrial zones.
 - b. Maximum height. Five feet.
 - c. Design standards. Signs shall comply with design standards in Section 3.60.070.C (Sign design, materials, and illumination).
 - d. Permit requirements. A Sign Program shall be approved by the Planning Commission.
 3. Residential Identification Signs.
 - a. Zones allowed. All residential zones.
 - b. Maximum sign area. 24 square feet.
 - c. Maximum sign height. Six feet.
 - d. Number of signs. One per street frontage.
 - e. Minimum number of units. A minimum of five units are required for installation of residential identification signs.
 - f. Design standards. Signs shall comply with design standards in Section 3.60.070.C (Sign design, materials, and illumination).
 - g. Permit requirements. A Sign Permit shall be approved by the Director.
 4. Free Standing Monument Sign Exception. In the RC zone east of 14th Street with frontage along West Grand Avenue exceptions to Section 3.60.090 (Permanent Signs) are allowed as follows:

- a. Properties less than 20,000 square feet with more than three tenants. One free standing monument sign per street frontage with a maximum height of 10 feet not exceeding 60 square feet is permitted.
- b. Properties greater than 20,000 square feet. One free standing monument sign per street frontage with a maximum height of 15 feet not exceeding 120 square feet is permitted.
- c. Permit requirements. A Sign Program shall be approved by the Planning Commission.

3.60.0110 Nonconforming Signs

- A. **Applicability.** This Section applies to any permanent sign, including its physical structure and supporting elements, which was lawfully erected and maintained in compliance with all applicable laws in effect at the time of original installation, but which does not currently comply with the provisions of this Section.
- B. **Allowed modifications to nonconforming signs.** The following modifications to nonconforming signs are allowed:
 - 1. The use of a nonconforming sign may continue and shall be maintained in good condition as required by this Section, unless provided otherwise.
 - 2. Sign copy and sign face changes, non-structural modifications, and non-structural maintenance (e.g., painting and rust removal) are allowed if there is no alteration to the physical structure or support elements of the sign.
 - 3. A non-conforming sign may be restored to its original condition if less than 50 percent of the sign is damaged, provided that the restoration is started within 90 days of the damage occurring and diligently completed. A nonconforming sign is deemed to be more than 50 percent damaged, if the estimated cost of re-construction or repair exceeds 50 percent of the replacement cost as determined by the Director based on an appraisal prepared by the owner.
- C. **Prohibited modifications to nonconforming signs.** A nonconforming sign shall not be:
 - 1. Changed to another nonconforming sign;
 - 2. Structurally altered to extend its useful life;
 - 3. Altered unless required by law or unless the alteration results in the elimination of the nonconformity;
 - 4. Enlarged; or
 - 5. Moved or replaced.
- D. **Nonconforming Sign.** A nonconforming sign shall be removed or modified to comply with this Section if the following occurs:

1. Any modifications prohibited by Subsection 3.60.0110.C (Prohibited modifications to nonconforming signs) are made to the sign;
2. The sign is temporary; or
3. The sign is or may become a danger to the public or is unsafe.

3.60.0120 Signs on City Property

- A. **Signs on City Property.** Any sign placed on property owned by the City, or within the right-of-way of a dedicated public street without the permission of the City may be removed by the City without prior notice.

CHAPTER 4. STANDARDS FOR SPECIFIC DEVELOPMENT AND LAND USES

4.10 Standards for Specific Development and Land Uses	4
4.10.010 Purpose and Applicability	4
4.10.015 Accessory Dwelling Units (ADUs)	5
4.10.020 Accessory Retail and Service Uses	9
4.10.030 Accessory Structures	9
<u>4.10.040 Reserved</u>	10
4.10.045 Commercial Cannabis Activity and Uses	10
4.10.050 Caretaker's Residences	13
4.10.060 High-Occupancy Residential Use <u>Reserved</u>	14
4.10.070 Large Family Day-Care Home <u>Child Day Care – Day Care Center</u>	14
<u>4.10.075 Demolition of Residential Structures</u>	16
<u>4.10.077 Garage or Yard Sales</u>	17
4.10.80 Live Entertainment	17
4.10.90 Live/Work Units	17
<u>4.10.095 Low Barrier Navigation Centers (Emergency Shelter)</u>	20
4.10.100 Massage Establishments	21
4.10.110 Mixed-Use Projects <u>Reserved</u>	21
4.10.120 Multi-Family Developments <u>Reserved</u>	24
4.10.130 Outdoor Storage and Work Areas	25

4.10.135	Personal Health/Fitness Studios	25
4.10.040	Personal Storage Facilities	26
4.10.150	Recycling Facilities	26
4.10.160	Resale Stores	29
4.10.170	Reserved	29
4.10.180	Senior Housing	29
4.10.185	Short-Term Rentals	29
4.10.190	Sidewalk Seating for Outdoor Dining	38
4.10.200	Single Room Occupancy Facilities	38
4.10.210	Thrift Stores	39
4.10.215	Tiny Houses Homes on Wheels in Residential Zones	39
4.20	Adult Businesses	42
4.20.010	Purpose	42
4.20.020	Permit Requirements	42
4.20.030	Required Findings	43
4.20.040	Permits Nontransferable; Use Specific	46
4.25	Residential and Mixed-Use Objective Design Standards	48
4.25.010	Purpose and Applicability	48
4.25.020	Single-Unit Dwellings Design Standards	49
4.25.030	Multi-Unit Detached Dwellings/Cluster Development Design Standards	55
4.25.040	Multi-Unit Attached Dwellings (Small/2-9 Units) and Mixed-Use Developments (2-9 units) Design Standards	60
4.25.050	Multi-Unit Attached Dwellings (Large/10+ Units) and Mixed-Use Developments with 10+ Units Design Standards	71
4.25.060	Two-Unit Housing Developments in the R1, CR1, and CPR1 Zones	85
4.30	Residential Common Area Developments Reserved	92
4.30.010	Purpose	92
4.30.020	Permit Requirements	92
4.30.030	Definitions	92
4.30.040	Development Standards	93
4.30.050	Design Standards	95
4.30.060	Conversions	95

4.40 Telecommunications Facilities	96
4.40.010 Purpose	96
4.40.020 Applicability	96
4.40.030 Permit Requirements	96
4.40.040 Facility Design and Development Standards	100
4.40.050 Operation and Maintenance Standards	102
4.40.060 Discontinuance and Site Restoration	103

4.10 Standards for Specific Development and Land Uses

Sections:

- 4.10.010 - Purpose and Applicability
- 4.10.015 - Accessory Dwelling Units [\(ADUs\)](#)
- 4.10.020 - Accessory Retail and Service Uses
- 4.10.030 - Accessory Structures
- [4.10.040 - Reserved](#)
- 4.10.045 - Commercial Cannabis Activity and Uses
- 4.10.050 - Caretaker's Residences
- 4.10.060 - ~~High Occupancy Residential Use~~ [Reserved](#)
- 4.10.070 - ~~Large Family~~ [Child](#) Day Care ~~Home~~ [Day Care Center](#)
- [4.10.075 - Demolition of Residential Structures](#)
- [4.10.077 – Garage or Yard Sales](#)
- 4.10.080 - Live Entertainment
- 4.10.090 - Live/Work Units
- [4.10.095 - Low Barrier Navigation Centers \(Emergency Shelter\)](#)
- 4.10.100 - Massage Establishments
- 4.10.110 - ~~Mixed Use Projects~~ [Reserved](#)
- 4.10.115 - Mobile Vendors
- 4.10.120 - ~~Multi-Family Developments~~ [Reserved](#)
- 4.10.130 - Outdoor Storage and Work Areas
- [4.10.135 - Personal Health / Fitness and Studios](#)
- 4.10.140 - Personal Storage Facilities
- 4.10.150 - Recycling Facilities
- 4.10.160 - Resale Stores
- 4.10.180 - Senior Housing
- 4.10.185 - Short-Term Rentals
- 4.10.190 - Sidewalk Seating [for Outdoor Dining](#)
- 4.10.200 - Single Room Occupancy Facilities
- 4.10.210 - Thrift Stores
- 4.10.215 - Tiny ~~Houses~~ [Homes](#) in Residential Zones

4.10.010 Purpose and Applicability

- A. **Purpose.** This Chapter provides site planning, development, and/or operating standards for certain land uses that are allowed by Chapter 2 (Zones and Allowable Land Uses) within individual or multiple zones, and for activities that require special standards to ensure their compatibility with surrounding uses.
- B. **Applicability.** The land uses and activities covered by this Chapter shall comply with the provisions of the Sections applicable to the specific use, in addition to all other applicable provisions of this Development Code.
 - 1. Where allowed. The uses that are subject to the standards in this Chapter shall be located only where allowed by Chapter 2 (Zones and Allowable Land Uses).
 - 2. Permit requirements. ~~The uses that are subject to the standards in this Chapter are allowed only when authorized by the Development Permit~~

~~required by Chapter 2 (Zones and Allowable Land Uses), except where a Development Permit requirement is established by this Chapter for a specific use. In addition to any required Use Permit required by Chapter 3 (Zones and Allowable Land Uses), one or more of the following development applications (as well as a building permit if a new or modified structure is involved) shall be required: Development Permit (Section 6.20.060); Administrative Development Permit (Section 6.20.020); Coastal Development Permit (Section 6.20.040); and/or Zoning Clearance (Section 6.20.110). Within the Coastal Zone a Coastal Development Permit may also be required as provided in Section 6.20.040 (Coastal Development Permits). (Am. Ord. 14-04)~~

3. Development standards. The standards for specific uses in this Chapter supplement and are required in addition to those in Chapter 2 (Zones and Allowable Land Uses) and Chapter 3 (Standards for All Development and Land Uses). In the event of any conflict between the requirements of this Chapter and those of Chapters 2 or 3, the requirements of this Chapter shall control. Projects within the Coastal Zone shall comply with all standards in the Local Coastal Program. ~~(Am. Ord. 14-04)~~

4.10.015 Accessory Dwelling Units (ADUs)

A. Purpose.

1. This Section provides standards for accessory dwelling units including junior accessory dwelling units where allowed by Chapter 2 (Zones and Allowable Land Uses).
2. To provide for the creation of accessory dwelling units consistent with Government Code Sections 65852.2 and 65852.22 as amended. Implementation of this Section is meant to expand housing opportunities by increasing the number of smaller units available within the city.

- B. **Density.** Accessory dwelling units shall not count towards the allowable density of units per acre prescribed in the General Plan and Development Code.

- C. **Permit requirements.** ~~A building permit~~ Zoning Clearance shall be required to ensure compliance with this Section prior to issuance of building permits. In the Coastal Zone, a Coastal Development Permit is required unless exempt consistent with Section 6.20.040.B.2.

- D. **Size of Accessory Dwelling Unit.** ~~A detached~~ An accessory dwelling unit (detached or attached) shall have a minimum floor area of 150 square feet and maximum floor area of 1,200 square feet. ~~An attached accessory dwelling unit containing one bedroom, or less shall be limited to 50 percent~~ than the square footage of the existing primary dwelling ~~or 1,200 square feet~~, whichever is less. Junior accessory dwelling units shall comply with Subsection ~~K~~ L.

E. Building Height.

1. A detached accessory dwelling unit shall not exceed 16 feet in height.
2. An attached accessory dwelling unit or an accessory dwelling unit constructed over a garage or carport shall not exceed 25 feet in height. Any portions of the accessory dwelling unit constructed within the zone's standard required building setback areas shall not exceed 16 feet in height.

F. ~~E.~~ **Limitation on Number.**

1. A maximum of one accessory dwelling unit and/or one junior accessory dwelling unit is allowed per lot, ~~except for lots~~ with an existing or proposed single ~~family residence-unit dwelling, where both an accessory dwelling unit and a junior accessory dwelling unit are permitted~~ consistent with Government Code Section 65852.2.(e).
2. Accessory dwelling units within multi-~~family~~ unit and mixed-use developments shall comply with the following:
 - a. ~~1.~~ The maximum number of accessory dwelling units shall not exceed 25% of the number of existing or proposed multi-~~family units~~ unit dwellings but shall not be less than one unit.
 - b. The accessory dwelling units may be permitted in either converted portions of a structure that are not used as livable space, (e.g., garages, laundry rooms, etc).
 - c. A maximum of two detached accessory dwelling units, in addition to the converted portions of a structure, are permitted per lot.

G. ~~F.~~ **Limitation on Use.** No accessory dwelling unit shall be utilized as a short-term rental unless exempt consistent with Section 4.10.185.Q.

H. ~~G.~~ **Utility Connections.** Accessory dwelling units shall be connected to City water and sewer services. Separate utility connections and meters are not required if the ADU complies with Government Code Section 65852.2 (e)(1)(A).

I. ~~H.~~ **Development Impact Fees.** Payment of development impact fees are required as follows:

1. Accessory dwelling units with floor area of 750 square feet or less shall not pay development impact fees.
2. Accessory dwelling units with floor area greater than 750 square feet shall be charged development impact fees that are proportional, as shown on the Master Fee Schedule.

J. ~~I.~~ **Building Design Standards for Accessory Dwelling Units.** ~~All accessory dwelling units shall be designed to include the following:~~

1. Access and Entries.

- a. ADU and/or JADU shall have direct exterior access independent of the exterior access of the primary dwelling.
 - b. On interior lots if an ADU is abutting the street, the primary entrance oriented towards the street and directly accessible from an adjacent sidewalk (where no sidewalk exists, the connection shall be to the abutting public street) and the entryways shall consist of:
 - ~~1. A separate exterior entry.~~
 - ~~2. Attached accessory dwelling units may include an interior door connecting to the primary residence.~~
 - i. A front porch with a minimum depth of five feet, as measured from the building façade to the posts, and a minimum length of eight feet;
or
 - ii. A portico, recess, or stoop measuring at least four feet by four feet which is well defined by a gabled entry, distinct change in roof line or columns, or has some other significant architectural distinction.
 - c. On corner lots, if an ADU entry is facing the street, entryways shall consist of:
 - i. A front porch with a minimum depth of five feet, as measured from the building façade to the posts, and a minimum length of eight feet;
or
 - ii. A portico, recess, or stoop measuring at least four feet by four feet which is well defined by a gabled entry, distinct change in roof line or columns, or has some other significant architectural distinction.
2. Massing. The square footage of any story of an ADU constructed above the first story (and not a conversion of existing space) shall have a maximum floor area that is no more than 80 percent of the floor area of the first story.
- a. First floor calculation shall include all interior living areas, including interior and exterior staircases, attached garages, and covered porches connected to the first floor.
 - b. The floor area of upper stories is inclusive of all interior living area with walls; all staircases; porches, decks, and balconies that are covered by a roof structure; and all cantilevered structures that extend beyond the first-floor footprint that do not extend to the ground, including but not limited to living area, roof decks, bay windows, chimneys, and staircases; as well as any mezzanines, lofts, or other partial floor areas. Maximum cantilevered area shall not exceed three feet.
3. Façade Articulation.
- a. ~~3.~~ New detached or attached accessory dwelling units shall carry the same theme on all elevations. For the purposes of this standard, a theme includes primary (non-accent) materials and colors.

- b. ~~4.~~ New detached or attached ~~accessory structures~~ ADUs shall not include blank walls (e.g., without doors or windows) greater than ~~20~~ 25 feet in length if visible from the public right-of-way.
 - c. ~~5.~~ New detached or attached accessory structures shall provide trim at all exterior window and door openings. In lieu of exterior window trim, windows shall be recessed from a wall plane by a minimum of three inches.
 - d. ~~6.~~ For new detached or attached ~~accessory structure using~~ ADUs, vinyl and aluminum siding, T-111 plywood, and exterior ~~metal wall materials shall not exceed 25% of the vertical wall area~~ insulation finishing system (EIFS) are prohibited.
- K. ~~J.~~ **Development Standards for Accessory Dwelling Units.** ~~Accessory dwelling units~~ ADUs shall comply with all applicable development standards in this Development Code and Municipal Code Article 8 Building Regulations, except to the extent they are inconsistent with the following development standards which shall govern when applied to accessory dwelling units.
 - 1. Minimum interior side, street side and rear setbacks shall be four feet for detached or attached accessory dwelling units when the building height does not exceed 16 feet.
 - 2. Existing nonconforming setbacks of permitted structures may be maintained if converted to an accessory dwelling unit.
 - 3. Accessory dwelling units shall be excluded from the calculation of lot coverage. ~~landscaping, and floor area ratio in Sections 2.20.040.~~ (Section 3.10.035; Lot Coverage and Exceptions)
 - 4. Accessory dwelling units in multi-~~family unit~~ dwellings shall be excluded from the open space requirements in Section ~~4.10.120~~ 3.10.045.
 - 5. No minimum lot size is required to develop an accessory dwelling unit.
 - 6. Installation of fire sprinklers shall not be required in an accessory dwelling unit if they are not required for the primary residence, but shall comply with all access requirements in compliance with Municipal Code Article 8 ~~Section 8.102.~~
- L. ~~K.~~ **Development Standards for Junior Accessory Dwelling Units.** Junior accessory dwelling units shall comply with the requirements of Subsection A through ~~J-K,~~ except to the extent they are inconsistent with the following development standards which shall govern when applied to junior accessory dwelling units.
 - 1. Limitation on Use. Junior accessory dwelling units shall be allowed only where the use is limited to an existing or proposed single ~~family-unit~~ dwelling.
 - 2. Location. A junior accessory dwelling unit shall be constructed within the walls of the primary unit, including an attached garage.

3. ~~2.~~ Size of Junior Accessory Dwelling Unit. A junior accessory dwelling unit shall have a maximum floor area of 500 square feet.
4. ~~3.~~ Interior requirements. A junior accessory dwelling unit shall include at least the following:
 - a. A cooking facility, a sink, and food preparation counter of no less than 30 inches in width.
 - b. A separate or shared bathroom with the primary residence.
 - c. A separate entrance from the main entrance to the primary residence.
5. ~~4.~~ Occupancy Requirements. Either the junior accessory dwelling unit or the primary dwelling unit shall be owner occupied. A covenant agreement shall be recorded prior to occupancy.

4.10.020 Accessory Retail and Service Uses

- A. **Purpose.** This Section provides standards for specific retail sales and service uses that are accessory to a primary commercial or industrial use, where allowed by Chapter 2 (Zones and Allowable Land Uses).
- B. **Permit requirements.** An Administrative Development Permit shall be approved by the Director to ensure compliance with this Section.
- C. **Commercial zones.** Accessory retail service uses within commercial zones shall be related to the primary use (e.g., a retail store selling lawnmowers could also repair lawnmowers).
- D. **Industrial zones.** Accessory retail service uses within industrial zones shall be related to the primary use (e.g., a shoe wholesaler could have a small retail area).
- E. **Required findings.** The approval shall require that the Review Authority make all of the following findings:
 1. There will be no adverse effects on adjacent uses from excessive traffic, noise or other adverse effects of the accessory use.
 2. The accessory use is clearly incidental to the primary use and does not use a significant area of the building or site, and does not account for a significant amount of the business activity or use.

4.10.030 Accessory Structures

- A. **Purpose.** This Section provides standards for accessory structures located in residential zones, where allowed by Chapter 2 (Zones and Allowable Land Uses).
 1. Relationship to primary use. An accessory structure shall be incidental in function and scale to the primary structures on the site.
 2. Timing of installation. An accessory structure shall only be constructed concurrent with or after the construction of a primary residence on the same site.

- B. **Applicability.** This Section shall apply to all new accessory structures as defined in Chapter 9, which include but are not limited to garages, workshops, storage sheds, patio covers and decks greater than 30 inches above ground level.
- C. **Permit Requirements.** A building permit shall be required for all accessory structures except as allowed in Subsection E. 1.
- D. **Attached structures.** An accessory structure attached to the primary structure shall comply with the development standards of the applicable zone.
- E. **Detached structures.** An accessory structure that is detached from the primary residence shall comply with the development standards of the applicable zone, except as follows:
 - 1. Setback requirements. An accessory structure not exceeding 120 square feet in floor area and 10 feet in height that does not require a building permit may be located on the rear half of the lot within the side or rear setback. A maximum of two accessory structures shall be allowed that comply with the requirements of this subsection.
 - 2. Height limits. An accessory structure shall not exceed 16 feet in height.
 - 3. Separation between structures. An accessory structure shall maintain a minimum five-foot separation from other accessory structures and the primary residence.
 - 4. Upper story/Roof Decks. Roof decks shall be prohibited on accessory structures.
 - 5. Covenant Agreement. Prior to final building permit approval, a covenant agreement shall be recorded for enclosed accessory structures to disclose that the structure shall not be used as livable space as defined in the California Building Codes.
 - 6. Canopy structures. Canopy structures shall not be allowed in driveways, front setback areas, or street side setback areas unless located behind the primary structure and not visible from the public right-of-way.
 - 7. Size. Detached accessory structures are limited to 50% of the size of the primary dwelling unit.

4.10.040 Reserved

4.10.045 Commercial Cannabis Activity and Uses

- A. **Purpose.** This Section provides standards for Adult and Medical Commercial Cannabis Uses, where allowed by Chapter 2 (Zones and Allowable Land Uses). These standards apply in addition to the regulatory requirements in Municipal Code Article III Chapter 18 and the State's licensing requirements. Commercial Cannabis Uses allowed by the City shall include those uses licensed in Chapter 5, Division 10, Cannabis, of the Business and Professions Code, and those Cannabis regulations

issued by the California Bureau of Cannabis Control, Department of Public Health and the Department of Food and Agriculture, as further modified and restricted within this Chapter 2 and in Chapter 18 of Article III of the Grover Beach Municipal Code.

- B. **Review Authority.** For Retailers and/or Microbusinesses with a retailer use, the Council is authorized to approve Use Permits and no recommendation is required by the Planning Commission. For all other non-retailer cannabis uses, the Planning Commission is authorized to approve Use Permits subject to an appeal to Council in accordance with Chapter 7 of the Development Code.
- C. **Permit requirements.** A land Use Permit shall be approved by the Planning Commission or Council consistent with Subsection B to ensure compliance with this Section and a Coastal Development Permit shall be required when located in the Coastal Zone. Approval of a land Use Permit does not allow the applicant to operate until a Commercial Cannabis Permit is approved in accordance with Municipal Code Article III Chapter 18.
- D. **Limitation on number of Retailers and/or Microbusinesses with a retailer use, whether open to the public or delivery only.** The aggregate maximum number of Retailers and/or Microbusinesses with a retailer use allowed are up to four.
- E. **Limitation on manufacturing uses.** Level 1 and Level 2 manufacturing (State Licenses Types 6 and 7) shall be authorized subject to Municipal Code Article III Chapter 18.
- F. **Setbacks.** Commercial Cannabis Uses shall comply with the following minimum setbacks:
 - 1. All Retailers and/or Microbusinesses with a retailer use, whether open to the public or delivery only, shall be located a minimum of 100 feet from all residential zones as measured from the residential lot boundary to the public entrance of the facility, except on Farroll Road where no minimum setback is required from residential zones.
 - 2. All Retailers and/or Microbusinesses with a retailer use, whether open to the public or delivery only, shall be located a minimum of 600 feet from public and private schools grades kindergarten through 12th grade consistent with State law.
 - 3. All commercial cannabis uses shall be located a minimum of 100 feet from the CR2 Zone on the north side of Atlantic City Avenue as measured from the residential lot boundary to the industrial lot boundary.
 - 4. All commercial cannabis uses not otherwise subject to the setback requirements of this Subsection, shall not be subject to any additional setback requirements other than contained in Section 2.40.040.
- G. **Development standards.** Commercial Cannabis Uses shall comply with the following standards:
 - 1. All Retailers and/or Microbusinesses with a retailer use, whether open to the public or delivery only, may be open to the public between the hours of 9:00 a.m.

and 7:00 p.m. Extended hours will be approved from 7:00 a.m. to 9:00 p.m. subject to a finding that enhanced security is agreed to and provided by participating in the City's operated security system with cameras and video capability to view the street frontages of the business to the boundaries of the premises or lot where the business is permitted. All other non-retailer and Microbusinesses with non-retailer uses may operate at any time. Commercial transport between licensees and delivers to customers for all commercial cannabis businesses shall be between the hours of 7:00 a.m. and 9:00 p.m.

[Ancillary consumption areas are permitted consistent with Municipal Code Article III Chapter 18.](#)

2. Cultivation and nursery uses shall prepare a Water Recycling Management Plan that demonstrates that irrigation water is recycled to the maximum extent feasible using best management practices. A separate water meter shall be installed for irrigation uses.
3. All cultivation and nursery uses shall be within an enclosed building. Cultivation and nursery uses are prohibited outdoors.
4. Cultivation and nursery uses may use mixed-light buildings when issued a local license consistent with State licensing that allows for mixed-light buildings when no light is visible through the roof and windows of grow areas from dusk to dawn.
5. Secured Delivery. All commercial cannabis facilities shall provide a secured shipping and receiving area for deliveries of all cannabis, cannabis concentrate, and cannabis products as defined in GBMC Article III, Chapter 18. Section 4000.20. A secured shipping and receiving area shall comply with either of the following:
 - a. Internal - Within a fully enclosed structure either attached or within the commercial cannabis building that provides sufficient area to park and unload the delivery vehicle(s) located at the side or rear of the building, If feasible. Access shall be through a roll up or similar garage door with removable bollards. The delivery area shall be monitored 24 hours a day by video surveillance, electronic alarm monitoring, and shall not have any windows leading to the outside. Any skylights shall either be removed or have security bars added to prevent entry. The delivery area shall only be accessible to the shipping and receiving area and not directly into the operating, manufacturing, or retail portions of the commercial cannabis business.
 - b. External - Within a fenced or walled area that is not visible from the street and adjacent properties located at the side or rear of the building as approved by the Police Chief. The fence or wall shall be a minimum of six (6) feet in height that is structurally sound and secure to prevent access and fully encloses the delivery area The fence shall visually screen the delivery area so delivery activities are not visible from the street and adjacent properties. The fence design shall be consistent with the Industrial Design Guidelines and constructed of durable, solid materials. The fence shall include a

lockable gate(s) that is locked at all times, except for during times of active ingress/egress. If a roof or structure is required to screen the shipping and receiving area from adjacent properties, it shall be made of a solid material that will provide full visual screening of the delivery area. This delivery area shall be monitored 24 hours a day by video surveillance and only be accessible to the shipping and receiving area and not directly into the operating, manufacturing or retail portions of the commercial cannabis business.

6. Odor control devices and techniques shall be incorporated to ensure that marijuana odors are not detectable from the property boundary and public right-of-way. In multi-tenant buildings marijuana odors shall not be detectable from the building exterior, or from exterior and/or interior common areas such as walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. Odor control systems shall include, but are not limited to, ventilation and exhaust systems that provide sufficient odor absorbing to meet the above requirements.
7. An Operations and Security Plan shall be prepared as required by Municipal Code Article III Chapter 18.
8. Design standards in Section 2.40.050 and ~~any other Council adopted the~~ Industrial Design Guidelines.
9. All applicable regulatory requirements of Municipal Code Article III Chapter 18.

4.10.050 Caretaker's Residences

- A. **Purpose.** This Section provides standards for caretaker's residences established for providing continuous on-site care or security of the property.

B. Permit Requirement. A Zoning Clearance shall be required to ensure compliance with this Section.

- C. ~~B.~~ Development Standards.** The following development standards shall apply to caretaker's residences:

1. The maximum size for a one-bedroom caretaker's residences shall be ~~675~~ 500 square feet.
- ~~2.~~ The maximum size for a two-bedroom caretaker's residences shall be ~~1,000~~ 800 square feet. ~~The following provisions shall apply only to a two-bedroom caretaker's residence:~~
 - ~~a. A minimum 300 square foot private yard area shall be provided with a minimum 10 foot width and depth.~~
 - ~~b. The private yard area shall not be located in the required front setback or within a retention basin.~~

4.10.060 ~~High Occupancy Residential Use~~ Reserved

- ~~A. **Purpose.** This Section provides standards for high occupancy residential uses which are intended to maintain and promote neighborhood quality, character and livability in residential zones where allowed by Chapter 2 (Zones and Allowable Land Uses). High Occupancy Residential Use is six or more adults. This Section does not apply to Residential Care Facilities, Senior Housing or Transitional Care Facilities.~~
- ~~B. **Limitation on number.** In order to avoid the concentration of intensive, non-residential land uses in residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, no high occupancy residential use shall be located within 300 feet of an existing high occupancy residential use.~~
- ~~C. **Development Standards:** A high occupancy residential use shall comply with the following standards:~~
- ~~1. A minimum of 300 square feet of living area shall be provided per adult.~~
 - ~~2. There shall be a minimum of one bathroom provided for every three adult occupants.~~
 - ~~3. The dwelling must meet all current City Building and Fire Codes~~
- ~~D. **Annual Review.** The Review Authority shall review the Use Permit annually to ensure compliance with the conditions of approval. The applicant shall be responsible for the costs associated with the annual review.~~

4.10.070 ~~Large Family Day-Care Home~~ Child Day Care – Day Care Center

- ~~A. **Purpose.** This Section provides standards for the operation of large family day-care homes where allowed by Chapter 2 (Zones and Allowable Land Uses). These standards apply in addition to the other provisions of this Development Code and requirements imposed by the California Department of Social Services (DSS). DSS Licensing is required for all facilities.~~
- ~~B. **Permit requirement.** An Administrative Use Permit shall be approved by the Director to ensure compliance with this Section.~~
- ~~C. **Development standards.** A Large Family Day Care Home shall comply with the following standards:~~
- ~~1. Location requirements. In order to avoid the concentration of intensive, non-residential land uses in residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, no large family day care home shall be located within 300 feet of an existing large family day care home.~~
 - ~~2. Parking, drop-off area.~~

~~a. A home located on a street with a speed limit of 30 miles per hour or greater shall provide a drop-off/pick-up area designed to prevent vehicles from backing onto the street.~~

- A. **Purpose.** This Section provides standards for the operation of a child day care – day care center where allowed by Chapter 2 (Zones and Allowable Land Uses). These standards apply in addition to the other provisions of this Development Code and requirements imposed by the California Department of Social Services (DSS). DSS Licensing is required for all facilities.
- B. **Permit Requirement.** An Administrative Development Permit shall be approved by the Director to ensure compliance with this Section and may include conditions requiring compliance with all applicable building codes, fire codes, and operator licensing.
- C. **Application requirements.** The following shall be included in each application for a child day care – day care center in addition to all standard requirements for consideration of an Administrative Development Permit:
 - 1. **Facility characteristics.** The application shall indicate the number of children to be cared for, the number of employees, hours of operation and outdoor playtime. The application and site plan shall clearly show compliance with applicable standards.
 - 2. **Site plan.** A site plan showing the location and dimensions of existing or proposed structures, including fencing, outdoor play structures and equipment, distance to property line, parking areas and number of spaces both on-site and off-site spaces contiguous to property lines, and access and traffic circulation.
 - 3. **Circulation plan.** An accurate traffic circulation plan showing parking, circulation, and onsite drop-off/pick-up areas/spaces.
- D. **Development standards.** A child day care – day care center shall comply with the following standards.
 - 1. **Play areas.** Required outdoor play areas shall satisfy the following minimum requirements:
 - a. **A minimum five-foot-high fence/wall shall enclose the play area using materials with finishes and/or colors consistent with other site fences/walls of the development.**
 - b. **Located in an area of the site or development where exterior noise levels are 60 dBA or less, including roadway noise levels.**
 - c. **Located a minimum of 10 feet from any public right-of-way.**
 - 2. **Parking, drop-off/pick-up area.** Required parking and drop-off/pick-up areas shall be designed to satisfy the following:

- a. The minimum number of parking spaces for employees and visitors shall be provided as required by Table 3.4: Required Parking Spaces by Land Use and shall be located on the same development site as the facility.
- b. The minimum number of parking spaces for drop-off/pick-up shall be provided as required by Table 3.4: Required Parking Spaces by Land Use and shall be located within proximity to the main entrance of the facility. No designated drop-off/pick-up area shall require the user to cross a drive aisle. A sidewalk adjacent drop-off/pick-up area using an assigned curb designation that provides the same number of parking spaces may be utilized at the discretion of the Director.

4.10.075 Demolition of Residential Structures

- A. The purpose of this Section is to implement the provisions of California Government Code Sections 65583.2, 66300(d) and 65590, regarding the demolition of residential structures in all zones.
 - 1. Compliance with Government Code Section 65583.2(g) is required for replacement housing on sites identified to meet the Regional Housing Needs Allocation in the General Plan Housing Element when any new development occurs on a site that has been deed restricted or controlled by other regulatory mechanism for lower-income households at any time during the previous five years relative to the time a development application is received for new construction.
 - 2. Qualifying housing developments per subsection 1 above shall be required to replace, at minimum, on a one-to-one basis affordable housing units on the subject development site that are removed due to new development consistent with Government Code Section 65583.2(g)(3).
 - 3. Compliance with Government Code Section 66300(d) is required for any new development, until such a time as this law sunsets, including but not limited to specific requirements of this regulation as follows:
 - a. New development shall not involve demotion of residential dwelling units unless the project will create at least as many residential dwelling units as will be demolished; and
 - b. New development shall not involve demolition of occupied or vacant income-protected residential dwelling units unless the units are replaced at the same protected income levels; and
 - c. Relocation benefits to the occupants of affordable units are provided.
 - 4. Compliance with Government Code Sections 65590 et seq. is required for conversions, demolitions, and replacement housing in the coastal zone.

4.10.077 Garage or Yard Sales

- A. Garage or Yard Sales. A parcel with an existing residence may conduct a garage or yard sale a maximum of four times within a calendar year subject to the following requirements:
1. Each garage or yard sale shall not exceed three consecutive days.
 2. Items for sale shall consist of typical household items (clothing, furniture, etc.) that are owned by the household conducting the sale. Items acquired for resale or are brought to the site (i.e., stored off-site) are prohibited.
 3. All signage shall comply with Section 3.60 (Sign Regulations).
- B. Garage or yard sales are not permitted on vacant lots.

4.10.80 Live Entertainment

- A. **Purpose.** This Section provides standards for live entertainment where allowed by Chapter 2 (Zones and Allowable Land Uses). The standards of this Section do not apply to live entertainment associated with Adult Businesses (Section 4.20).
- B. **Permit requirements.** If the live entertainment use meets the standards of this Section, no development ~~permit~~ application approval is required. If the Director determines that the live entertainment use may not meet the standards of this Section, approval of a Use Permit by the Commission is required.
- C. **Limitations on use.** The live entertainment use shall be an accessory use to the primary use and not create any adverse impacts other than those normally associated with the permitted use. The live entertainment should not exceed normal conversation levels and shall be in compliance with the City's noise standards.
- D. **Use Permit.** Live entertainment that is not an accessory use, charges a fee, or does not comply with Subsection C, shall require approval of a Use Permit by the Commission.

4.10.90 Live/Work Units

- A. **Purpose.** This Section provides standards for the development of new live/work units and for the reuse of existing commercial and industrial structures to accommodate live/work opportunities where allowed by Chapter 2 (Zones and Allowable Land Uses).
- B. **Limitations on use.** The non-residential component of a live/work project shall only be a use allowed within the applicable zone. A live/work unit shall not be established or used in conjunction with any of the following activities:
1. Adult businesses;

2. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;
 3. Welding, machining, or any open flame work; and
 4. Any other activity or use, as determined by the Director to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes.
- C. **Density.** Live/work units in commercial zones shall not exceed the maximum density allowed in the applicable zone. Live/work units in industrial zones shall not exceed a maximum density of 10 units per acre.
- D. **Occupancy requirement.** The residential space within a live/work unit shall be occupied by at least one individual employed in the business conducted within the live/work unit.
- E. **~~Design standards.~~**
- ~~1.~~ Floor area requirements.** The minimum net total floor area of a live/work unit shall be ~~4,000~~ 500 square feet.

F. Design standards.

1. Building form and design. The provisions of Section 4.25.040 shall apply to live/work projects with nine or fewer units and the provisions of Section 4.25.050 shall apply to live/work projects with 10 or more units.
2. Separation and access. Each live/work unit shall be separated from other live/work units or other uses in the structure. Access to each live/work unit shall be provided from a public street, or common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the structure.
3. Commercial uses. In commercial and industrial zones, the commercial area shall be adjacent and oriented to the primary street frontage to emphasize the commercial activity towards the street.
4. Mixed occupancy structures. If a structure contains mixed occupancies of live/work units and other non-residential uses, occupancies other than live/work shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the live/work units and other occupancies, as determined by the Building Official.

G. ~~F.~~ Operating requirements.

1. Sale or rental of portions of unit. No portion of a live/work unit may be separately rented or sold as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working in the same unit.

2. Hours of operation. The hours of operation of the business in a live/work unit shall be restricted to 7:00 a.m. to 10:00 p.m., except for passive activity that produces noise levels that are below the maximum acceptable levels in compliance with the City noise standards.
3. Work area. All business operations shall be conducted within the building interior. No outdoor storage shall be allowed unless authorized by the Use Permit.
4. Notice to occupants. The owner or developer of any structure containing live/work units shall provide written notice to all live/work occupants and users that the surrounding area may be subject to levels of dust, fumes, noise, or other effects associated with commercial and industrial uses at higher levels than would be expected in more typical residential areas. State and Federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the applicable zone.

~~5. On-premises sales. On premises sales of goods and services is limited to those produced within the live/work unit.~~

5. ~~6.~~ Nonresident employees. Up to two persons who do not reside in the live/work unit may work in the unit, unless this employment is prohibited or limited by the Use Permit. The employment of three or more persons who do not reside in the live/work unit may be allowed, subject to Use Permit approval, based on an additional finding that the employment will not adversely affect parking in the immediate vicinity of the unit.

6. ~~7.~~ Client and customer visits. Client and customer visits to live/work units are allowed subject to any applicable conditions of the Use Permit to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially zoned areas.

H. ~~G.~~ **Changes in use.** After approval, a live/work unit shall not be converted to either entirely residential use or entirely business use unless authorized through Use Permit approval.

I. ~~H.~~ **Required findings.** The approval of a Use Permit for a live/work unit shall require that the Review Authority make all of the following findings, in addition to those findings required for Use Permit approval (Section 6.20.090):

1. The proposed use of each live/work unit is compatible with residential activities and will not affect the health or safety of the live/work unit residents consistent with Subsection B. (Limitations on use); and
2. The establishment of live/work units will not conflict with nor inhibit commercial or industrial uses in the area where the project is proposed.
3. In industrials zones, a live/work project will not result in an overconcentration of residential dwellings that could potentially limit the available land for light manufacturing or other job generating uses.

4.10.095 Low Barrier Navigation Centers (Emergency Shelter)

- A. **Purpose.** This Section provides standards for low barrier navigation centers in commercial and industrial zones, where allowed by Chapter 2 (Zones and Allowable Land Uses), to implement the provisions of Government Code Section 65660 et seq.
- B. **Definitions.** For the purposes of this Section, the following definitions apply:
1. “Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to the applicable provisions of Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
 2. “Low barrier” means best practices to reduce barriers to entry.
- C. **Permit Requirements.** A Zoning Clearance shall be required to ensure compliance with this Section.
- D. **Operation and Development Requirements:** A low barrier navigation center shall meet the following requirements at all times:
1. Comply with all applicable State and City health and safety, building, and development codes as applicable.
 2. The center must allow for the presence of partners, if it is not a population-specific site, and allow for pets and the storage of possessions.
 3. The center must provide privacy by providing partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or have separate, private rooms.
 4. The center must have accommodations for people with disabilities.
 5. The center must provide services to connect people to permanent housing through a services plan.
 6. A coordinated entry system shall be provided so that staff may conduct assessments and provide services to connect people to permanent housing.
 7. The center shall not deny entry based on use of drugs or alcohol, a history of justice involvement or poor credit, or refusal to participate in services or a program.
 8. The center shall comply with the Housing First components identified in Section 8255 of the State Welfare & Institutions Code.
 9. On-site staff, including a manager, shall be present at all times the center is open/operational.
 10. The center shall maintain a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System in accordance with Federal regulations.

E. **Effective Date.** This Section shall remain in effect only until January 1, 2027, after which it is repealed, unless the relevant statutes Government Codes Sections 65660 et seq. are extended by the State Legislature.

4.10.100 **Massage Establishments**

~~Permit requirements.~~ Prior to operating, the applicant of any massage establishment shall comply with the requirements of Municipal Code Article III.

4.10.110 **Mixed Use Projects Reserved**

- ~~A. **Purpose.** This Section provides standards for the design of mixed use projects, where allowed by Chapter 2 (Zones and Allowable Land Uses). A mixed use project combines residential and non-residential uses on the same site, with the residential units typically located above the non-residential uses (vertical mixed use). Residential units may also be allowed at ground level behind street-fronting non-residential uses (horizontal mixed use) as specified by this Section.~~
- ~~B. **Design considerations.** A mixed use project shall be designed to achieve the following objectives:~~
- ~~1. The design shall provide for internal compatibility between the residential and non-residential uses on the site.~~
 - ~~2. Potential glare, noise, odors, and other potential nuisance conditions for residents shall be minimized to allow a compatible mix of residential and non-residential uses on the same site.~~
 - ~~3. The design shall take into consideration existing and potential future uses on adjacent properties and shall include specific design features to minimize potential impacts.~~
 - ~~4. The design shall ensure that the residential units are of a residential character, and that appropriate privacy between residential units and other uses on the site is provided.~~
 - ~~5. Site planning and building design shall provide for convenient pedestrian access from the public street into the commercial portions of the project, through such means as courtyards, plazas, and walkways.~~
 - ~~6. The commercial area shall be adjacent and oriented to the primary street frontage to emphasize the commercial activity towards the street.~~
- ~~C. **Allowed uses.** A mixed use project may combine residential uses with any other uses allowed in the applicable zone where allowed by Chapter 2 (Zones and Allowable Land Uses);~~

- ~~D. **Density.** The residential component of a mixed-use project shall comply with the density requirements of the applicable zone.~~
- ~~E. **Site layout and project design standards.** Each proposed mixed-use project shall comply with the development standards of the applicable zone and the following requirements.~~
- ~~1. **Location of units.** Residential units shall not occupy ground floor street frontage on the primary street frontage. Residential units on the ground floor shall only be allowed behind the commercial space and on secondary street frontages. The ground floor street frontage space within a mixed-use building shall be reserved for commercial uses, except for a lobby or other feature providing access to the residential units.~~
 - ~~2. **Loading areas.** Commercial loading areas shall be located away from residential units and shall be screened from view from the residential portion of the project to the maximum extent feasible.~~
 - ~~3. **Refuse and recycling areas.** Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and commercial uses.~~

4.10.115 Mobile Vendors

- A. **Purpose.** This Section provides standards for the operations of mobile vendors on private property, where allowed by Chapter 2 (Zones and Allowable Land Uses) to ensure the operations do not create an adverse impact on adjacent uses caused by noise, lighting, and litter.
- B. **Applicability.** This Section shall apply to the operation of mobile vendors operating greater than 10 days in a calendar month on private property. Mobile vendors operating on private property for 10 days or less in a calendar month see Section 6.20.080 (Temporary Use Permit). Mobile vendors operating in the public right-of-way or public property see Municipal Code Article III, Chapter 3.
- C. **Permit Requirements.** An Administrative Development Permit shall be approved by the Director to ensure compliance with this Section.
- D. **Development Standards.**
 1. **Parking requirements.** Parking shall be provided on-site based on the type of use (e.g., restaurant) in compliance with Section 3.50.040 (Required Parking Spaces).
- E. **Operating Requirements.**
 1. **Access and Circulation.** Mobile vending operations shall be located in an area that does not impede safe vehicular, bicycle, or pedestrian traffic or does not provide adequate sight distance at a corner in compliance with Section 3.10.030.E. Obstruction of access or circulation through any parking lot, or obstruction of access to any public sidewalk or street is prohibited.

2. Location of Mobile Vendor. A mobile vendor shall be parked, stopped, or standing on an asphalt, concrete, or all-weather surface (as approved by the City Engineer) and outside of any designated fire lane, or loading space. Mobile vendors are prohibited on undeveloped lots.
3. Restrooms. A minimum of one-single stall restroom and one wash lavatory shall be provided for every four mobile vendors operating on the site.
4. Seating Areas. Seating areas may be provided as authorized by the Administrative Development Permit.
5. Display of merchandise. The display of merchandise is prohibited and includes placement of goods outside of the vehicle and attached to the vehicle.
6. County Health Permit. Mobile vendors selling food or other consumable, ingestible products shall have a valid permit issued by the County Department of Public Health. All required County health permits must be in possession of the mobile vendor operator when operating in the city.
7. Hours of operations. Mobile vendors shall be prohibited from operating between the hours of 10:00 p.m. to 7:00 a.m., including set up and clean up.
8. Litter Removal. Mobile vendors shall remove litter caused by its operations from public and private property within a 25 foot radius of the vending vehicle's location.
9. Noise. Mobile vendors shall comply with Municipal Code Article III, Chapter 1.01 (Noise Standards).
10. Signage. Mobile vendors shall comply with Section 3.60 (Signs).
11. Waste Management.
 - a. Mobile vendors shall not discharge any liquid (e.g., water, grease, oil, etc.) onto or into city streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the operator.
 - b. Mobile vending operations shall provide separate and clearly marked receptacles for trash, recycling and/or compost, according to the collection services available at the operating site. Operators shall properly dispose of all trash, recycling and/or compost generated by their operations daily.
12. Additional Conditions. The Director may impose additional conditions that are more restrictive than allowed in this Section to ensure safe operations and avoid adverse impacts to adjacent uses.

F. Failure to Comply with Permit Requirements. Failure to comply with any of the requirements of this Section may result in permit revocation consistent with Section 6.30.080 (Permit Revocations).

4.10.120 ~~Multi-Family Developments~~ Reserved

- ~~A. **Purpose.** This Section provides standards for the design of multi-family residential projects, where allowed by Chapter 2 (Zones and Allowable Land Uses). This Section shall apply to new projects, when an additional unit is added, or when an existing dwelling is proposing to add more than 50% of the gross floor area of the existing dwelling.~~
- ~~B. **Accessory structures.** Accessory structures and uses shall be designed and constructed with an architectural style, exterior colors and material similar to the structures in the project containing dwelling units.~~
- ~~C. **Front setback pavement.** No more than 50 percent of the front setback area shall be paved for walkways, driveways, and/or other hardscape.~~
- ~~D. **Building Separation.** Detached dwelling units shall have a minimum distance between structures equal to the sum of the height of the buildings divided by two, but in no case less than 10 feet.~~
- ~~E. **Private open space.** Private open space shall be provided for all multi-family dwellings as shown in Table 4.1. The private open space shall be accessible from within the unit and may include patio areas, balconies, and decks, but not stairs, entrance decks, and/or landings. Each private open space area shall have a minimum dimension of 10 feet for units located on the ground floor, and six feet for units located on second floors or above. The Review Authority may allow required private open space to be in different locations and/or with different dimensions where it determines that the alternative approach will provide open space of equivalent utility and aesthetic quality.~~

Table 4.1. Private Open Space Standards					
	R2	CR2	R3	CR3	Commercial zones
Ground floor units					
Studio Unit	100	100	100	100	100
1 bedroom Unit	120	120	120	120	120
2+ bedroom Unit	140	140	140	140	140
Second floor or above units					
Studio Unit	100	100	60	60	60
1 bedroom unit	120	120	72	72	72
2+ bedroom unit	140	140	84	84	84

~~**Common open space.** Common open space may be required by the Review Authority for developments with five or more units. The common open space shall be useable and include features as determined by the Review Authority. The Review Authority may also consider whether common open space is required based on the proximity to existing public parks or other usable public open space, or that the residential units are part of a mixed-use project and/or located in a commercial zone.~~

4.10.130 Outdoor Storage and Work Areas

- A. **Purpose.** This Section provides standards for outdoor storage or work areas where allowed by Article 2 (Zones and Allowable Land Uses).
- B. **Permit requirements.** An Administrative Development Permit shall be approved by the Director to ensure compliance with this Section.
- C. **Development standards.** Outdoor storage and work areas shall comply with the following standards:
 - 1. Enclosure and screening required. Outdoor storage areas shall be entirely enclosed by a solid wall or fence as approved by the Review Authority with a minimum height of six feet and a maximum height of eight feet.
 - 2. Maximum height of stored materials. The materials within the storage area shall not be higher than the fence, except where authorized by a Use Permit for the storage area.
 - 3. Landscaped setback. In any case where an outdoor storage area abuts a street right-of-way, the required screening wall or fence shall be set back from the right-of-way as required by the applicable zone, and the setback area shall be landscaped to the approval of the Director in compliance with [Section 3.10.020 \(Fences and Walls\)](#), [3.10.065 \(Screening\)](#), and 3.30 (Landscaping Standards).
- D. **Cargo containers.** The location and use of cargo containers outdoors are allowed only in the Industrial and Coastal Industrial zones as follows, except for temporary uses in compliance with Section 6.20.080 (Temporary Use Permit). For the purposes of this Subsection, "cargo container" is a metal "Seatrain", "PODS", or similar rectangular shipping container that is otherwise carried on rail cars, truck beds, and/or cargo ships.
 - 1. Development standards. Outdoor cargo containers shall comply with the following standards:
 - a. Location. Outdoor storage containers shall not be visible from public streets and placed behind buildings when feasible. The cargo container shall not be placed in required parking spaces.
 - b. Screening. If adjacent to a residential zone, the screening requirements in Section 3.10.020 (Fences [and Walls](#)) and [Section 3.10.065 \(Screening\)](#) shall apply.

[4.10.135](#) [Personal Health/Fitness Studios](#)

- A. **Purpose.** [This section provides standards for uses that are designated "Health and Fitness Facilities" and "Studio – Art, Dance, Martial Arts where allowed in Chapter 2 \(Zones and Allowable Land Uses\)."](#)

- B. Use regulations. The following development standards shall apply for personal health / fitness studios and studios – art, dance, martial arts when allowed by a Zoning Clearance:
1. Outdoor classes or recreational uses are prohibited. Uses shall be confined to the interior of the building only. Outdoor uses may be allowed subject to approval of a Use Permit.
 2. Noise. Noise shall be limited to limits established in Municipal Code Article III.
- C. Outdoor use. Outdoor uses may be permitted through application of a Use Permit pursuant to Chapter 6 (Procedures).

4.10.040 Personal Storage Facilities

- A. **Purpose.** This Section provides standards for personal storage facilities where allowed in Chapter 2 (Zones and Allowable Land Uses).
- B. **Development Standards.** The following development standards shall apply to personal storage facilities:
1. A landscaped area a minimum of 20 feet is required along all street frontages and adjacent to residential zones.
 2. Driveways shall meet the following standards:
 - a. The minimum width for driveways shall be 25 feet.
 - b. The driveway width shall be increased to 30 feet, when the length of the driveway exceeds 150 feet.
 - c. Parking lanes are not required.

4.10.150 Recycling Facilities

- A. **Purpose.** This Section provides standards for the siting and operation of various types of commercial recycling facilities, where allowed by Article 2 (Zones and Allowable Land Uses).
- B. **Reverse vending machines.** Reverse vending machines shall comply with the following standards.
1. Permit requirements. An Administrative Development Permit shall be approved by the Director to ensure compliance with this Section.
 2. Accessory use only. Each machine shall be installed only as an accessory use to an allowed primary use.
 3. Location requirements. If located outside of a structure, a machine shall not occupy parking spaces required by the primary use.

4. Lighting. Each machine shall be illuminated to ensure comfortable and safe operation if the machine is accessible between dusk and dawn. The light source shall be shielded so that glare and reflections are confined within the boundaries of the site.

C. Small collection facilities. A small collection facility shall comply with the following standards.

1. Permit requirements. An Administrative Development Permit shall be approved by the Director to ensure compliance with this Section.
2. Accessory use only. A small collection facility shall only be allowed as an accessory use to an allowed primary use.
3. Location requirements. A small collection facility shall:
 - a. Not be located within 50 feet of any lot zoned for residential use; and
 - b. Be set back a minimum of 10 feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation.
4. Maximum size. A small collection facility shall not occupy more than 350 square feet, not including space that would be periodically needed for the removal of materials or exchange of containers.
5. Appearance of facility. Collection containers and site fencing shall be of a color and design that is compatible and harmonious with the surrounding uses.
6. Operating standards for small collection facilities. Small collection facilities shall:
 - a. Not use power-driven processing equipment, except for reverse vending machines;
 - b. Accept only glass, metal, or plastic containers, paper, and reusable items;
 - c. Use containers that are constructed with durable waterproof materials, secured from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule; and
 - d. Be screened where determined by the Review Authority to be necessary because of excessive visibility.
7. Signs. Non-illuminated signs may be provided as follows:
 - a. Identification and directional signs may be approved by the Director if found necessary to facilitate traffic circulation, or if the facility is not visible from the

D. Large collection facilities. A large collection facility is larger than 350 square feet and shall comply with the following standards.

1. Permit requirements. A Use Permit shall be approved by the Commission to ensure compliance with this Section.
2. Location requirements. A large collection facility shall:

- a. Not be located within 100 feet of any lot that allows residential uses; and
- b. Be set back a minimum of 10 feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation.
3. Appearance of facility. Collection containers and site fencing shall be of a color and design that is compatible and harmonious with the surrounding uses.
4. Operating standards for large collection facilities. Large collection facilities shall:
 - a. Not use power-driven processing equipment, except for reverse vending machines;
 - b. Accept only glass, metal, or plastic containers, paper, and reusable items;
 - c. Use containers that are constructed with durable waterproof materials, secured from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule; and
 - d. Be screened where determined by the Review Authority to be necessary because of excessive visibility.
5. Signs. Non-illuminated signs may be provided as follows:
 - a. Identification and directional signs may be approved by the Director if found necessary to facilitate traffic circulation, or if the facility is not visible from the street.

E. ~~D.~~ Processing facilities. Processing facilities shall comply with the following standards.

1. Permit requirements. A Use Permit shall be approved by the Commission.
2. Location requirements. The facility shall not ~~abut a~~ be located within 100 feet of any lot zoned for that allows residential uses.
3. Limitation on activities. Allowed activities are limited to baling, briquetting, compacting, crushing, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials.
4. Container location. Containers provided for "after hours" donation of recyclable materials shall be permanently located at least 100 feet from any residential zone, be constructed of sturdy, materials, have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of the materials; and
5. Screening. The facility shall be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure;
6. Outdoor storage. Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage shall not be visible above the height of the required solid masonry walls;

7. Operating standards. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining lots.

4.10.160 Resale Stores

Permit requirements. Resale stores, including secondhand stores and consignment shops as defined in Section 9.10.020 (Definitions), that sell tangible personal property as defined by the U.S. Justice Department shall obtain clearance from the Police Department prior to operating.

4.10.170 Reserved

4.10.180 Senior Housing

- A. **Purpose:** This Section provides flexible development standards to promote and encourage senior housing development where allowed by Chapter 2 (Zones and Allowable Land Uses).
 - B. **Development Standards:** Residential development exclusively for seniors has operating characteristics which differ from those of typical multi-family unit dwellings. Therefore, the strict application of development standards may not be appropriate to apply to senior housing projects. Accordingly, the Review Authority may approve exceptions to off-street parking, open space, and other development standards as may be appropriate if the findings in Subsection D can be made. Senior projects developed in conformance with affordable units Section 3.20 (Affordable Housing Density Bonuses and Concessions/Incentives) are eligible for up to a 35 percent density bonus consistent with Government Code Section 65915. ~~The Council may consider a density bonus of up to 50 percent for a project that provides affordable units and is determined to be a superior design.~~
 - C. **Design standards.** Senior housing facilities shall ~~provide adequate amenities (e.g., shopping, services, recreation, public transit, etc.) on-site or within close proximity.~~ comply with Section 4.30.040 and 4.30.050 as applicable (Multi-Unit Attached Dwellings and Mixed-Use Developments Design Standards).
 - D. **Required findings.** The Review Authority may approve exceptions to the development standards of the applicable zone if the following findings can be made:
 1. The project provides a living environment that is conducive to seniors and will support their lifestyles.
 2. Exceptions to development standards would not create greater adverse impacts on surrounding properties than would be expected if the site was developed to its maximum intensity of the applicable zone.
- 4.10.185 Short-Term Rentals**

A. Purpose.

1. This Section provides standards to regulate short-term rentals where allowed by Chapter 2 (Zones and Allowable Uses). The intent of these requirements is to ensure short-term rentals are operated in a way that minimizes impacts on surrounding residential uses, provides basic life safety measures, and operate consistent with applicable sections of the Municipal Code.
2. This Section is not intended to provide any owner of a single ~~family-unit~~ dwelling, multi-~~family~~ unit dwelling, or mobile home with the right or privilege to violate any private conditions, covenants and restrictions applicable to the owner's residence that may prohibit the use of an owner's residence for short-term rental purposes as defined in this Section.

B. Applicability.

1. The provisions of this Section shall apply to all short-term rental units, including owner occupied and non-owner occupied short-term rentals. All standards of the underlying zone shall continue to apply to a permitted short-term rental. This Section does not apply to legally established lodging uses, which are regulated separately.
2. Short-term rental units shall only be allowed within a legally constructed single-unit ~~family~~ dwelling, multi-~~family~~ unit dwelling, multi-~~family~~ unit dwellings within a mixed-use project, or mobile home as defined in Section 9.10.020, except short-term rentals shall be prohibited in the following types of dwellings: live-work units, caretaker residences, and accessory dwelling units unless exempt as specified in Subsection Q. Short-term rental permits shall be limited to the issuance of one permit per building when units share common walls within multi-unit dwellings or within a mixed-use project for all new permits issued after October 1, 2021.
3. Short-term rentals shall be prohibited in any residence subject to an affordable housing covenant or deed restriction imposed or required by the city.
4. Short-term rentals shall be prohibited in recreational vehicles, motor homes, travel trailers, truck campers, tent trailers, boats and other similar vehicles.

C. Permit Required.

1. No person shall rent, offer to rent, or advertise for rent a residential dwelling to another person or group for a short-term rental without a short-term rental permit approved and issued in a manner provided for by this Section, except as specified in Subsection P.
2. A short-term rental permit must be renewed on an annual basis in order to remain valid. If a short-term rental permit is not renewed prior to its expiration date, it shall expire automatically. Under such conditions, the owner shall be required to apply for and obtain a new short-term rental permit, subject to the regulations and administrative rules in effect at the time an application is submitted.

3. Any proposed change to the permit conditions or material facts relating to the information contained in the permit application shall require the owner to submit a new short-term rental permit application.
 4. A short-term rental permit is only valid for the address and owner on the short-term rental permit. The short-term rental permit is non-transferable to another residential unit and any change in property ownership shall require a new short-term rental permit application be submitted within 60 days.
 5. A short-term rental permit shall be valid only for the number of bedrooms in existence at the time the short-term rental permit is issued. A short-term rental permit shall not authorize the use of any bedrooms in excess of those identified in the short-term rental permit. If additional bedrooms are added to the subject dwelling, a new short-term rental permit shall be required.
- D. **Application Requirements.** The owner shall submit a short-term rental permit application, application submittal requirements, and fee approved in the City's Master Fee Schedule.
- E. **Application Approval.** The Community Development Director shall approve the short-term rental permit if the owner demonstrates compliance with this Section, agrees to abide by the short-term rental permit conditions, and a site inspection has verified compliance.
- F. **Permit Approval Notification.** The City shall notify all property owners and occupants in writing within a 150-foot radius upon issuance of a short-term rental permit for a non-owner occupied short-term rental indicating the rental address, owner's name, hotline contact information, and the maximum number of occupants allowed. No notification is required for owner-occupied short-term rentals.
- G. **Maximum Number.** The maximum number of non-owner occupied STRs shall be 40 within the Coastal Zone area and 60 within the non-Coastal Zone area. There is no limit on the number of owner-occupied STRs in the city. STR permit applications shall be reviewed on a first-come, first-serve basis with a waiting list for new STR permits once all authorized STR permits are issued.
- H. **Permit and Operating Requirements.** The owner shall be responsible to ensure that renters comply with all the requirements of this Section. The short-term rental shall comply with the following standards:
1. **Maximum Occupancy of a Non-Owner Occupied Rental.** The maximum occupancy permitted for a non-owner occupied short-term rental unit shall be limited to the following:

Number of Bedrooms	Maximum Number of Renters	Additional Daytime Guests Allowed from 7:00 a.m. to 10:00 p.m.
0 (studio)	2	0

1	4	2
2	6	3
3	8	4
4 or more	10	5

2. Maximum Occupancy of an Owner-Occupied Rental. The maximum occupancy permitted for an owner-occupied short-term rental unit shall be limited to the following:

Number of Bedrooms	Maximum Number of Renters	Additional Daytime Guests Allowed from 7:00 a.m. to 10:00 p.m.
0 (studio)	2	No Limit
1	4	No Limit
2	6	No Limit
3	8	No Limit
4 or more	10	No Limit

3. Parking. The number of on-site parking spaces shall be provided as required by Development Code Section 3.50 Parking Regulations based on the type of residential unit, except that the required parking spaces may be in either a garage, carport or designated driveway with approved hardscape material. Parking spaces shall meet the minimum dimensions required by Section 3.50. Short-term rental parking shall also comply with the following:
- If a garage is utilized as required parking, access shall be provided at all times the short-term rental is operational.
 - The property owner shall require the renters to utilize the designated on-site parking to the maximum extent feasible.
 - A site plan shall be provided to the guests indicating the location of the required on-site parking spaces and, if applicable, where parking is prohibited, such as within a common driveway. The site plan shall be posted in a conspicuous place on the inside of the premises near the front door at all times the unit is being rented.
4. Local Contact Person. Short-term rental units shall have a local contact person who is available 24-hours per day, seven days per week. The local contact person must be able to be present at the short-term rental within 30 minutes of receiving a complaint at all times the short-term rental is operational. The contact information shall be submitted to the City when an application for permit is submitted and the owner shall immediately provide the city in writing of any change to the local contact person.
5. Property Maintenance. The property shall be maintained in a neat and clean appearance at all times. The owner shall provide appropriate trash and recycling containers which must be stored in a location not visible from the street. Containers shall be placed at the appropriate pick-up location weekly, no more

than 24-hours prior to pick-up, and returned to storage no more than 12-hours after pickup.

6. Good Neighbor Brochure. The property owner shall require any renter to sign an agreement acknowledging they have been provided a copy of the City's "Good Neighbor Brochure" and agree to comply with the regulations and the consequences for violating the regulations. If the rental is through a third party hosted by an on-line platform, the owner shall require the third party to provide an on-line link to the Good Neighbor Brochure and a mechanism by which a renter shall acknowledgement receipt of the Good Neighbor Brochure and agree to comply with the regulations and the consequences for violating the regulations.
7. Life Safety Measures. The following life safety measures shall be provided:
 - a. Smoke detectors in each bedroom and the hall leading to the bedrooms.
 - b. Carbon monoxide detector.
 - c. Fire extinguisher in or near kitchen.
 - d. A site plan indicating the location of the electrical, gas and water shut-off locations.
 - e. If the residence has a fire sprinkler system, an annual inspection shall be made to ensure proper operation.
8. Posting Permit. The short-term rental permit shall be posted in a conspicuous place on the inside of the premises near the front door at all times the unit is being rented.
9. Noise and Conduct. The owner or the local contact person shall ensure that the renters and/or guests of the short-term rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the short-term rental. No radio receiver, musical instrument, phonograph, compact disk player, loudspeaker, karaoke machine, sound amplifier, or any machine, device or equipment that produces or reproduces any sound shall be used outside or be audible from the outside of any short-term rental between the hours of 10:00 p.m. and 7:00 a.m. The renters and/or guests shall comply with the City's Noise Ordinance at all times.
10. Signage. No on-site signage shall be allowed to advertise short-term rentals.
11. Advertising Requirements. All advertisements for short-term rentals shall include the city's short-term rental permit number and the maximum permitted overnight occupancy as stated on the approved short-term rental permit.
12. Payment of Transient Occupancy Tax. The owner shall pay the transient occupancy tax in compliance with Municipal Code Article X Chapter 6 and the Administrative Rules. Payment of transient occupancy tax shall be required upon the effective date of the ordinance. The owner may submit payment of the

transient occupancy tax directly to the City or make payment through a short-term rental platform that has a current agreement with the City.

13. **Business Tax Certificate.** The owner of a short-term rental that has an active short-term rental permit shall have a valid Business Tax Certificate at all times.

14. Minimum Stay Requirement. All non-owner occupied permits shall have a minimum of 12 overnight stays during the permit year, as defined by the Administrative rules. Any permittees not meeting this requirement shall not be eligible for permit renewal.

- ~~15.~~ ~~14.~~ **Compliance with laws.** The owner shall ensure that the short-term rental is operated in a manner that complies with all applicable federal, state and local laws, rules and regulations and private governing documents, including, without limitation, conditions, covenants and restrictions ("CC&Rs") that are valid and enforceable pursuant to the Davis-Stirling Common Interest Development Act, as set forth in California Civil Code Section 4000 et seq., pertaining to the use and occupancy of the short-term rental.

- ~~16.~~ ~~15.~~ Additional conditions or requirements may be required as determined by the Community Development Director to achieve the purpose and intent of this Section.

- I. **Rental Agreements.** The owner shall enter into a written rental agreement with the renter of any short-term rental property, or shall enter into an agreement provided by a third-party rental agency, or hosted on-line platform, which agreement shall, at a minimum, include the following:

1. The name, address, mobile phone, and email address of the renter.
2. The terms and conditions of the rental agreement, including occupancy limits.
3. Acknowledgment by the renter that he or she is legally responsible for compliance by all renters and any guests of the short-term rental with the requirements of this Section and the terms of the rental agreement.
4. Acknowledgment by the renter they have reviewed the Good Neighbor Brochure as specified in Subsection H.6.
5. Acknowledgment and agreement that the City may inspect the short-term rental property for cause upon 24-hour notice.

- J. **Owner Responsibilities.** An owner may authorize an agent to comply with the requirements of this Section on behalf of the owner. However, the owner shall not be relieved from any personal responsibility and personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and rental of the short-term rental, regardless of whether such noncompliance was committed by the owner's authorized agent, local contact person, renter or guest of the short-term rental.

K. Violations.

1. Notice of Violation. The City may issue a notice of violation to the owner, local contact person, renters, or guests pursuant to Municipal Code Article I, Chapter 4, if a violation of this Section is committed, caused or maintained by any of the above parties.
 2. Responding to Hotline. The City may issue a notice of violation to the owner if the local contact person fails to respond when contacted by the hotline.
 3. Administrative Citation. The City may issue administrative citations to the owner, local contact person, renters, or guests pursuant to Municipal Code Article I, Chapter 4, if a violation of this Section is committed, caused or maintained by any of the above parties. Unless otherwise provided herein, any person issued an administrative citation pursuant to this Section shall for each separate violation be subject to those fines consistent with the Grover Beach Master Fee Schedule.
 4. Penalties. It is unlawful to violate any provision of this Section 4.10.185 of Chapter 4 of Article IX. Violations of this Section are punishable as misdemeanors. Violations of this Section may alternatively be punished as administrative violations as provided in Chapters 1 and 4 of Article I. Any administrative or criminal penalties imposed in accordance with this Section shall be consistent with those penalties and fines enumerated in the Grover Beach Master Fee Schedule. Each separate day or rental night in which a violation exist may be considered a separate violation whether for administrative citations or as a misdemeanor.
 5. Additional Conditions. A violation of any provision of this Section by the owner, local contact person, renters, or guests shall authorize the Community Development Director, to impose additional conditions on the use of any given short-term rental to ensure that any potential additional violations are avoided.
 6. Permit Modification, Suspension and Revocation. Unless otherwise provided in this Section, a violation of any provision of this Section by the owner, local contact person, renters, or guests shall constitute grounds for modification, suspension and/or revocation of the short-term rental permit and/or any affiliated licenses or permits.
 7. Public Nuisance. It shall be a public nuisance for any person to commit, cause or maintain a violation of this Section.
- L. Permit Revocation.** A short-term rental permit may be revoked under any of the following conditions:
1. The City issues three or more violations related to the operation of the short-term rental within any two-year period.
 2. The short-term rental is found to be noncompliant with any portion of this Section, the Administrative Rules, or the short-term rental permit conditions.

3. Abandonment of the use for a period of 12 months or more (demonstrated by a lack of payment of transient occupancy taxes).
4. Failure to pay a citation related to operation of a short-term rental within 15 days of issuance.
5. The owner provided materially false or misleading information in any submittal required by this Section.
6. Any instance of transient occupancy tax fraud or transient occupancy tax delinquency of more than three months.
7. Credible evidence is presented to the City, after issuance of a short-term rental permit, that there are private governing documents, including, without limitation, conditions, covenants and restrictions ("CC&Rs") that are valid and enforceable pursuant to the Davis-Stirling Common Interest Development Act, as set forth in California Civil Code Section 4000 et seq., which prohibit the use of the dwelling for short-term rental purposes, as defined in this Section, the owner shall have thirty days after being notified of receipt of such evidence by the city to provide written authorization from the owner's homeowner association that allows the owner to continue to use the owner's property for short-term rental purposes until expiration of the current short-term rental permit. If no such written authorization is provided as set forth herein, the owner's short-term rental permit shall be summarily revoked.
8. A permanent ban on the rental of the subject short-term rental pursuant to an order issued by a court of competent jurisdiction.
9. If the subject property lacks adequate onsite parking, or impedes ingress and/or egress access to the subject property or adjacent properties.

M. Permit Revocation Process. If a short-term rental permit is revoked, the following applies:

1. The Community Development Director shall notify the property owner in writing that the short-term rental permit has been revoked and specify the reasons for the revocation.
2. A property that has a short-term rental permit revoked cannot reapply for a period of two years.
3. Notification shall be sent to all owners and occupants within 150 feet of the subject short-term rental of any revocation.
4. A decision by the Community Development Director to revoke a short-term rental permit is appealable to the Planning Commission as specified in Section 7.20 Appeals.

N. Denial of Permit. A short-term rental permit may be denied for the following reasons:

1. At the time the short-term rental permit application or annual permit renewal is submitted, the short-term rental property has an active code violation related to structures, land use or life safety issues.
 2. The owner has had a prior short-term rental permit suspended or revoked, or has been cited for violating any provision of this Section or the Municipal Code related to the use or maintenance of the property of the short-term rental in the prior two years.
 3. Failure to make transient occupancy tax payments in accordance with Municipal Code Article X, Chapter 6 or the Administrative Rules.
 4. There is credible evidence that there are any private governing documents, including, without limitation, conditions, covenants and restrictions ("CC&Rs") that are valid and enforceable pursuant to the Davis-Stirling Common Interest Development Act, as set forth in California Civil Code Section 4000 et seq., which prohibit the use of such owner's single-family ~~unit~~ dwelling, multi-family ~~unit~~ dwelling, or mobile home for short-term rental purposes as defined in this Section.
 5. If the subject property lacks adequate onsite parking, or impedes ingress and/or egress access to the subject property or adjacent properties.
 6. The owner fails to provide any of the required application information, renewal requirements, or demonstrate compliance with the requirements of this Section or the Administrative Rules.
- O. Administrative Rules.** The City Manager, or designee, shall have the authority to establish administrative rules and regulations consistent with the provisions of this Section for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the requirements and the provisions of this Section, and establishing procedures for complaints. A copy of such administrative rules and regulations shall be on file in the office of the city clerk and posted on the city's website.
- P. Effect of Ordinance on Existing Short-Term Rentals.** All owners advertising or operating a short-term rental property on the effective date of the ordinance enacting this Section shall have 60 days from the effective date to submit a short-term rental permit application in compliance with this Section. Failure to submit a short-term rental permit application in compliance with this Section shall result in the owner not being eligible to apply for a short-term rental permit or be authorized to operate a short-term rental for a six-month period after the expiration of the 60 day application period.
- Q. Effect of Ordinance on Existing or Proposed Accessory Dwelling Units.** Accessory dwelling units and second residential dwellings that are existing, under construction, or in building plan review prior to ~~the adoption of this ordinance~~ September 11, 2020 may be used as a short-term rental.
- R. Definitions.** Definitions for this Section are in Development Code Section 9.10.050.

4.10.190 Sidewalk Seating for Outdoor Dining

- A. **Purpose:** This Section provides standards for outdoor dining in the public right-of-way where allowed by Chapter 2 (Zones and Allowable Land Uses). The purpose is to enhance the pedestrian ambiance by allowing outdoor seating.
- B. **Permit Required.** An Administrative Development Permit shall be approved by the Director. In addition, an encroachment permit shall be required from the Public Works Department.
- C. **Development Standards.** Sidewalk cafes shall comply with the following standards:
 - 1. A minimum four-foot-wide unobstructed pedestrian travel way shall be maintained at all times.
 - 2. Sidewalk seating ~~is not~~ near corners may be allowed ~~within 15 feet of the corner if~~ site distance requirements are met in compliance with Section 3.10.030.E (Restrictions to height limits at street corners).
 - 3. Awnings or umbrellas may be used but shall maintain a minimum clearance of six feet eight inches.
 - 4. A barrier surrounding the sidewalk seating area may be required by the Alcohol Beverage Control Board or the Public Works Director.
- D. **Standards of Operation:**
 - 1. The applicant shall be responsible for maintaining the sidewalk seating area.
 - 2. All furniture and fixtures shall be removed each night.
 - 3. All items associated with the sidewalk seating area shall be removed when not in use.
 - 4. The hours of operation for the sidewalk seating may be more restrictive than the normal hours of operation.
 - 5. The City retains the right to revoke the Administrative Development Permit/Encroachment Permit upon 24 hour written notice to the applicant for any cause, regardless of compliance with the conditions of the Permit.

4.10.200 Single Room Occupancy Facilities

- A. **Purpose.** This Section provides standards for single room occupancy facilities where allowed by Chapter 2 (Zones and Allowable Land Use). Single room occupancy facilities shall comply with the standards of this Section to provide affordable, long-term housing for extremely low, very low, and low income households.
- B. **Development Standards.** Single-room occupancy facilities shall comply with the following standards:

1. The floor area per room shall be a minimum of 150 square feet including a bathroom and kitchen facilities.
2. The maximum room occupancy shall be one person.
3. A common area with a minimum of 250 square feet shall be provided.
4. A manager's unit shall be provided and may exceed the maximum allowable square feet per room.

C. Operating Standards.

1. Occupancy shall be limited to a minimum of 30 days.
2. On-site management shall be provided 24 hours a day. The manager shall be accessible to residents, law enforcement personnel, and any other individuals who need to establish communication upon or about the premises. The manager also shall have the authority to exercise control over the premises to ensure that the use of the premises does not result in littering, nuisance activities, noise, or other activities that adversely impact surrounding properties.
3. Cleaning services shall be provided.

D. Density Standards. The density shall be calculated based on the applicable zone with one room equivalent to one-half of a dwelling.

E. Design Guidelines. The following design guidelines are intended to be interpreted with some flexibility in their application to each project:

1. Living units should have amenities sufficient to sustain daily living, including, but not limited to, furnishings designed for smaller spaces, built-in cabinets, closets, miscellaneous storage and individually controlled heating and ventilation.
2. Living units should be pre-wired for both telephone and cable television service.
3. Laundry facilities should be provided.

F. Affordability. ~~A minimum of 50 percent of the~~ All living units shall be affordable and available to extremely low, very low, ~~and~~ or low income households, except for a manager's unit.

4.10.210 Thrift Stores

- A. **Permit requirement.** An Administrative Development Permit shall be approved by the Director.
- B. **Limitations on use.** No thrift store as defined in Section 9.10.020 (Definitions) shall be located within 1,000 feet from another thrift store.

4.10.215 ~~Tiny Houses~~ Homes on Wheels in Residential Zones

- A. **Purpose.** Tiny homes on wheels are classified as a type of recreational vehicle by California codes and are allowed as a temporary dwelling unit ~~allowed~~ as an accessory use to a permitted single ~~family unit~~ dwelling. Tiny homes on wheels shall comply with the requirements of this Subsection except to the extent they are inconsistent with the following development standards which shall govern when applied to tiny homes on wheels.
- B. **Limitation on Number.** One tiny home on wheels shall be allowed in all residential zones ~~with where~~ an existing single ~~family unit~~ dwelling has been established. No tiny home on wheels shall be allowed if there is a permitted accessory dwelling unit, with the exception of a junior accessory dwelling unit as defined in Section 4.10.015. A tiny home on wheels shall be removed prior to granting final occupancy for an accessory dwelling unit.
- C. **Limitation on Use.** No tiny home on wheels shall be utilized as a short-term rental.
- D. **Location.** A tiny home on wheels shall be located on the rear portion of a parcel unless there is no feasible alternative, as determined by the Director.
- E. **Size.** The minimum floor area shall be 100 square feet and the maximum floor area 400 square feet not including lofts.
- F. **Design.** If the tiny home on wheels is visible from the street, skirting shall be required for the foundation/wheels.
- G. **Construction Standards.** Tiny homes on wheels shall comply with the standards of, and be approved as one of the following types of structures: a HUD-Code manufactured home, California Residential Code or California Building Code home, factory-built housing, park trailer, or camping cabin. The Building Official shall determine the appropriate construction standards based on the type of tiny home on wheels.
- H. **Utility connections.** Tiny homes on wheels shall be connected to City water and sewer services in compliance with the Municipal Code. A tiny home on wheels may be off grid for electrical and gas if it can be demonstrated the unit has adequate heating and electrical power to the satisfaction of the Building Official.
- I. **Addresses.** No separate address shall be assigned for tiny homes.
- J. **Vehicle Registration.** A tiny home shall remain licensed and registered with the California Department of Motor Vehicles.
- K. **Prohibition on the use of RVs, trailers, campers.** The use of a recreational vehicle, travel trailer, truck camper, or camping trailer are prohibited from being used as a tiny home on wheels based on Section 18010 of the California Health and Safety Code.
- L. **Fire Protection Standards.** A tiny home on wheels shall meet either American National Standards Institute (ANSI 119.5 requirements or National Fire Protection Association (NFPA) 1192 standards.

4.20 Adult Businesses

Sections:

4.20.010 - Purpose

4.20.020 - Permit Requirements

4.20.030 - Required Findings

4.20.040 - Permits Nontransferable; Use Specific

4.20.010 Purpose

This Section establishes regulations for adult businesses where allowed by Chapter 2 (Zones and Allowable Land Use). Adult Business shall comply with the standards of this Section, because of their very nature, are believed to have any of the recognized significant secondary effects on the community which include, but are not limited to: depreciated property values and increased vacancies in residential and commercial areas in the vicinity of Adult Businesses; interference with residential property owners' enjoyment of their property when such property is located in the vicinity of Adult Businesses due to increased crime, debris, noise and vandalism; higher crime rates in the vicinity of Adult Businesses; and blighting conditions such as low-level maintenance of commercial premises and parking lots which thereby have a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the neighborhoods in the vicinity of the Adult Businesses. It is neither the intent, nor the effect of this Section to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent, nor the effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors or exhibitors of sexually oriented materials to their intended market.

Nothing in this Section is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any city ordinance or any statute of the State of California regarding public nuisances, unlawful exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

4.20.020 Permit Requirements

- A. **Permit requirements.** A Use Permit shall be approved by the Commission to ensure compliance with this Section. In addition, the Police Department shall conduct a background investigation on the applicant as required by this Section. The Use Permit may be approved pending the conclusion and findings of the background investigation.

- B. **Submittal Requirements.** In addition to the standard submittal requirements for a Use Permit, the applicant shall submit a letter of justification describing the proposed project and explaining how it will satisfy the required findings.
- C. **Public Hearing.** A public hearing shall be conducted in compliance with Section 7.10 (Public Hearings) with the additional requirement that the public notice shall be mailed to all property owners within 500 feet of the proposed project.

4.20.030 Required Findings

The approval shall require that the Commission make all of the following findings:

- A. The Adult Businesses shall not be located within 100 feet from any residentially zoned property (except for Assessor Parcels Nos. 060-252-005 and 060-254-007), 500 feet of any lot upon which there is properly located a public park or religious institution (except for Assessor Parcel No. 060-253-016 which may be located 250 feet from an Adult Business), 750 feet from any schools or 500 feet from any other Adult Business establishment as of the day the application is filed.
 - 1. For the purposes of this Section, a use is "located" upon a site if an application for the use to be placed upon the site has been filed with the City prior to receipt of the Adult Business application under review.
 - 2. The distance of separation required by this Subsection shall be made using a straight line, without regard to intervening structures or objects, from the property line of the lot on which the Adult Business shall be located to the nearest property line of the lot upon which is located a residential use, religious institution, park or school, or other adult use. If the residential use, religious institution, park or school, or other adult business from which the measurement is being taken is located on the same lot as the Adult Business, the distance between the two shall be measured in a straight line between the front doors of each use without regard to intervening structures or objects.
- B. The Adult Business shall comply with the General Plan and this Development Code.
- C. The Adult Business shall not be located completely or partially within any mobile structure or pushcart.
- D. The Adult Business shall not conduct any massage, tattooing, acupuncture, fortune-telling or escort services on the premises.
- E. The Adult Business shall provide a security system that visually records and monitors all parking lot areas. All indoor areas of the Adult Business accessible to the public will be open to public view at all times with the exception of restroom facilities. "Accessible to the public" shall include but not be limited to those areas which are only accessible to members of the public who pay a fee and/or join a private club or organization, as well as any area of the establishment where a patron can go by way of an invitation of an entertainer.

- F. The Adult Business shall not display any Sexually Oriented Material, Sexually Oriented Merchandise or display which would be visible from any location other than from within the Adult Business.
- G. The Adult Business shall not allow admittance to any person under the age of 18 if no liquor is served, or under the age of 21 if alcohol is served.
- H. The Adult Business shall not operate between the hours of midnight and 10:00 a.m.
- I. For the five years prior to establishing the Adult Business and at all times during its operation in the City, neither the owner (if an individual) nor any of the directors, officers or general partners (if a corporation or partnership) or employees of the Adult Business shall have been found guilty of a misdemeanor or felony classified by the state as a sex-related offense including but not limited to a violation of the following Penal Code Sections and their Subparts and Subsections: 220, 261, 262, 264, 264.1, 265, 266, (inc. 266a-266k) 267, 286, 286.5, 288, 288a, 289, 647, 647b 647d 647 or have either had a Use Permit or similar license or permit suspended or revoked or have otherwise been found to have violated any of the provisions of a Use Permit or similar permit, license or ordinance in any city, county, territory, or state. This shall be verified by evidence generated from the Grover Beach Police Department background investigation.
- J. The owner of the Adult Business shall provide separate restroom facilities for male and female patrons. The restrooms shall be free from Sexually Oriented Materials and Sexually Oriented Merchandise. Only one person shall be allowed in the restroom at any time, unless otherwise required by law, in which case the owner of the Adult Business shall employ a restroom attendant/security officer of the same sex as the restroom users who shall be present in the public portion of the restroom during operating hours. The owner shall ensure that the attendant permits no person of the opposite sex in the restroom, that not more than one person to enter a restroom stall and, with the exception of urination and excretion that no persons engage in any Specified Sexual Activity in the public portion of the restroom.
- K. The interior of the Adult Business shall be configured such that there is an unobstructed view, by use of the naked eye and unaided by video, closed circuit cameras or any other means, of every public area of the premises, including but not limited to the interior of all Individual Viewing Areas, from a manager's station which is no larger than 32 square feet of floor area with no single dimension being greater than eight feet in a public portion of the establishment. No public area, including but not limited to the interior of any Individual Viewing Area, shall be obscured by any door, curtain, wall, two-way mirror or other device which would prohibit a person from seeing into the interior of the Individual Viewing Area, solely with the use of the naked eye and unaided by video, closed circuit cameras or any other means from the manager's station. A manager shall be stationed in the manager's station at all times the business is in operation or open to the public in order to enforce all rules and regulations.

- L. All areas of the Adult Business shall be illuminated at a minimum of the following foot-candles, minimally maintained and evenly distributed at ground level:
 - 1. Bookstores: 20 foot-candles.
 - 2. Retail establishments: 20 foot candles.
 - 3. Theater: Five foot-candles except during performances, at which times the lighting shall be at least 1.25 foot candles.
 - 4. Cabaret: Five foot-candles except during performances, at which times the lighting shall be at least 1.25 foot candles.
 - 5. Motion pictures.
 - a. Motion picture arcade: 10 foot-candles in public areas.
 - b. Individual viewing booths: 1.25 foot-candles.
 - c. Motion picture theater: 10 foot-candles except during performances at which times the lighting shall be at least 1.25 foot candles.
 - 6. Motel/hotel: 20 foot-candles in public areas.
- M. The Individual Viewing Areas of the Adult Business shall be operated and maintained with no holes, openings or other means of direct visual or physical access between the interior space of two or more Individual Viewing Areas.
- N. A traffic study prepared for the Adult Business in conformance with industry standards must demonstrate that the project will not result in a reduction in any roadway level of service below that level of service designated in the General Plan for that roadway.
- O. The Adult Business shall comply with the City's noise standards.
- P. The Adult Business shall comply with all City Building and Fire Codes.
- Q. Live entertainment shall only be performed either on a stage raised at least 18 inches above the floor and separated from patrons by a fixed rail at least 30 inches in height placed at a distance of not less than eight feet around the perimeter of the stage; or in a location other than on the stage such that the Performer is separated from any patron by not less than six feet. This provision does not apply to an Individual Viewing Area where the stage is completely separated from the Individual Viewing Area by a floor to ceiling permanent, solid barrier that cannot be opened between the public area and performer area.
- R. No Individual Viewing Area may be occupied by more than one person at any one time.
- S. No patron shall directly pay or give any gratuity to any Performer, and no Performer will solicit or accept any directly paid gratuity from any patron. For the purposes of this Section, the phrase "directly pay" shall mean the person-to-person transfer of the gratuity. This Section shall not prohibit the establishment of a nonhuman gratuity

receptacle placed at least six feet from the stage or area which the Performer is occupying.

- T. No Performer shall intentionally have any physical contact with any patron and no patron shall intentionally have any physical contact with any Performer while on the premises of an Adult Business.
- U. No exterior door or window shall be propped or kept open at any time during hours of operation and exterior doors or windows shall be covered with opaque coverings at all times.
- V. The Adult Business shall have a separate entrance and exit to the premises for Performers which are separate from the entrance and exit used by the public.
- W. Neither Live Entertainment, nor any Adult Material or Adult Merchandise shall be visible from anywhere outside the Adult Business.
- X. At least one security guard shall be on duty outside the premises, patrolling the grounds and parking lot at all times live entertainment is offered. The security guard shall be charged with preventing violations of law and enforcing the provisions of this Section. All security guards shall be uniformed so as to be readily identifiable as a security guard by the public. No person acting as a security guard shall act as a doorman, ticket taker or seller, or similar functionary while acting as a security guard. For all Adult Businesses providing Live Entertainment, an additional security guard shall be provided with each increase in maximum occupancy of 200 persons.
- Y. The Adult Business shall be operated consistent with the floor plan approved by the City. No changes to the floor plan shall be implemented unless and until the changes have first been approved by the City.

4.20.040 Permits Nontransferable; Use Specific

- A. No Adult Business permit may be sold, transferred, or assigned by any permittee, or by operation of law, to any other person, group, partnership, corporation or any other entity. Any sale, transfer, or assignment or attempted sale, transfer, or assignment shall be deemed to constitute a voluntary surrender of such permit, and the permit shall be thereafter null and void. A Use Permit held by an individual in a corporation or partnership is subject to the same rules of transferability as contained above. Any change in the nature or composition of the Adult Business from one element of an Adult Business use to another element of an Adult Business shall also render the permit null and void. A Use Permit for an Adult Business shall only be valid for the exact location specified on the permit.
- B. **Violation and Penalty.**
 - 1. Every person, whether acting as an individual owner, employee of the owner, permittee, or operator or employee of the permittee, or whether acting as a mere helper for the owner, permittee, employer, or operator, or whether acting as a participant or worker in any way, who operates or conducts an activity referred to

in this Section without first obtaining a Use Permit from the City shall be guilty of a misdemeanor. Except as provided herein, and as provided by the penal code, no violation of this Section shall be criminally punished.

2. Any establishment operated, conducted or maintained contrary to the provisions of this Section is unlawful and a public nuisance; and the City Attorney may commence an action or actions, proceeding or proceedings for the abatement, removal and enjoinder thereof in the manner provided by law, and shall take other steps and shall apply to the court or courts as may have jurisdiction to grant the relief as will abate or remove the Adult Business and restrain and enjoin any person from operation, conducting or maintaining such an establishment contrary to the provisions of this Section.

C. Enforcement and Revocation

1. Inspections: The applicant shall permit officers of the City and each of their authorized representatives to conduct unscheduled inspections of the premises of the Adult Business for the purpose of ensuring compliance with the conditions of the Use Permit and other applicable laws at any time the Adult Business is open for business or occupied.
2. Revocation. The Commission may consider revocation of the Use Permit in compliance with Section 6.30.080 (Revocations) or if any of the following have occurred:
 - a. The applicant is convicted of any felony or misdemeanor which is classed as a sex or sex-related offense including but not limited to a violation of the following Penal Code Sections and their Subparts and Subsections: 220, 261, 262, 264, 264.1, 265, 266, (inc. 266a-266k) 267, 286, 286.5, 288, 288a, 289, 647, 647b 647d 647, any violation of the City's massage ordinance, or any violation of any other adult business ordinance of any other city, county, or state; or
 - b. Any person has been convicted of a sex-related offense including but not limited to a violation of the following Penal Code Sections and their Subparts and Subsections: 220, 261, 262, 264, 264.1, 265, 266, (inc. 266a-266k) 267, 286, 286.5, 288, 288a, 289, 647, 647b 647d 647 as a result of his or her activity on the premises of the Adult Business.

4.25 Residential and Mixed-Use Objective Design Standards

Sections:

4.25.010 - Purpose and Applicability

4.25.020 - Single-Unit Dwellings Design Standards

4.25.030 - Multi-Unit Detached Dwellings/Cluster Development Design Standards

4.25.040 - Multi-Unit Attached Dwellings and Mixed-Use Developments (Small/2-9 Units) Design Standards

4.25.050 - Multi-Unit Attached Dwellings and Mixed-Use Developments (Large/10+ Units) Design Standards

4.25.060 - Two-Unit Housing Developments in the R1, CR1, and CPR1 zones

4.25.010 Purpose and Applicability

A. Purpose and Applicability

1. This Chapter establishes objective design standards for new or redeveloped residential developments, either consisting solely of residential use or part of a mixed-use residential/commercial development. The objective design standards draw from and complement existing context-based design criteria set forth in other Sections of this Development Code and the General Plan. For the purposes of these provisions, redeveloped shall mean:
 - a. Any second story addition; and/or
 - b. An addition of 500 square feet or more than 40 percent of the existing floor area, whichever is greater; and/or
 - c. Remodels where alterations remove more than 50 percent of the exterior walls or remove more than 50 percent of the roof framing; and/or
 - d. Conversion of nonresidential existing space to a residential use.
2. The purposes of the objective design standards are to facilitate high-quality site planning and building design, reduce barriers to housing for very low-, low-, or moderate-income households, and accelerate housing production through the clear communication of design objectives and efficient permitting process for qualifying residential and mixed-use development projects pursuant to Government Code Section 65589.5 and Section 65913.4.
3. The objective development standards in this Section shall supersede any other standards to the contrary that may be provided in the Development Code as they pertain to residential and mixed-use developments. In the Coastal Zone, and in addition to meeting the requirements specified in Section 4.25, all applicable development shall also be sited and designed to avoid adverse impacts to coastal resources, including by conforming with all other applicable Local Coastal

Program policies and standards, including those that govern ESHA, public views, public access, and coastal hazards.

4.25.020 Single-Unit Dwellings Design Standards

- A. **Purpose.** The purpose of this Section is to provide standards for the design and development of detached, stand-alone, single residential units to maintain high-quality site planning and building design regarding:
 - 1. The massing and architectural treatment of buildings to promote and enhance the community's appearance as viewed from the public realm;
 - 2. The design and placement of driveways and garages/carports to minimize their interference with pedestrian circulation and visual prominence relative to the residence and other on-site structures; and
 - 3. The placement of buildings, parking facilities, amenities, and related property improvements in a manner that creates functional indoor and outdoor space for occupants; provides access to light and air; and provides a degree of privacy.
- B. **Applicability.** The standards in this Section shall apply to all single-unit detached dwellings in all residential zones, but does not apply to multiple detached dwellings allowed pursuant to Section 4.25.030.
- C. **Site Planning.**
 - 1. The provisions in Section 2.20.040 for Residential Zones shall apply regarding height, setback, and lot requirements.
 - 2. Driveways. On an interior lot, only one driveway shall be allowed except as permitted by Section 3.50.100 (Parking Design and Driveway Standards).
- D. **Building Design.**
 - 1. Massing. The square footage of any story of a dwelling above the first story shall have a maximum floor area that is no more than 80 percent of the floor area of the first story.
 - a. First floor calculation shall include all interior living areas, including interior and exterior staircases, attached garages, and covered porches connected to the first floor.
 - b. The floor area of upper stories is inclusive of all interior living area with walls; all staircases; porches, decks, and balconies that are covered by a roof structure; and all cantilevered structures that extend beyond the first-floor footprint that do not extend to the ground, including but not limited to living area, roof decks, bay windows, chimneys, and staircases; as well as any mezzanines, lofts, or other partial floor areas. Maximum cantilevered area shall not exceed three feet.

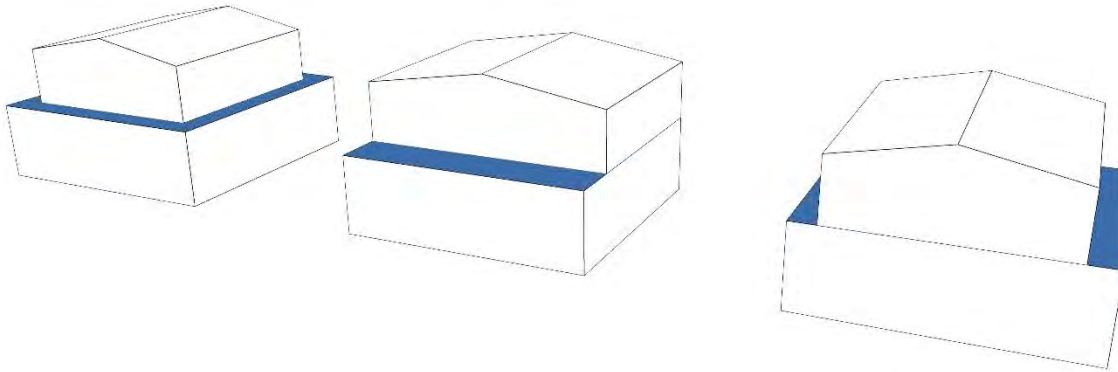


Figure 4.1 – Example Configurations for Second Story at 80%

2. Façade Articulation.

a. Front and Street Side Articulation.

(1) Wall Plane Variation.

- i. For any front or street side building façade longer than 25 feet in length, blank walls shall not exceed 25 feet. Wall plane variation of at least two feet in depth and five feet in length shall be provided for relief for every 25 feet of building façade.
- ii. In lieu of a wall plane variation, pop-out elements such as bay windows and porches may be provided to achieve the same effect. Bay windows shall extend a minimum of one foot from the building façade. Porches shall extend a minimum of five feet from the building façade.

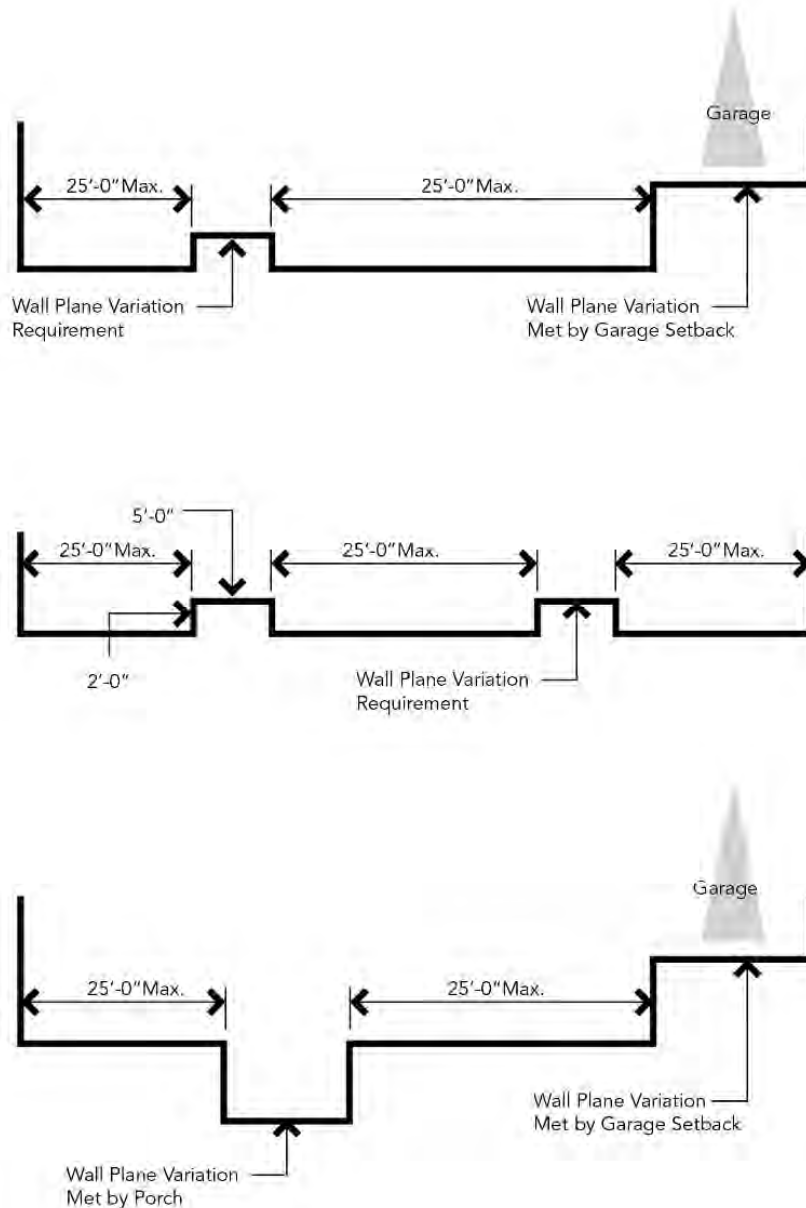


Figure 4.2 – Examples of Configurations Meeting the Wall Plane Variation Requirement

- (2) Building Materials. A minimum of two exterior building materials, or a different application of the same material, shall be used on the front and street side facades. Glass for windows shall not be considered one of the two materials.
- b. Side and Rear Articulation. On side and rear facades on second story or above, blank and/or flat walls shall be prohibited, and one or more forms of the following shall be provided every 15 feet:
 - (1) Windows;

- (2) Change in plane (two feet minimum and five foot maximum);
 - (3) Use of more than one surfacing material (with the secondary material covering at least 25 percent of the façade);
 - (4) Balconies;
 - (5) Shutters; or
 - (6) Similar elements that achieve the same effect.
3. Materials. Prohibited materials include vinyl and aluminum siding, T-111 plywood, and exterior insulation finishing system (EIFS).
4. Building Orientation and Primary Entrances.
- a. Primary entrance orientation. The primary entrance shall be oriented toward the abutting street, with the primary entrance directly accessible from an adjacent sidewalk. Where no sidewalk exists, the connection shall be to the abutting public street. On corner lots, the primary entrance can be oriented toward either street. In no case shall such access be solely from a private driveway unless garage face is perpendicular to the street or on a flag lot.
 - b. Entryways shall consist of:
 - (1) A front porch with a minimum depth of five feet, as measured from the building façade to the posts, and a minimum length of eight feet; or
 - (2) A recess or stoop measuring at least four feet by four feet which is well defined by a gabled entry, distinct change in roof line or columns, or has some other significant architectural distinction.



Figure 4.3 – Single-Unit Entryway Examples

5. Roofs.

- a. All roofs shall have eaves and decorative parapets or other modern roof structures and lines with exception of roof types under subsection b and c.
- b. Roof styles shall be consistent with the specific building architectural style used.
- c. Flat roofs are prohibited unless the roof is specifically designed to accommodate a rooftop deck.
- d. Changing roof heights, roof slope angles, and dormers shall be used to create variation in the roofline.
- e. Corrugated metal, galvanized metal, or similar sheets and panels are prohibited for use in single unit roof structures.

- E. Privacy Considerations.** On any story above the first story, where a new interior residential space will have an uninterrupted line of sight to windows of a primary interior space at the same floor level within 20 feet, the glazing of the new building shall be offset horizontally from the existing glazing by a minimum of 12 inches. As an alternative, opaque or clerestory windows shall be used, or windows shall be located at least five feet above the finished floor, as measured from the bottom of the window/windowsill.

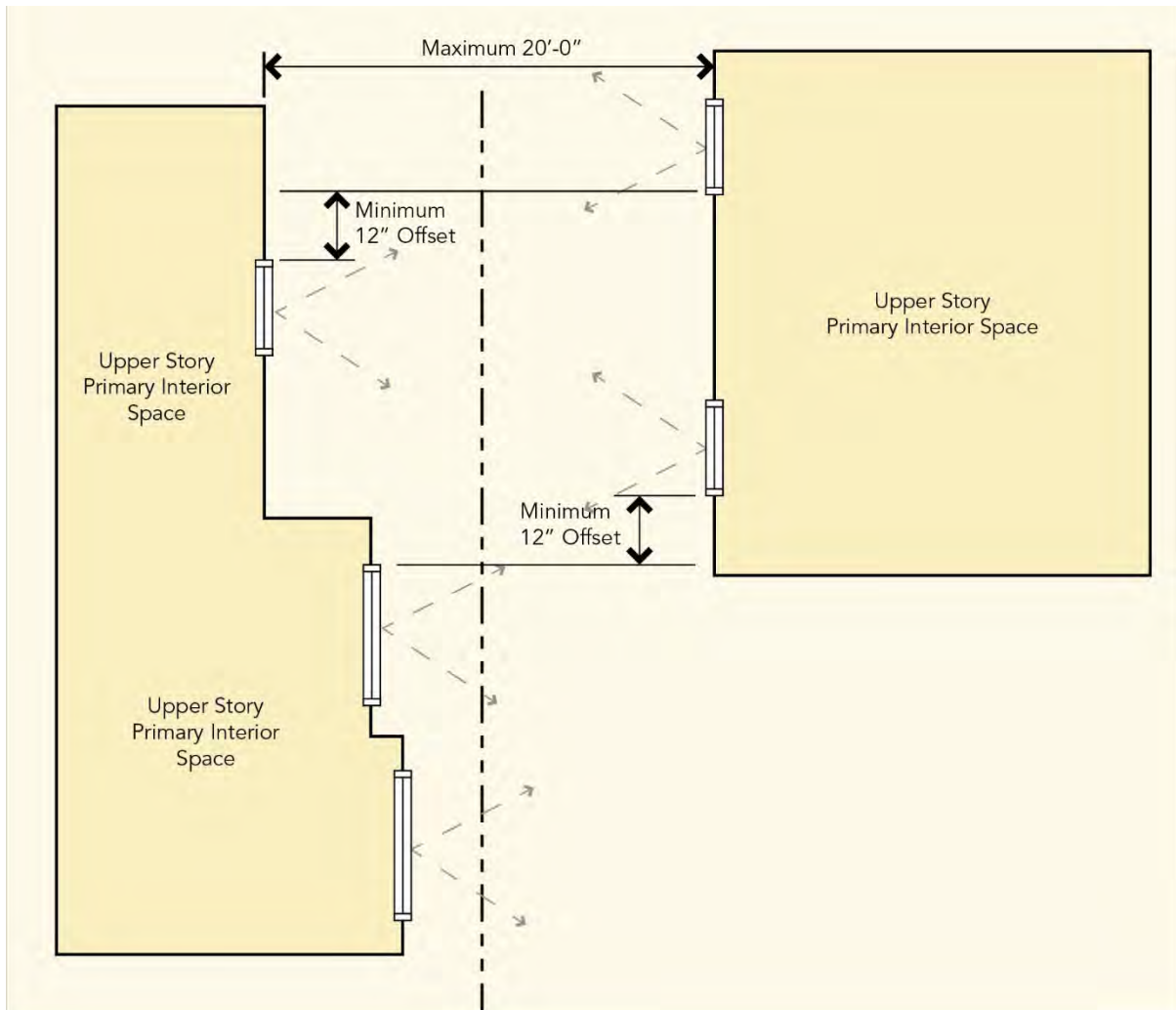


Figure 4.4 – Privacy Considerations for Single-Unit Dwellings

- F. **Parking and Vehicle Access.** Parking and vehicle access shall comply with Development Code Section 3.50 (Parking).
- G. **Landscaping.** Landscaping shall be provided in compliance with Section 3.30 (Landscaping Standards).
- H. **Fences, Walls, and Screening.** Fencing, walls, and screening shall be provided in compliance with Section 3.10.020 (Fences and Walls) and Section 3.10.065 (Screening).
- I. **Trash Enclosures.** For single-unit dwellings, individual trash cans shall be used for each dwelling and stored in the garage or in a screened side or rear yard.
- J. **Alternative Compliance.** Design standards for single-unit dwellings are not intended to limit creative solutions. Requests for alternative compliance through the

Modification to Standards (Section 6.20.072) process may be accepted for any application to which these standards apply.

4.25.030 Multi-Unit Detached Dwellings/Cluster Development Design Standards

A. Purpose.

1. The objective design standards established in this Section are intended to:
 - a. Maintain high-quality site planning and building design for areas where new multi-unit detached dwellings/cluster development is proposed;
 - b. Promote and enhance the community's appearance as viewed from the public realm;
 - c. Design appropriate fencing, wall, and screening features to enhance the appearance of neighborhoods for residents of multi-unit detached dwellings and pedestrians; and
 - d. Facilitate development, reduce barriers, and accelerate housing production through the clear communication of design objectives and an efficient review process for multiple detached dwellings/cluster development.

B. Applicability. This Section provides standards for the design of multi-unit detached dwellings (also referred to as cluster/common area developments), where allowed by Chapter 2 (Zones and Allowable Land Uses).

C. Site Planning. The provisions of Section 2.20.040 shall apply regarding height, setback, and lot requirements. Lot and setback requirements pertain to the overall project/site, and not to any individual small lots created as part of a cluster development. No minimum setbacks are required for individual lots created within the cluster development, except for where any such lot abuts an adjacent lot not part of the same development, in which case the setback requirements of the zone shall apply.

D. Building Design.

1. Massing. The square footage of any story of a dwelling above the first story shall have a maximum floor area that is no more than 80 percent of the floor area of the first story.
 - a. First floor calculation shall include all interior living areas, including interior and exterior staircases, attached garages/carports, and covered porches connected to the first floor.
 - b. The floor area of upper stories is inclusive of all interior living area with walls; all staircases; porches, decks, and balconies that are covered by a roof structure; and all cantilevered structures that extend beyond the first floor footprint that do not extend to the ground, including but not limited to living

area, roof decks, bay windows, and chimneys; as well as any mezzanines, lofts, or other partial floor areas.

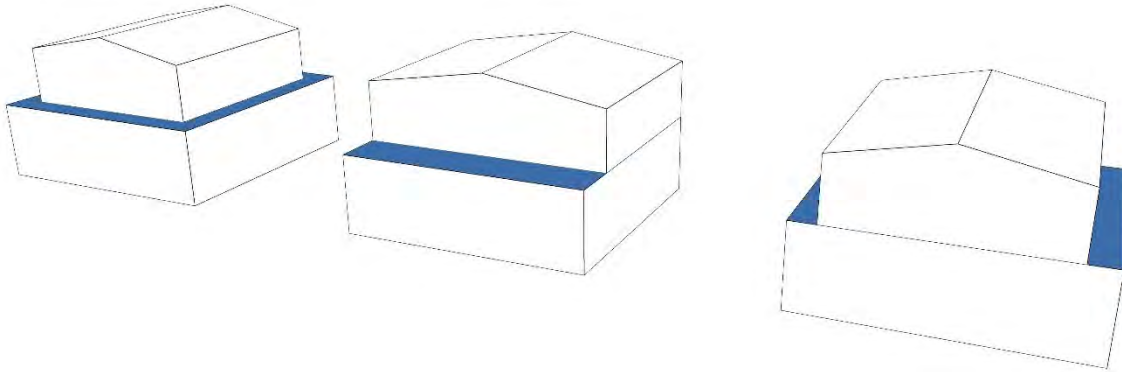


Figure 4.5 – Example Configurations for Second Story at 80%

2. Façade Articulation. No street-facing wall shall run in a continuous plane of more than 15 feet without a window or a front entry feature compliant with Subsection 4a below.
3. Building Materials.
 - a. A minimum of two exterior building materials, or a different application of the same material, shall be used on the front and street side façades. Glass for windows shall not be considered one of the two materials.
 - b. Prohibited materials include vinyl and aluminum siding, T-111 plywood, and exterior insulation finishing system (EIFS).
4. Building Orientation and Primary Entrances.
 - a. Buildings with street-facing frontages shall have front entry features oriented to the street, framing and facing the public realm. Direct pedestrian access shall be provided between the public sidewalk and the primary building entry. Entryways shall consist of:
 - i. A front porch with a minimum depth of five feet, as measured from the building façade to the posts, and a minimum length of eight feet; or
 - ii. A recess or stoop measuring at least four feet by four feet which is well defined by a gabled entry, distinct change in roof line or columns, or has some other significant architectural distinction.



Porch

Stoop

Recess

Figure 4.6 – Multi-Unit Detached Entryway Examples

- b. Buildings that are not adjacent to the street shall have front entries that are oriented toward the common driveway or other common areas, such as paseos, courtyards, common walkways, and useable open space.
- 5. Roofs.
 - a. All roofs shall have eaves and decorative parapets or other modern roof structures and lines with exception of roof types under subsection b and c.
 - b. Roof styles shall be consistent with the specific building architectural style used.
 - c. Flat roofs are prohibited unless the roof is specifically designed to accommodate a rooftop deck.
 - d. Changing roof heights, roof slope angles, and dormers shall be used to create variation in the roofline.
 - e. Corrugated metal, galvanized metal, or similar sheets and panels are prohibited for roof structures.
- 6. Laundry Facilities. Each dwelling shall have a laundry area to accommodate a washer and dryer. Common laundry facilities are prohibited.

- E. **Privacy Considerations.** On any story above the first story, where a new or existing primary interior residential space has an uninterrupted line of sight to windows of a primary interior space at the same floor level within 20 feet, the glazing of the new building shall be offset horizontally from the existing glazing by a minimum of 12 inches. As an alternative, opaque or clerestory windows shall be used, or windows shall be located at least five feet above the finished floor, as measured from the bottom of the window/sill.

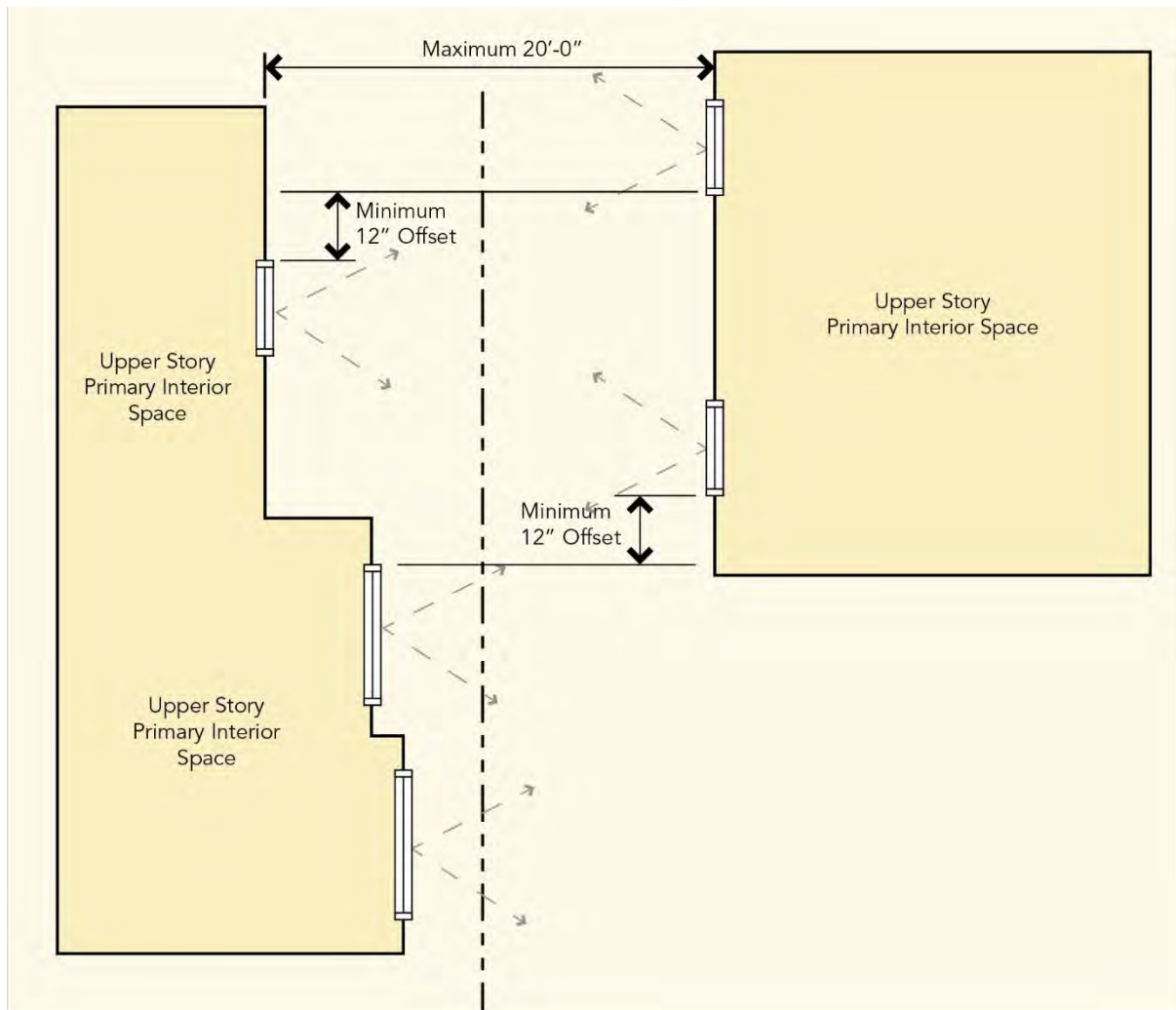


Figure 4.7 – Privacy Considerations for Multi-Unit Detached Dwellings

- F. **Open Space.** Open space for residential units shall be provided in compliance with Section 3.10.045 (Open Space for Residential Uses) for multi-unit dwellings.

- G. **Common Areas and Shared Maintenance Requirements.** The following are requirements for common areas for all multi-unit detached housing developments for maintenance and enforcement purposes
1. All common driveways shall be marked as fire lanes.
 2. In the drive aisle, decorative materials such as pavers or scored or colored concrete shall be required from the back of sidewalk for a minimum of five feet in depth.
 3. The Covenants, Conditions, and Restrictions or other governing documents for the development shall include provisions establishing the responsibility of shared maintenance by the applicable homeowners association or similar entity.
- H. **Parking and Vehicle Access.**
1. Parking and vehicle access shall comply with Development Code Section 3.50 (Parking).
 2. Street-Facing Garages and Carports.
 - a. When multiple garage doors/carports are located within one building, the maximum number of garage doors/carports adjacent to one another shall be limited to three unless there is a break in the building façade between garage doors. The break shall contain a major architectural or landscape feature, such as a building entrance or landscaped area measuring at least six feet wide.
 - b. Detached Garages. Perimeter garages that face and are visible from a public right-of-way or private property shall be designed to avoid long blank walls through use of at least one of the following options:
 - i. Detailing around doors with trim widths at least four inches in width;
 - ii. Mix of at least two materials; or
 - iii. Windows or other fenestration.
 3. Driveway Curb Cuts. Curb cuts shall not exceed one curb cut for every 50 feet of street frontage.
- I. **Landscaping.** Landscaping shall be provided in compliance with Section 3.30 (Landscaping Standards).
- J. **Fences, Walls, and Screening.** Fencing, walls, and screening shall be provided in compliance with Section 3.10.020 (Fences and Walls) and Section 3.10.065 (Screening).
- K. **Trash Enclosures.** For development projects of four units or fewer, individual trash cans may be used for each dwelling and shall be stored in the garage or in a screened side or rear yard. For development projects of five units or more, a common trash enclosure is required in compliance with Section 3.10.075 (Trash Enclosures).
- L. **Alternative Compliance.** Design standards for multi-unit detached developments are not intended to limit creative solutions. Requests for alternative compliance

through the Modification to Standards (Section 6.20.072) process may be accepted for any application to which these standards apply.

4.25.040 Multi-Unit Attached Dwellings (Small/2-9 Units) and Mixed-Use Developments (2-9 units) Design Standards

A. Purpose.

1. The objective design standards established in this Section are intended to:
 - a. Maintain high-quality site planning and building design for areas where new small-scale multi-unit attached residential and mixed-use developments are proposed;
 - b. Promote and enhance a high quality of life for residents, new business activity, and the community's appearance as viewed from the public realm, including:
 - i. Building form that gives prominence to the pedestrian realm, provides convenient access to buildings and active uses from the street, and creates visually interesting and human-scaled facades. Placement and orientation of doorways, windows, and landscape elements are important features that help create strong, direct relationships between the building frontage/sidewalks and the street.
 - ii. Open space requirements that provide for a variety of functional, well-designed open spaces, located and planned to enhance the quality of life for residents, businesses, and visitors.
 - iii. A pedestrian network that offers clear circulation paths, as well as parking that is visibly screened from the public right-of-way, creating a friendly, inviting environment.
 - a. Design appropriate fencing, wall, and screening features to enhance the appearance of neighborhoods and commercial corridors for residents of attached multi-unit dwellings and pedestrians and minimize the appearance of mechanical and trash areas from the public realm, with screening that is architecturally and aesthetically compatible with buildings on site.
 - c. Facilitate development, reduce barriers, and accelerate housing production through the clear communication of design objectives and an efficient review process for small-scale multi-unit attached residential and mixed-use development.

B. Applicability. This Section establishes standards for the design of small-scale multi-unit attached residential and mixed-use projects (2-9 units), where allowed by Chapter 2 (Zones and Allowable Land Uses).

C. Allowed uses.

1. Combined Uses. A mixed-use project may combine residential uses with any other uses allowed in the applicable zone where allowed by Chapter 2 (Zones and Allowable Land Uses). The residential component of mixed-use development is allowed at ground level behind street-fronting non-residential uses (horizontal mixed-use) and on upper stories as specified by this Section.
2. Ground Floor Residential.
 - a. On properties fronting West Grand Avenue (except for those in the CBO zone), residential units shall not occupy ground-floor street frontage except for a corner lot where units may face the secondary street. On all other properties, residential units on the ground floor shall be allowed; however, the ground floor street frontage space within a mixed-use building shall be reserved for commercial uses, except for a lobby or other feature providing direct access to the residential units.
 - b. In the CIC zone, residential units shall not occupy ground-floor street frontage.
- D. Site Planning. Section 2.20.040 for Residential Zones, Section 2.30.040 for Commercial Zones, and Section 2.40.040 for Industrial Zones establish the requirements for height, setback, and lot requirements.
- E. Building Design.
 1. Menu of Façade Articulation Options. Buildings that are three stories in height or taller or more than 100 feet in length (in street-facing frontage) shall incorporate one or more of the following from each menu item a through c.
 - a. Façade articulation.
 - i. Patterns of recessed features and/or extrusion (four inches minimum) (e.g., window trim, building panels, eaves, overhangs, awnings (not over doorways or as an entry feature), habitable projections, etc.).



Figure 4.8 – Patterns of Recessed Features and/or Extrusions

- ii. Patterns in window size, proportions, pattern, and depth or projection.



Figure 4.9 – Window Patterns

- iii. Continuous architectural features, such as parapets or cornices, that run the length of the building and are:
- Minimum four inches in height, or;
 - Minimum two inches in depth.



Figure 4.10 – Continuous Architectural Features

- b. Variation in façade materials:

- Material
- Texture/pattern

iii. Color



Figure 4.11 – Change in Materials

- c. Variety in Height and Roof Forms. Rooflines shall be vertically articulated at a maximum of 50-foot intervals along the primary street frontage through one of the following techniques:
- i. A change in height of a minimum four feet;
 - ii. A change in roof pitch, plane, or form; or
 - iii. The inclusion of dormers, gables, parapets, varying cornices, and/or clerestory windows.

2. Entrances.

- a. Primary Pedestrian Entrance. For all residential and nonresidential uses, at least one primary entrance to a ground-floor use shall face the primary street right-of-way. Individual residential entries may face a secondary/side street or be accessed through the interior of the building. On corner parcels, the primary entrance may face the street corner of the primary street and a secondary street.

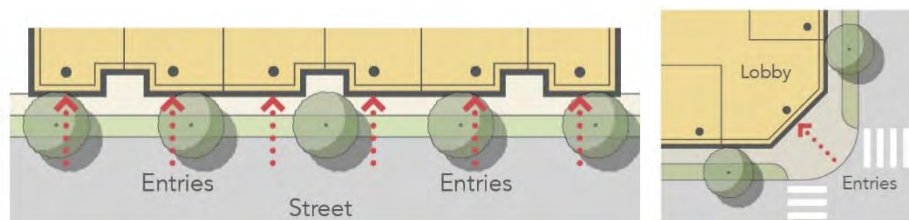
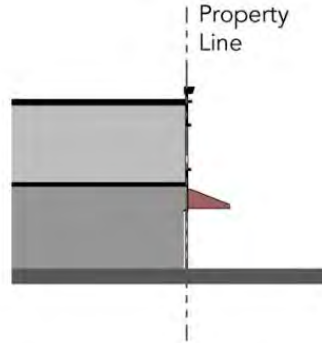


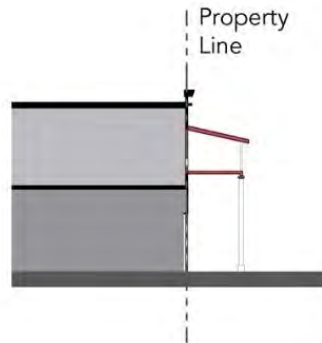
Figure 4.12 – Building Entries for Small Attached Multi-Unit and Mixed-Use

- b. Entrances for Mixed-Use Developments. Separate entrances shall be provided for the nonresidential and residential portions of a mixed-use building.
- c. Nonresidential Entrances
 - i. Building entrances shall incorporate at least one of the following entry features: (a) Shopfront; (b) Gallery, minimum width of 10 feet; (c) Forecourt; or (d) Commercial Terrace

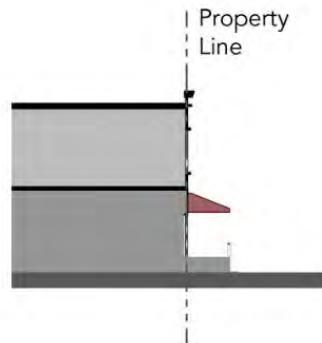
Shopfront: A frontage where the main façade of the building is at or near the right-of-way / property line, with the building entrance at sidewalk grade. This type is conventional for retail use. It has substantial glazing on the sidewalk level and a canopy or awning element may overlap the sidewalk along portions or all of the frontage.



Gallery: A frontage where the main façade of the building is aligned at or close to the right-of-way / property line and the gallery element (an attached cantilevered shed roof or lightweight colonnade) overlaps the sidewalk. This frontage type is intended for buildings with ground floor commercial or retail uses. An encroachment permit is required for any structure in the public right-of-way. Galleries shall have a consistent depth along the frontage of at least 10 feet.



Commercial Terrace: A frontage where a terrace extends along the building's frontage providing public circulation, outdoor uses, and access to the commercial space entries. The terrace may be at grade or slightly above/below grade. This frontage is suitable for outdoor cafes and plazas.



Forecourt: A frontage where a portion of the main façade of the building is at or near the right-of-way / property line and a (generally central) portion is set back, creating a small courtyard. The space could be used as an entry court or shared garden space for residential uses, or as an additional shopping or restaurant seating area within commercial areas.

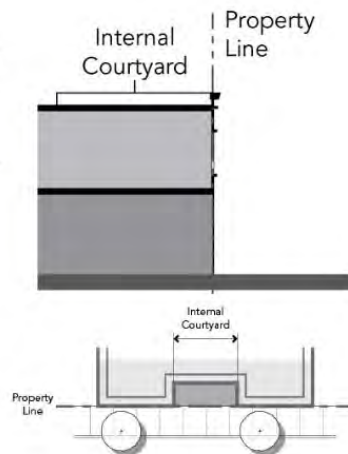


Figure 4.13 – Nonresidential Entrances

b. Residential Entrances. New residential buildings shall provide transitional spaces between public areas fronting the primary street and entrances. This type of element or equivalent shall be required for each unit or group of units; but no less than one of this type of element shall be provided. Building entrances shall incorporate at least one of the following transitional space entry features:

- i. Stoop (at least four feet by four feet and no higher than five feet in height);
- ii. Porch (at least six feet by eight feet for common entries and at least five feet by eight feet for individual entries); or
- iii. Overhang (if building has a shared lobby) with a recessed depth of at least three feet.



Porch

Stoop/Overhang/Recess

Figure 4.14 – Residential Entrances

3. Minimum Ground Floor Height. The minimum interior floor-to-ceiling height of nonresidential ground floor spaces shall be at least 15 feet for nonresidential spaces with building frontage on West Grand Avenue and 12 feet for nonresidential spaces with building frontage on other streets. The minimum height

of residential and live/work ground-floor floor-to-ceiling spaces shall be 10 feet. This height shall be measured from the floor of the first story to the floor of the second story. If there is no second story, the height shall be measured to the top of roof.

4. Building Transparency/Windows and Openings Facing Streets. Street-facing facades of all buildings shall incorporate windows and openings providing light to adjacent spaces, rooms, and uses.

- a. Nonresidential Ground-Floor Uses

- i. Windows and openings of nonresidential uses on the ground floor facing West Grand Avenue shall constitute a minimum of 60 percent of the street-facing building face.



Figure 4.15 – Measuring Ground Floor Transparency

- ii. Windows and openings of nonresidential uses on the ground floor facing a street other than West Grand Avenue shall constitute a minimum of 40 percent of the street-facing building face.
 - iii. Windows shall provide a clear and transparent view into ground-floor nonresidential uses or shall display merchandise to reinforce a pedestrian scale.
- b. Nonresidential Upper-Floor Uses. Windows and openings of nonresidential uses on upper floors facing streets shall constitute a minimum of 35 percent of street-facing building faces.
- c. Residential Ground-Floor Uses. Windows and openings of residential uses on the ground floor facing streets shall constitute a minimum of 25 percent of street-facing building faces.

- d. Residential Upper-Floor Uses. Windows and openings of residential uses on upper floors facing streets shall constitute a minimum of 20 percent of street-facing building faces.
- 5. Building Orientation. All structures adjacent to primary streets shall orient toward the public right-of-way, framing and facing the public realm. Direct pedestrian access shall be provided between the public sidewalk and the primary building entry.
- 6. Blank Walls.
 - a. No ground floor unarticulated or blank walls adjacent to streets shall run in a continuous plane of more than 15 feet without incorporating at least one of the following design features:
 - i. An opening with transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep;
 - ii. Raised planter;
 - iii. Public art;
 - iv. Outdoor dining or temporary display space; or
 - v. Change in material or different application of same material.
 - b. No upper-story street-facing wall shall run in a continuous plane of more than 20 feet without a window, or balcony, or without a projection, offset, or recess of the building wall at least 18 inches in depth.
- 7. Materials. Prohibited materials include vinyl and aluminum siding, T-111 plywood, and exterior insulation finishing system (EIFS).
- 8. Gateway Intersections/Corner Treatments. Buildings located on parcels that front any portion of the major intersections of West Grand Avenue and Highway 1, West Grand Avenue and Fourth Street, and West Grand and Oak Park Boulevard shall incorporate at least one of the options provided in items (a) through (d) of this subsection to reinforce and highlight these gateways.
 - a. Building setback six feet from back of sidewalk to allow for outdoor dining;
 - b. Corner entrances;
 - c. An open space with a minimum dimension of 20 feet and minimum area of 500 square feet to include one of the following:
 - i. A publicly accessible open space/plaza and/or
 - ii. A space used for outdoor seating for public dining
 - d. Windows and openings constituting a minimum of 80 percent of the street-facing building face for a length of 15 feet along both street frontages.
- F. **Privacy Considerations.** On any story above the first story, where a new or existing primary interior residential space has an uninterrupted line of sight to windows of a

primary interior space at the same floor level within 20 feet, the glazing of the new building shall be offset horizontally from the existing glazing by a minimum of 12 inches. As an alternative, opaque or clerestory windows shall be used, or windows shall be located at least five feet above the finished floor, as measured from the bottom of the window/windowsill.

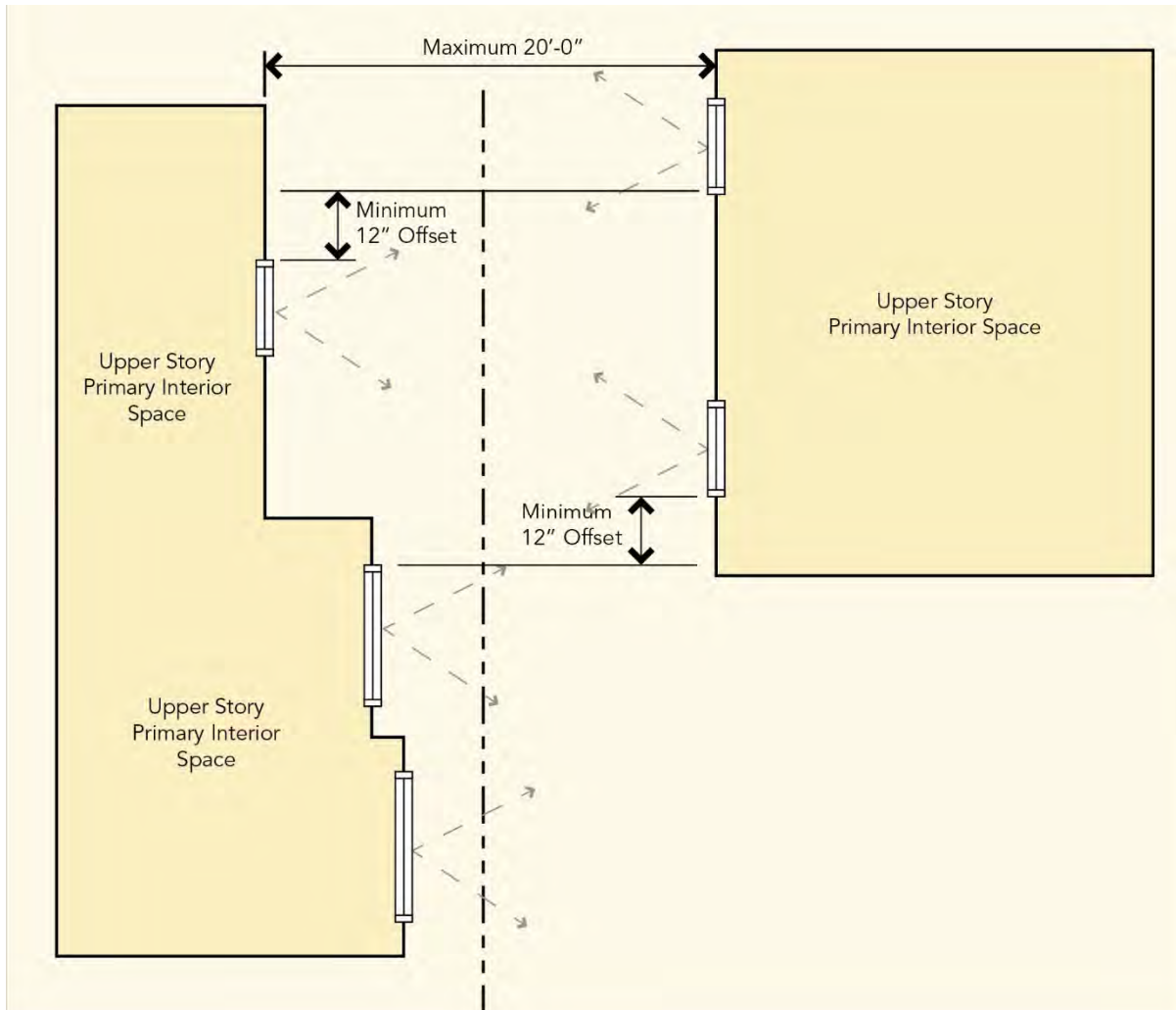


Figure 4.16 – Privacy Considerations

G. Open Space.

1. Open space for residential units shall be provided in compliance with Section 3.10.045 (Open Space).
2. Roof Decks. Roof decks are permitted and may be reserved for nonresidential and/or residential uses, in compliance with Section 3.10.080 (Upper Story/Rooftop Decks and Open Space).

H. Parking and Vehicle Access.

1. Parking and vehicle access shall comply with Development Code Section 3.50 (Parking).
2. Vehicle access shall be located on alleys and side streets where available.
3. Except for driveway access, off-street parking, off-street vehicle loading, and vehicular circulation areas are prohibited between the building and the primary building frontage.
4. In the drive aisle, decorative materials such as pavers or scored or colored concrete shall be required from the back of sidewalk for a minimum of five feet in depth.
5. Street-Facing Garages/Carports.
 - a. When multiple garage doors/carports are located within one building and visible from the public right-of-way, the maximum number of garage doors/carports adjacent to one another shall be limited to three unless there is a break in the building façade between garage doors. The break shall contain a major architectural feature or design treatment, such as a building entrance or landscaped area measuring at least six feet wide.
 - b. Garages. Perimeter garages that face and are visible from a public right-of-way or private property shall be designed to avoid long blank walls through use of at least one of the following options:
 - i. Detailing around garage doors that is similar or complementary to detailing on the primary structure, with trim widths at least four inches in width;
 - ii. Mix of at least two additional materials; or
 - iii. Windows or other fenestration.
6. Driveway Curb Cuts. Curb cuts shall not exceed one curb cut for every 50 feet of street frontage.

I. Pedestrian Access and Circulation.

1. Required Pedestrian Connections. An internal system of pedestrian walkways shall be designed to provide direct access connections to and between the following:
 - a. Entrances to each primary structure;
 - b. Off-street parking areas or parking structures;
 - c. All site amenities or public gathering spaces; and
 - d. The public sidewalk system along the perimeter streets abutting the development.

2. Minimum Walkway Width. Internal walkways shall be a minimum of six feet wide where located adjacent to any common open space areas. Internal walkways elsewhere on the property shall be a minimum of four feet wide.
 3. Walkways through Vehicle Areas. At each point that the on-site pedestrian walkway system crosses a parking lot, internal street, or driveway, the walkway or crosswalk shall be clearly marked by a change in paving materials distinguished by color, texture, or height.
- J. Landscaping. Landscaping shall be provided in compliance with Section 3.30 (Landscaping Standards).
- K. Fences, Walls, and Screening. Fencing, walls, and screening shall be provided in compliance with Section 3.10.020 (Fences and Walls) and Section 3.10.065 (Screening).
- L. Trash Enclosures. For development projects of four units or fewer, individual trash cans may be used for each dwelling and shall be stored in the garage or in a screened side or rear yard. For development projects of five units or more, a common trash enclosure is required in compliance with Section 3.10.075 (Trash Enclosures).
- M. Alternative Compliance. Design standards for multi-unit attached developments (small/2-9 units) and mixed-use developments are not intended to limit creative solutions. Requests for alternative compliance through the Modification to Standards (Section 6.20.072) process may be accepted for any application to which these standards apply.

4.25.050 Multi-Unit Attached Dwellings (Large/10+ Units) and Mixed-Use Developments with 10+ Units Design Standards

A. Purpose.

1. The objective design standards established in this Section are intended to:
 - a. Maintain high-quality site planning and building design for areas where new multi-unit attached residential and mixed-use projects with ten or more units are proposed.
 - b. Promote and enhance a high quality of life for residents, new business activity, and the community's appearance as viewed from the public realm, including:
 - i. Building form that gives prominence to the pedestrian realm, provides convenient access to buildings and active uses from the street, and creates visually interesting and human-scaled facades. Placement and orientation of doorways, windows, and landscape elements are important features that help create strong, direct relationships between the building frontage/sidewalks and the street.

- ii. Open space requirements that provide for a variety of functional, well-designed open spaces, located and planned to enhance the quality of life for residents, businesses, and visitors.
 - iii. A pedestrian network that offers clear circulation paths, as well as parking that is visibly screened from the public right-of-way, creating a friendly, inviting environment.
- c. Design appropriate fencing, wall, and screening features to enhance the appearance of neighborhoods and commercial corridors for residents of attached multi-unit developments and pedestrians and minimize the appearance of mechanical and trash areas from the public realm, with screening that is architecturally and aesthetically compatible with buildings on site.
- d. Facilitate development, reduce barriers, and accelerate housing production through the clear communication of design objectives and an efficient review process for multi-unit, attached, infill housing and mixed-use development.
- B. **Applicability.** This Section provides standards for the design of multi-unit attached residential and mixed-use projects with 10 or more units, where allowed by Chapter 2 (Zones and Allowable Land Uses).
- C. **Allowed uses.**
 - 1. Combined Uses. A mixed-use project may combine residential uses with any other uses allowed in the applicable zone where allowed by Chapter 2 (Zones and Allowable Land Uses). The residential component of mixed-use development is allowed at ground level behind street-fronting non-residential uses (horizontal mixed-use) and on upper stories as specified by this Section.
 - 2. Ground Floor Residential.
 - a. On properties fronting West Grand Avenue (except for those in the CBO zone), residential units shall not occupy ground-floor street frontage except for a corner lot where units may face the secondary street. On all other properties, residential units on the ground floor shall be allowed; however, the ground floor street frontage space within a mixed-use building shall be reserved for commercial uses, except for a lobby or other feature providing direct access to the residential units.
 - b. In the CIC zone, residential units shall not occupy ground-floor street frontage.
- D. **Site Planning.** Section 2.20.040 for Residential Zones, Section 2.30.040 for Commercial Zones, and Section 2.40.040 for Industrial Zones establish requirements for height, setback, and lot requirements.
- E. **Building Form and Design.**
 - 1. Menu of Massing Options. Buildings that are three stories in height or taller shall incorporate one or more of the following menu items (a to c) to minimize the appearance of massing:

- a. Upper-floor step back. The street facing façade(s) of all stories above the third floor shall have a horizontal step back of five feet.

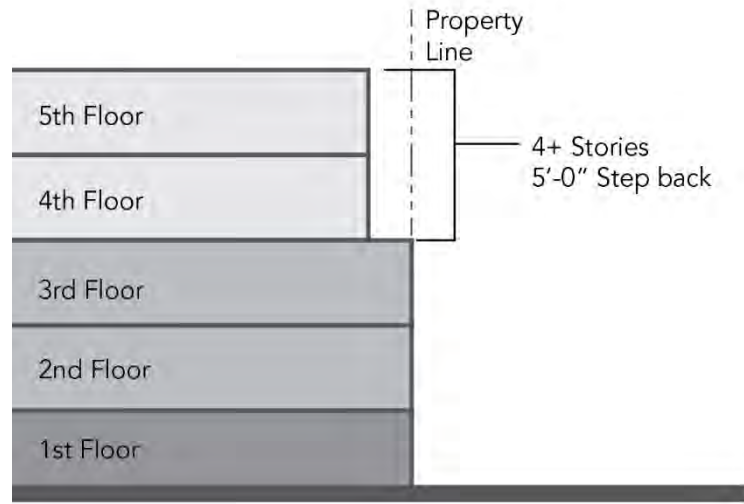


Figure 4.17 – Upper-Floor Step Back

- b. Setbacks. A minimum of 20 percent of the street facing façade shall be set back a minimum of two feet (maximum of five feet).

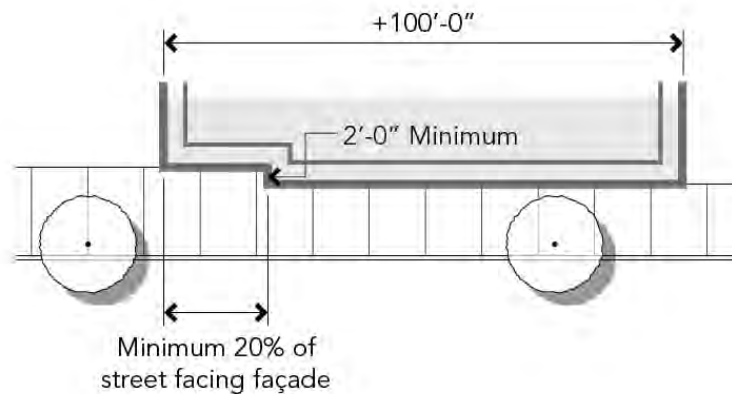


Figure 4.18 – Setbacks

- c. Cut outs. The street facing façade(s) shall be setback a minimum of two feet, for a width of five feet, for at least every 50 feet of the building façade.

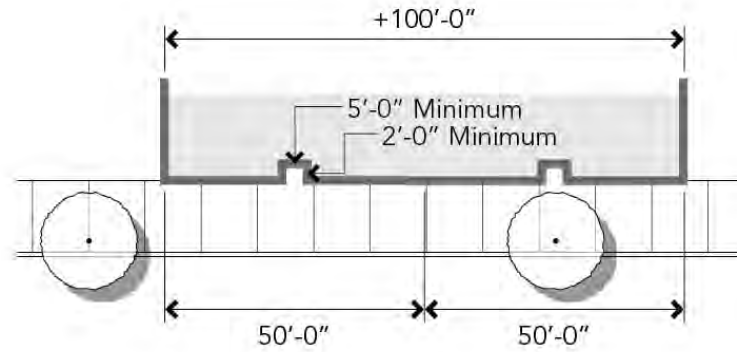


Figure 4.19 – Cut Outs

2. Menu of Façade Articulation Options. Buildings that are three stories in height or taller or more than 100 feet in length (in street-facing frontage) shall incorporate one or more of the following from each menu item a through c.

a. Façade articulation.

- i. Patterns of regressed features and/or extrusion (four inches minimum) (e.g., window trim, building panels, eaves, overhangs, awnings (not over doorways or as an entry feature), habitable projections, etc.).



Figure 4.20 – Patterns of Regressed Features and/or Extrusions

- ii. Patterns in window size, proportions, pattern, and depth or projection.



Figure 4.21 – Window Patterns

- iii. Continuous architectural features, such as parapets or cornices, that run the length of the building and are:
 - a) Minimum four inches in height, or;
 - b) Minimum two inches in depth.

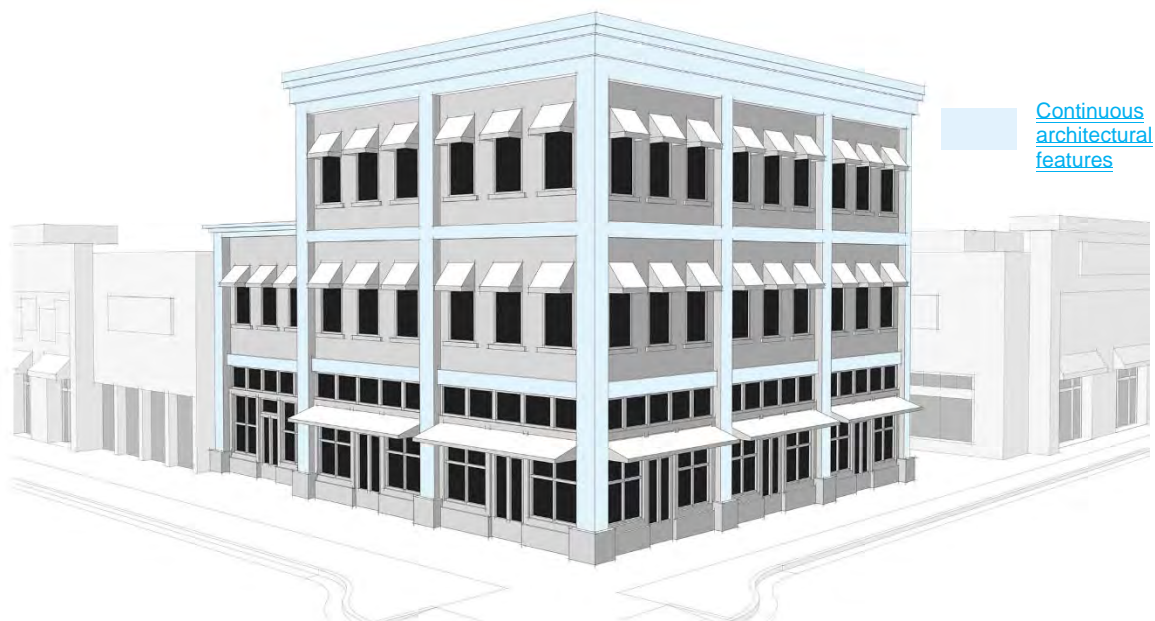


Figure 4.22 – Continuous Architectural Features

b. Variation in façade materials:

- i. Material
- ii. Texture/pattern
- iii. Color



Figure 4.23 – Change in Materials

c. Variety in Height and Roof Forms. Rooflines shall be vertically articulated at a maximum of 50-foot intervals along the primary street frontage through one of the following techniques:

- i. A change in height of a minimum four feet;
- ii. A change in roof pitch, plane, or form; or
- iii. The inclusion of dormers, gables, parapets, varying cornices, and/or clerestory windows.

3. Entrances.

- a. Primary Pedestrian Entrance. For all residential and nonresidential uses, at least one primary entrance to a ground-floor use shall face the primary street right-of-way. Individual residential entries may face a secondary/side street or be accessed through the interior of the building. On corner parcels, the primary entrance may face the street corner of the primary street and a secondary street.

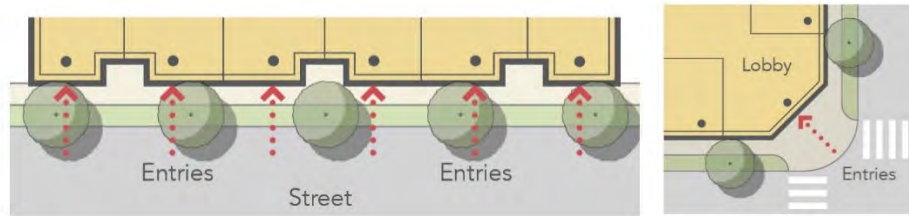
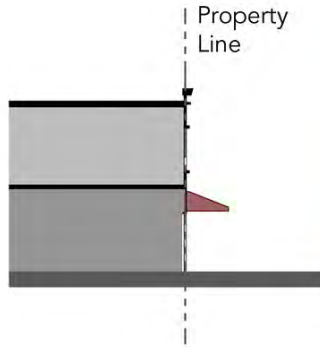


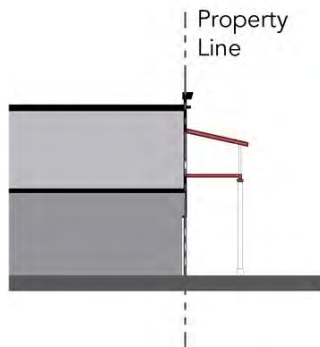
Figure 4.24 – Building Entries for Large Attached Multi-Unit and Mixed-Use

- b. Entrances for Mixed-Use Developments. Separate entrances shall be provided for the nonresidential and residential portions of a mixed-use building.
- c. Nonresidential Entrances
 - i. Building entrances shall incorporate at least one of the following entry features:
 - a) Shopfront;
 - b) Gallery, minimum width of 10 feet;
 - c) Forecourt; or
 - d) Commercial Terrace

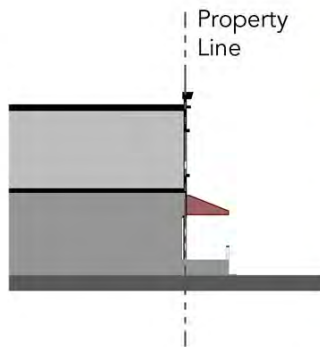
Shopfront: A frontage where the main façade of the building is at or near the right-of-way / property line, with the building entrance at sidewalk grade. This type is conventional for retail use. It has substantial glazing on the sidewalk level and a canopy or awning element may overlap the sidewalk along portions or all of the frontage.



Gallery: A frontage where the main façade of the building is aligned at or close to the right-of-way / property line and the gallery element (an attached cantilevered shed roof or lightweight colonnade) overlaps the sidewalk. This frontage type is intended for buildings with ground floor commercial or retail uses. An encroachment permit is required for any structure in the public right-of-way. Galleries shall have a consistent depth along the frontage of at least 10 feet.



Commercial Terrace: A frontage where a terrace extends along the building's frontage providing public circulation, outdoor uses, and access to the commercial space entries. The terrace may be at grade or slightly above/below grade. This frontage is suitable for outdoor cafes and plazas.



Forecourt: A frontage where a portion of the main façade of the building is at or near the right-of-way / property line and a (generally central) portion is set back, creating a small courtyard. The space could be used as an entry court or shared garden space for residential uses, or as an additional shopping or restaurant seating area within commercial areas.

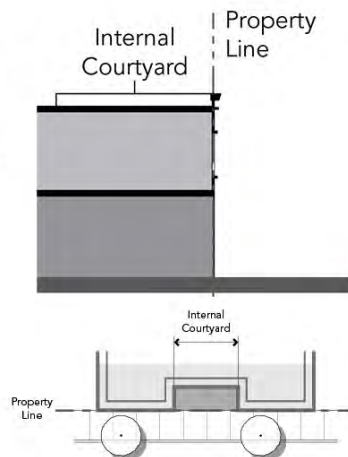
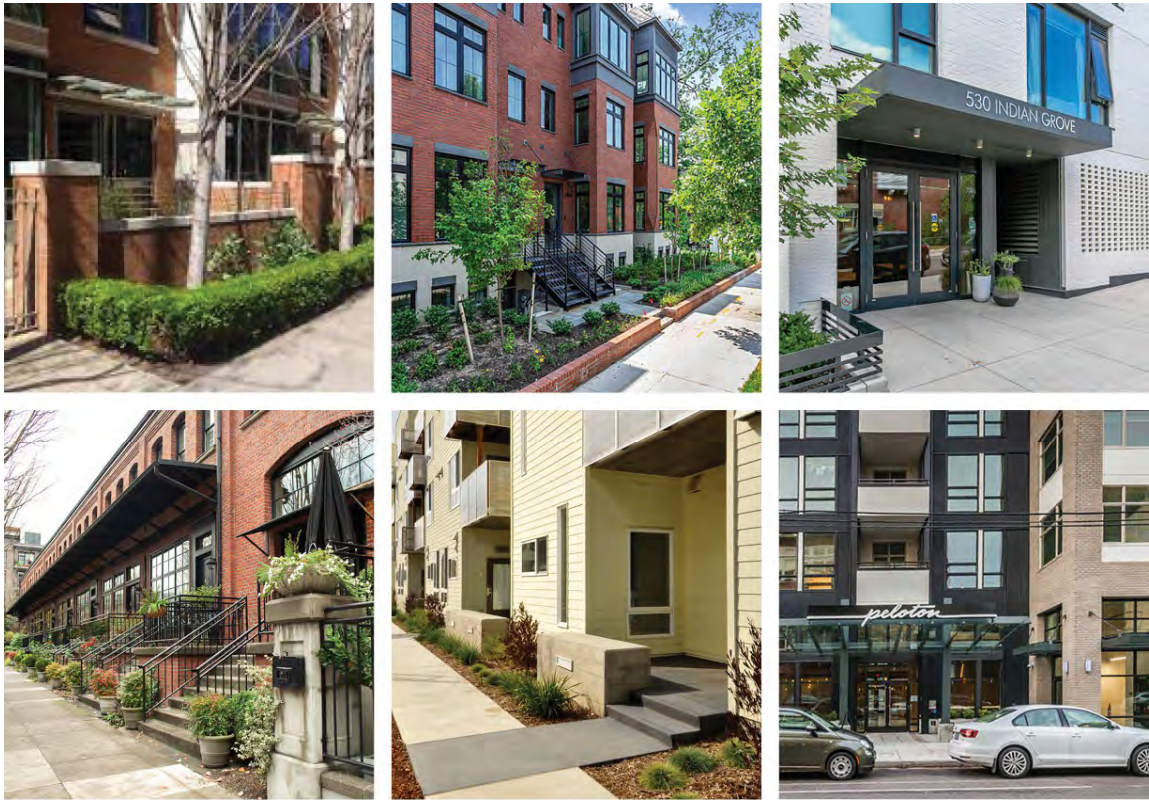


Figure 4.25 – Nonresidential Entrances for Large Attached Multi-Unit and Mixed-Use

- d. Residential Entrances. New residential buildings shall provide transitional spaces between public areas fronting the primary street and entrances. This type of element or equivalent shall be required for each unit or group of units; but no less than one of this type of element shall be provided. Building entrances shall incorporate at least one of the following transitional space entry features:
- i. Stoop (at least four feet by four feet and no higher than five feet in height);
 - ii. Porch (at least six feet by eight feet for common entries and at least five feet by eight feet for individual entries); or
 - iii. Overhang (if building has a shared lobby) with a recessed depth of at least three feet.



Porch

Stoop

Overhang

Figure 4.26 – Residential Entrances for Large Attached Multi-Unit and Mixed-Use

4. Minimum Ground Floor Height. The minimum interior floor-to-ceiling height of nonresidential ground floor spaces shall be at least 15 feet for nonresidential spaces with building frontage on West Grand Avenue and 12 feet for

nonresidential spaces with building frontage on other streets. The minimum height of residential and live/work ground-floor floor-to-ceiling spaces shall be 10 feet. This height shall be measured from the floor of the first story to the floor of the second story. If there is no second story, the height shall be measured to the top of roof.

5. Building Transparency/Windows and Openings Facing Streets. Street-facing facades of all buildings shall incorporate windows and openings providing light to adjacent spaces, rooms, and uses.
 - a. Nonresidential Ground-Floor Uses
 - i. Windows and openings of nonresidential uses on the ground floor facing West Grand Avenue shall constitute a minimum of 60 percent of the street-facing building face.

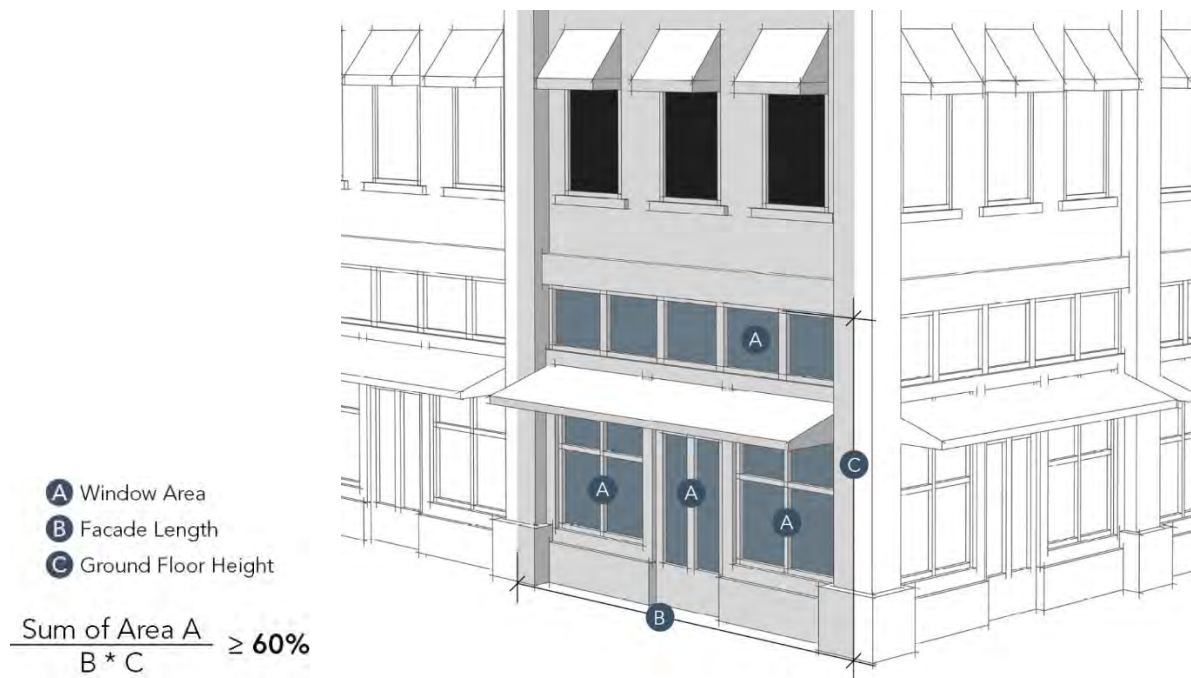


Figure 4.27 – Measuring Ground Floor Transparency

- ii. Windows and openings of nonresidential uses on the ground floor facing a street other than West Grand Avenue shall constitute a minimum of 40 percent of the street-facing building face.
- iii. Windows shall provide a clear and transparent view into ground-floor nonresidential uses or shall display merchandise to reinforce a pedestrian scale.

- b. Nonresidential Upper-Floor Uses. Windows and openings of nonresidential uses on upper floors facing streets shall constitute a minimum of 35 percent of street-facing building faces.
- c. Residential Ground-Floor Uses. Windows and openings of residential uses on the ground floor facing streets shall constitute a minimum of 25 percent of street-facing building faces.
- d. Residential Upper-Floor Uses. Windows and openings of residential uses on upper floors facing streets shall constitute a minimum of 20 percent of street-facing building faces.
- 6. Building Orientation. All structures adjacent to primary streets shall orient toward the public right-of-way, framing and facing the public realm. Direct pedestrian access shall be provided between the public sidewalk and the primary building entry.
- 7. Blank Walls.
 - a. No ground floor unarticulated or blank walls adjacent to streets shall run in a continuous plane of more than 15 feet without incorporating at least one of the following design features:
 - i. An opening with transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep;
 - ii. Raised planter;
 - iii. Public art;
 - iv. Outdoor dining or temporary display space; or
 - v. Change in material or different application of same material.
 - b. No upper-story street-facing wall shall run in a continuous plane of more than 20 feet without a window, or balcony, or without a projection, offset, or recess of the building wall at least 18 inches in depth.
- 8. Materials. Prohibited materials include vinyl and aluminum siding, T-111 plywood, and exterior insulation finishing system (EIFS).
- 9. Gateway Intersections/Corner Treatments. Buildings located on parcels that front any portion of the major intersections of West Grand Avenue and Highway 1, West Grand Avenue and Fourth Street, and West Grand and Oak Park Boulevard shall incorporate at least one of the options provided in items (a) through (d) of this subsection to reinforce and highlight these gateways.
 - a. Building setback six feet from back of sidewalk to allow for outdoor dining;
 - b. Corner entrances;
 - c. An open space with a minimum dimension of 20 feet and minimum area of 500 square feet to include one of the following:

- iii. A publicly accessible open space/plaza and/or
- iv. A space used for outdoor seating for public dining
- d. Windows and openings constituting a minimum of 80 percent of the street-facing building face for a length of 15 feet along both street frontages.

F. **Privacy Considerations.** On any story above the first story, where a new or existing primary interior residential space has an uninterrupted line of sight to windows of a primary interior space at the same floor level within 20 feet, the glazing of the new building shall be offset horizontally from the existing glazing by a minimum of 12 inches. As an alternative, opaque or clerestory windows shall be used, or windows shall be located at least five feet above the finished floor, as measured from the bottom of the window/sill.

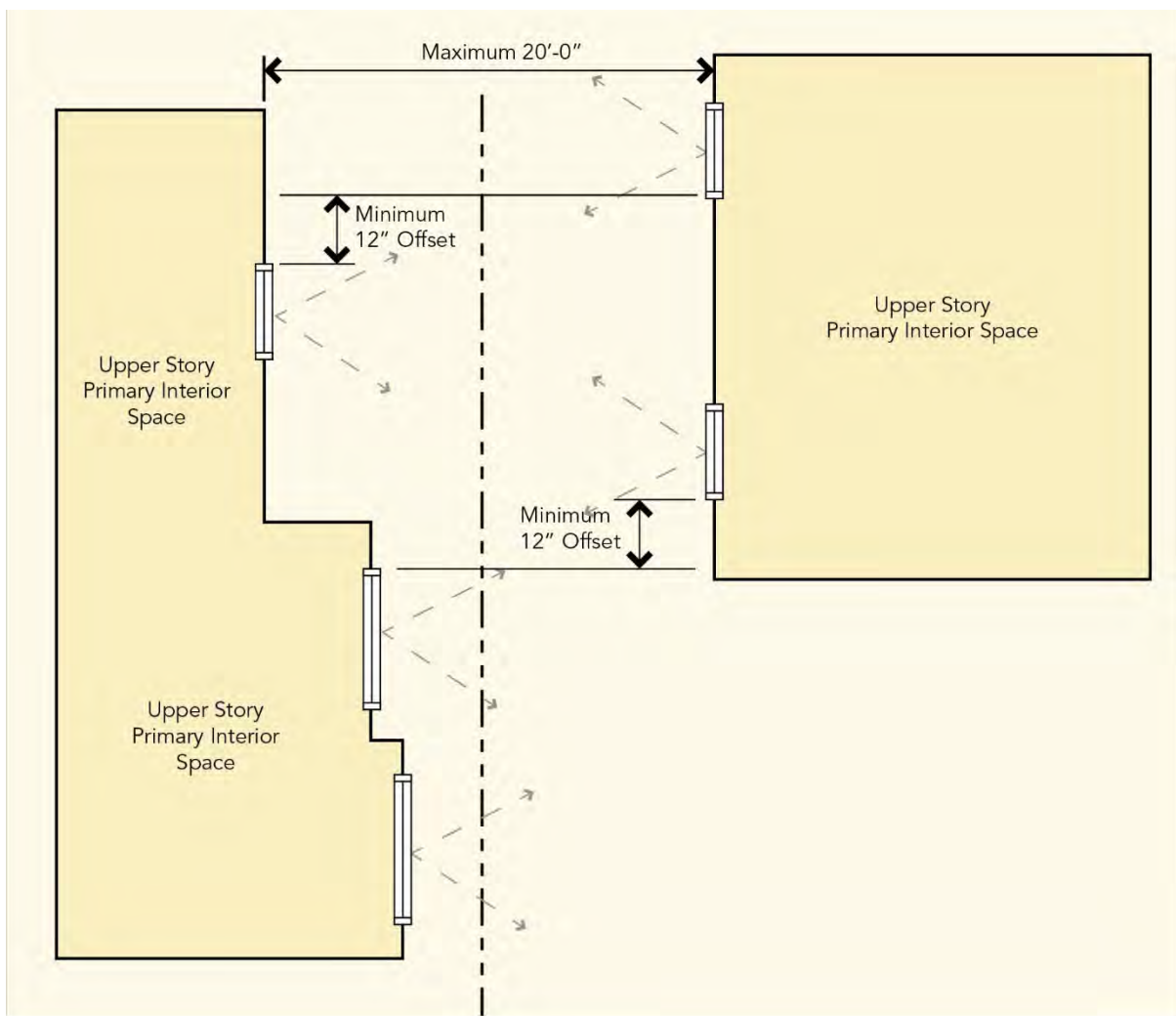


Figure 4.28 – Privacy Considerations

G. Open Space.

1. Open Space Requirements. Open space for residential units shall be provided in compliance with Section 3.10.045 (Open Space).
2. Public and Quasi-Public Open Space.
 - a. Required open space in a mixed-use project may be designed to be accessible to the public in addition to residents of a mixed-use development. Where public open space is used to fulfill the minimum open space requirement, each one square foot of public open space shall count as two square feet towards the minimum open space requirement.
 - b. The minimum horizontal dimension of any public or quasi-public open space area shall be 15 feet.
 - c. Public and quasi-public open space shall be accessible and visible from the public right-of-way. Public and quasi-public open space shall be located in front of buildings and shall not be located where views of the quasi-public space from the public right-of-way would be obstructed by buildings or other structures.
3. Roof Decks. Roof decks are permitted and may be reserved for nonresidential and/or residential uses, in compliance with Section 3.10.080 (Upper Story/Rooftop Decks and Open Space).

H. Parking and Vehicle Access.

1. Parking and vehicle access shall comply with Development Code Section 3.50 (Parking).
2. Vehicle access shall be located on alleys and side streets where available.
3. Except for driveway access, off-street parking, off-street vehicle loading, and vehicular circulation areas are prohibited between the building and the primary building frontage.
4. In the drive aisle, decorative materials such as pavers or scored or colored concrete shall be required from the back of sidewalk for a minimum of five feet in depth.
5. Street-Facing Garages/Carports.
 - a. When multiple garage doors/carports are located within one building and visible from the public right-of-way, the maximum number of garage doors/carports adjacent to one another shall be limited to three unless there is a break in the building façade between garage doors. The break shall contain a major architectural feature or design treatment, such as a building entrance or landscaped area measuring at least six feet wide.
 - b. Garages. Perimeter garages that face and are visible from a public right-of-way or private property shall be designed to avoid long blank walls through use of at least one of the following options:

- i. Detailing around garage doors that is similar or complementary to detailing on the primary structure, with trim widths at least four inches in width;
- ii. Mix of at least two additional materials; or
- iii. Windows or other fenestration.

I. **Pedestrian Access and Circulation.**

- 1. Required Pedestrian Connections. An internal system of pedestrian walkways shall be designed to provide direct access connections to and between the following:
 - a. Entrances to each primary structure;
 - b. Off-street parking areas or parking structures;
 - c. All site amenities or public gathering spaces; and
 - d. The public sidewalk system along the perimeter streets abutting the development.
- 2. Minimum Walkway Width. Internal walkways shall be a minimum of six feet wide where located adjacent to any common open space areas. Internal walkways elsewhere on the property shall be a minimum of four feet wide.
- 3. Walkways through Vehicle Areas. At each point that the on-site pedestrian walkway system crosses a parking lot, internal street, or driveway, the walkway or crosswalk shall be clearly marked by a change in paving materials distinguished by color, texture, or height.

J. **Landscaping.** Landscaping shall be provided in compliance with Section 3.30 (Landscaping Standards).

K. **Fences, Walls, and Screening.** Fencing, walls, and screening shall be provided in compliance with Section 3.10.020 (Fences and Walls) and Section 3.10.065 (Screening).

L. **Trash Enclosures.** Trash enclosures shall comply with Section 3.10.075 (Trash Enclosures).

M. **Alternative Compliance.** Design standards for mixed-use and multi-unit attached developments (large/10+ units) are not intended to limit creative solutions. Requests for alternative compliance through the Modification to Standards (Section 6.20.072) process may be accepted for any application to which these standards apply.

4.25.060 Two-Unit Housing Developments in the R1, CR1, and CPR1 Zones

- A. **Purpose and Intent.** The purpose of this Section is to implement the provisions of California Government Code Sections 65852.21, and 66411.7 regarding the establishment of more than one residential dwelling unit on properties in zones formerly limiting development to a single primary residential unit, specifically the R1, CR1, and CPR1 zones.
- B. **Applicability.**
1. This Section is applicable to applications for two-unit housing developments and urban lot splits, as regulated by Section 8.160 (Urban Lot Splits). Development applications that do not satisfy the definitions for a two-unit housing development (as defined in Section 9.10.020) shall not be subject to these regulations.
 2. For the purposes of this Section, existing structure means a lawfully constructed building that received final building permit clearance and which has not been expanded on or after the effective date of the ordinance establishing these regulations.
 3. An urban lot split or a two-unit housing development shall only be created on legal parcels satisfying all the following general requirements:
 - a. Zoning. A parcel that is located within the R1, CR1, or CPR1 zone.
 - b. Legal Parcel. A parcel that has been legally created in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.) and Grover Beach Municipal Code Article IX Chapter 8 (Subdivision Regulations), as applicable at the time the parcel was created. The City Engineer may require a certificate of compliance to verify conformance with this requirement.
 - c. Excluding Historic Property. A parcel that does not contain a Historic Structure, as defined in Development Code Section 9.10.020.
 - d. Excluding Very High Fire Hazard Severity Zone. A parcel that is not within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code, or if the site has been excluded from the specified hazard zones by the city, pursuant to subdivision (b) of Section 51179, or has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
 - e. Excluding Hazardous Waste Sites. A parcel that is not identified as a hazardous waste site pursuant to Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or

Department of Toxic Substances Control has cleared the site for residential use.

- f. Excluding Earthquake Fault Zone. A parcel that is not located within a delineated earthquake fault zone as determined by the State Geologist on any official maps published by the State Geologist, unless the two-unit housing development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and Grover Beach Municipal Code Article VIII (Building Regulations).
 - g. Excluding Flood Zone. A parcel that is not located within a special flood hazard area subject to inundation by the one percent annual chance flood (100-year flood) on the official maps published by the Federal Emergency Management Agency unless a Letter of Map Revision prepared by the Federal Emergency Management Agency has been issued or if the proposed primary dwelling unit(s) is constructed in compliance with Section 5.10 (Flood Hazard Area Use Control).
 - h. Excluding Natural Habitat. A parcel that is not recognized by the City as a habitat for protected species identified as a candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the Federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10, commencing with Section 1900, of Division 2 of the Fish and Game Code).
4. No urban lot split or a two-unit housing development shall occur on a property meeting any of the following criteria:
- a. The lot split or two-unit housing development would alter or demolish existing deed-restricted affordable housing.
 - b. The lot split or two-unit housing development would alter or demolish rent-controlled housing.
 - c. The subject parcel(s) have been subject to an Ellis Act eviction within the past 15 years relative to when the application is received, except that new construction can occur on any newly created lot that does not have an Ellis-affected building.
 - d. The lot split would alter or demolish an existing unit on a lot that has been occupied by a tenant within the past three years relative to when the application is received.
 - e. The project does not involve demolition of more than 25 percent of the existing exterior walls of an existing dwelling.

- f. On a vacant lot unless the property owner, subsequent to completion of construction of units on the lot, immediately occupies and lives in one of the units for a period of at least three consecutive years.

C. Development Standards

1. In addition to other required sections of the Development Code, all two-unit housing developments in the R1, CR1, and CPR1 zones shall comply with the objective development and design standards of this subsection.
2. The standards of Section 3.10.025 (Fractional Density for Multi-Unit Developments) shall not apply.
3. Standards. The following objective development and design standards supersede any other standards to the contrary that may be provided in the Development Code, as they pertain to a two-unit housing development under Section 65852.21 of the Government Code. Two-unit housing developments shall be constructed only in accordance with the following objective standards:
 - a. Building Height. Maximum building height for a newly constructed unit shall be as specified by the applicable zone for the main structure. Buildings located within the required side or rear setbacks of the applicable zone, but in no case less than four feet from a side or rear property line, shall not exceed 16 feet in height.
 - b. Driveways. Each parcel shall include a single driveway satisfying the following requirements:
 - i. A minimum width of 10 feet up to a maximum width of 18 feet;
 - ii. Surfacing shall comply with Section 3.50.100 (Parking Design and Driveway Standards); and
 - iii. Only a single driveway curb-cut shall be permitted per frontage per parcel, designed in compliance with Section 3.50.100 (Parking Design and Driveway Standards). On corner lots, up to two curb-cuts may be established on a frontage that is 100 feet or wider.
4. Dwelling Unit Type. The dwelling units may take the form of detached single-unit dwelling or an attached unit, which may consist of two dwelling units in a side-by-side or front-to-back configuration within the same structure or one dwelling unit located atop of another dwelling unit within the same structure.
5. Fencing. All new fencing shall comply with Section 3.10.020 (Fences and Walls) and Section 3.10.065 (Screening).
6. Floor Area Limitation. Where a second new residential unit is proposed on a lot where a single unit exists, or where two new units are proposed as either attached or detached units, each unit shall be limited in size to 1,200 square feet.
7. Landscaping Requirement. All landscaping shall comply with Section 3.30 (Landscaping Standards).

8. Parking. A minimum of one parking space per dwelling unit shall be required, except no parking is required for two-unit housing developments located on parcels within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code, or there is a car share vehicle located within one block of the parcel.
9. Setbacks. The setback and building separation standards set forth in Table 4.1 (Setback Requirements) shall apply to any new additional unit where a unit currently exists and to new two-unit housing developments. On flag lots, the front lot line, for the purposes of establishing the front setback, shall be defined to be the lot line parallel to the front lot line of the original lot and closest to the front lot line of the original lot (Figure 4.29).

<u>Table 4.1 Setback Requirements</u>		
<u>Setback</u>		<u>Requirement²</u>
<u>Property Line Setbacks¹</u>	<u>Front</u>	<u>Refer to Section 2.20.040</u>
	<u>Garage/Carport Entry</u>	<u>Refer to Section 2.20.040</u>
	<u>Interior Sides and Rear</u>	<u>4 feet minimum³</u>
	<u>Street Side</u>	<u>Refer to Section 2.20.040</u>
<u>Separation Between Detached Structures</u>		<u>As required by the Building Code</u>
<u>Exceptions:</u> <u>(1) The standards in Section 3.10.070 (Setback Requirements and Exceptions) shall apply.</u> <u>(2) No setback shall be required for a nonconforming structure consistent with Section 7.40.030 (Nonconforming Structures) or a structure constructed in the same location and to the same dimensions as an existing structure.</u> <u>(3) No interior side setback shall be required for two-unit housing development units constructed as attached units, provided that the structures meet Building Code standards and are sufficient to allow conveyance as a separate fee parcel.</u>		

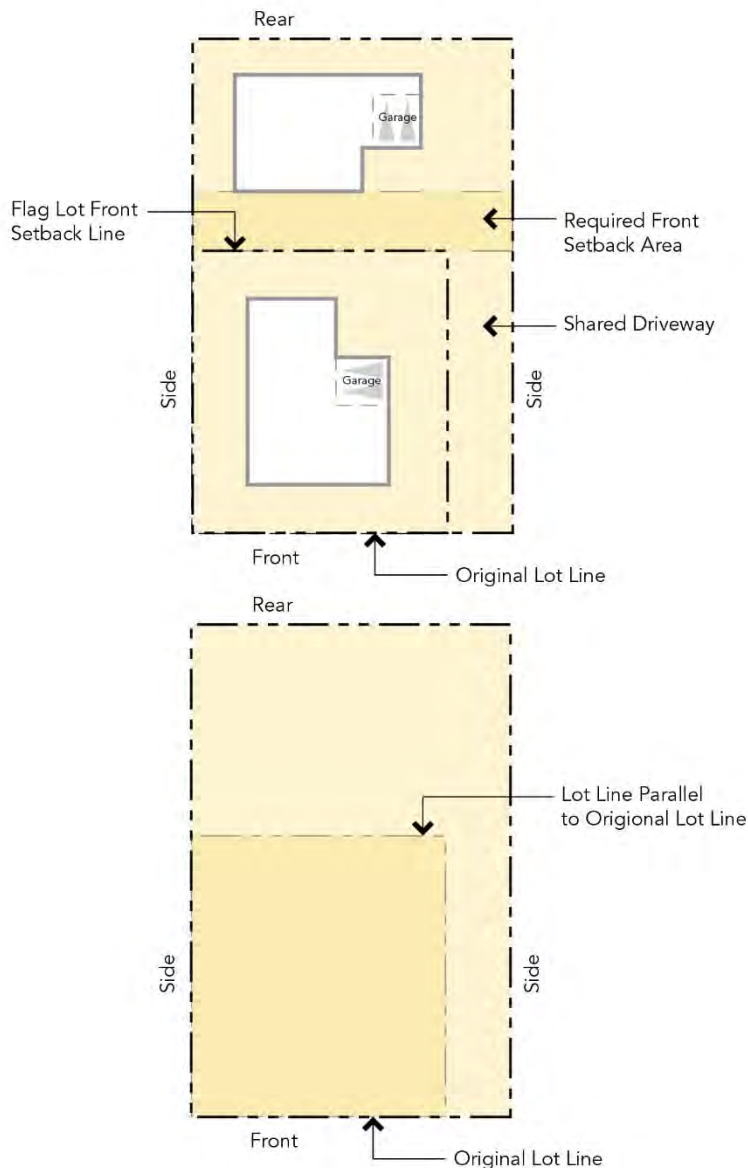


Figure 4.29 – Flag Lot Front Lot Line

- D. **Design Standards.** The following objective design standards shall apply to construction of any new second dwelling unit on a lot where a single-unit development exists, to any new two-unit housing development, and to any addition and/or alteration to an existing dwelling unit as part of a two-unit housing development:
1. **Low-Density Residential Provisions.** The standards of Section 4.25.020 (Single-Unit Dwellings Design Standards) shall apply for single-unit development; Section 4.25.030 (Multi-Unit Detached Dwellings/Cluster Development Design Standards)

shall apply for multiple detached dwellings, and Section 4.25.040 (Multi-Unit Attached Dwellings and Mixed-Use Developments (Small/2-9 Units) Design Standards) shall apply for two attached dwelling units. Where conflicts between these applicable sections and the provisions herein exist, the standards herein shall apply.

2. Balconies/Decks. Balconies shall only be permitted on the front elevation of a primary dwelling unit fronting a public street. Such balconies shall be without any projection into required setbacks.

E. **General Requirements and Restrictions.** The following requirements and restrictions apply to all two-unit housing developments, inclusive of existing and new primary dwelling units, as applicable:

1. Accessory Dwelling Units. New accessory dwelling units are not allowed on parcels that either include a two-unit housing development or that are created by an urban lot split.
2. Building Code. The City's Building Code as adopted by Article VIII - Building Regulations of the Grover Beach Municipal Code applies to all two-unit housing developments.
3. Short-Term Rentals. Leases for durations of less than 30 days, including short-term rentals, are prohibited on all units. The Community Development Director shall require recordation of a deed restriction documenting this requirement prior to issuance of a building permit.
4. Subdivision and Sales. Except for the allowance for an urban lot split provided in Section 8.160 (Urban Lot Splits) , no subdivision of land or air rights shall be allowed in association with a two-unit housing development, including creation of a stock cooperative or similar common interest ownership arrangement. In no instance shall a single dwelling unit be sold or otherwise conveyed separate from another dwelling unit on the same parcel.
5. Determination. To retain adequate open space to allow for recreational enjoyment, preservation of the community character, and to allow for the percolation of rainfall into the groundwater system, when considering an exception request, the Community Development Director shall first determine that a reduction in any other zoning and/or design review standard(s) will not allow the construction of the two-unit housing development as specified by this section prior to allowing an exception(s) to a landscaping requirement, front-yard setback, or street-side setback standards via a Modification to Standards application pursuant to Section 6.20.072 (Modification to Standards).

F. **Approval Process.** Applications for two-unit housing developments shall be submitted and processed in compliance with the following requirements:

1. Application Type. Two-unit housing developments shall be reviewed ministerially by the Community Development Director for compliance with the applicable regulations through the Zoning Clearance process (Section 6.20.110).

2. Building Permits. Approval of a Zoning Clearance shall be required prior to acceptance of an application for a building permit(s) for the new and/or modified primary dwelling units comprising the two-unit housing development.
3. Denial. The Building Official may deny a two-unit housing development project only if the Building Official makes a written finding, based upon a preponderance of the evidence, that the two-unit housing development would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

4.30 ~~Residential Common Area Developments~~ Reserved

Sections:

~~4.30.010 Purpose~~

~~4.30.020 Permit Requirements~~

~~4.30.030 Definitions~~

~~4.30.040 Development Standards~~

~~4.30.050 Design Standards~~

~~4.30.060 Conversions~~

~~4.30.010 Purpose~~

~~This Section provides standards for the design of residential common area developments or Planned Unit Developments (PUDs) where allowed by Chapter 2 (Zones and Allowable Land Uses).~~

~~4.30.020 Permit Requirements~~

~~A Development Permit shall be approved by the Commission to ensure compliance with this Section.~~

~~4.30.030 Definitions~~

~~The following definitions shall only apply to Section 4.30 Residential Common Area Developments.~~

~~**Community Apartment** means a project in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located thereon.~~

~~**Condominium** means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a residential building on such real property.~~

~~**Conversion** means a change of legal occupation rights to allow for ownership of dwelling units.~~

~~**Lot coverage** means the amount of lot area covered by structure. Structure meaning the footprint of the building including the garage and any cantilevered living space.~~

~~**Open space** means landscaped areas, open patios, open walkways, lawns and outdoor common recreation areas.~~

~~**Organizational documents** means covenants, conditions, and restrictions; articles of incorporation; bylaws; and contracts for maintenance, management or operation of all or part of a project, and similar documents.~~

~~**Planned Unit Development** means a residential project approved subject to the developments standards provided in Subsection 4.30.040 in addition to the standards of the applicable zone.~~

~~**Private usable open space** means privately-owned open landscaped areas with a minimum length and width of 10 feet.~~

~~**Project** means the entire parcel of real property divided into units or interests or shares for sale and shall be deemed to include any residential common area development as herein defined.~~

~~**Residential Common Area Development** means any community apartment project, condominium, planned development, or stock cooperative, and any other project consisting of shares of individual ownership, together with areas to be owned or used in common by the unit owners which the City finds to be similar, designed and constructed for residential purposes.~~

~~**Stock Cooperative** means a corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock in the corporation held by the person having such right of occupancy.~~

4.30.040 Development Standards

~~A. The following development standards shall apply to each dwelling.~~

- ~~1. Lot coverage shall not exceed 50 percent of the total lot area in the R2 Zone and 60 percent of the total lot area in the R3 Zone.~~
- ~~2. Private yard area shall mean each dwelling shall have attached or contiguous to it, a patio, balcony, or private open area. For all dwelling units, 1,000 square feet or less, the minimum private open space shall be 300 square feet. For all dwelling units in excess of 1,000 square feet, an additional 30 square feet of private open space shall be added to the above minimum for each additional 100 square feet of dwelling or part thereof. The "usability" of the total open space system shall be an overriding concern of this Section in addition to meeting the minimum requirements. Yard easements may be used when in addition to the minimum requirements. They may not be used in order to meet the minimum requirement.~~
- ~~3. The minimum setbacks shall be met for the applicable zone. Additionally, within the project, there shall be a minimum of 10 feet separation between structures for detached projects.~~

- ~~4. All condominium units shall be one bedroom or more, and the minimum gross floor area of units shall be as follows: One bedroom—700 square feet; two bedroom—900 square feet; three bedroom—1,100 square feet; and for each bedroom in excess of three, an additional 200 square feet shall be added to the minimum dwelling size.~~
- ~~5. Each dwelling shall have a laundry area to accommodate a washer and dryer. Common laundry facilities are prohibited.~~
- ~~6. Each unit shall have a minimum of 200 cubic feet of exterior storage, which shall be weather proofed and designed to provide reasonable security. Storage within a garage shall be located above the hood line.~~
- ~~7. All garage doors shall be roll-up type and have electric openers.~~
- ~~8. All common driveways shall be marked as fire lanes.~~
- ~~9. All perimeter fences shall be concrete or masonry, or a combination of wood and masonry. Fencing shall be provided along interior property lines and around any private or restricted patio areas in compliance with Section 3.10.020.~~
- ~~10. Individual trash cans shall be used for each dwelling and stored in the garage or in a screened side or rear yard.~~

~~B. The organization documents for any project shall include the following:~~

- ~~1. Reasonable provision for access by City personnel for fire and police protection and control purposes;~~
- ~~2. Right of authorized City personnel to enter onto all common areas for purposes of inspection to determine compliance with development permit requirements and City building and fire codes; provided, that such right shall not be deemed to give any right of entry to private living units except as otherwise allowed by law;~~
- ~~3. Continuing jurisdiction of the City to enforce provisions of covenants, conditions and restrictions with respect to compliance with requirements of subdivision approval and conditional Use Permit, landscaping maintenance, safety, architectural control, property maintenance, parking, and drainage maintenance; such enforcement rights to include power of the City on behalf of the homeowners association to levy and collect special assessments for the cost of bringing the project into compliance.~~
- ~~4. Provision for resolution of impasses within homeowners association by arbitration.~~
- ~~5. Reasonable provisions protecting rights of unit owners and association to install and use solar energy facilities in accordance with commonly accepted engineering and design standards.~~
- ~~6. Prohibition against amendment of any portions of organizational documents affecting City jurisdiction, without City approval.~~
- ~~7. Declaration of covenants, conditions and restrictions shall be subject to City approval, which approval shall be indicated on the recorded original thereof.~~

4.30.050—Design Standards

- ~~A. The following design standards shall apply to each dwelling.~~
- ~~1. The square footage of the second floor of each dwelling shall not be more than 80 percent of the first floor inclusive of the garage.~~
 - ~~2. The design of the units shall promote architectural as well as visual relief, thereby reducing the overall structural bulk, especially on the second floor.~~
 - ~~3. Consistent with consideration of bulk, scale, and design, the project shall minimize any cantilevering of the second floor over the first floor.~~
 - ~~4. The height and scale of each dwelling shall be compatible with the site and existing (or proposed) adjacent buildings.~~
 - ~~5. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to its surroundings.~~
 - ~~6. Materials shall be of durable quality.~~
 - ~~7. Monotony of design in single or multiple building projects shall be avoided. Variation in detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings shall be used to prevent a monotonous appearance.~~

4.30.060—Conversions

~~The conversion of existing apartments into Residential Common Area Developments as herein defined shall be limited exclusively to apartment projects which meet all development and design standards of this Section.~~

4.40 Telecommunications Facilities

Sections:

- 4.40.010 - Purpose
- 4.40.020 - Applicability
- 4.40.030 - Permit Requirements
- 4.40.040 - Facility Design and Development Standards
- 4.40.050 - Operation and Maintenance Standards
- 4.40.060 - Discontinuance and Site Restoration

4.40.010 Purpose

This Section establishes development standards consistent with Federal law to regulate the placement and design of communication facilities to preserve the unique visual character of the City, promote the aesthetic appearance of the City, and to ensure public health, safety and welfare; pursue additional benefits from the facilities to the public by encouraging the leasing of publicly owned properties where feasible for the development of communication facilities; and to acknowledge and provide the community benefit associated with the provision of advanced communication services within the City.

4.40.020 Applicability

The location, permit requirements, and other provisions of this Section shall apply to all communications facilities, except for City owned telecommunications facilities. All communication facilities shall also comply with all applicable requirements of State and Federal law.

4.40.030 Permit Requirements

- A. **Use Permit or Administrative Development Permit.** Use Permit approval is required for all communication facilities subject to this Section, except for the following, which shall require approval of an Administrative Development Permit. The Director shall ensure through the Administrative Development Permit approval that each of the following facilities complies with all applicable requirements of this Section. The Director may also choose to defer action and refer any of the following facilities to the Commission for consideration as a Use Permit application.
 - 1. An antenna that is installed, placed, and maintained under the roofline of an existing structure, or above, behind, and below an existing approved roof screen and does not extend above the highest point of the structure, or is camouflaged within an existing structure so as not to be visible from a public right-of-way or other property.

2. A communication facility in which the antenna is mounted on a mast less than 10 feet high and is not visible from a public right-of-way.
3. An amateur and/or citizens band antenna operated by a person holding a license issued by the FCC in compliance with 47 C.F.R. Part 97, and used solely in connection with that license, and which shall be subject to the "minimum practicable regulation to accomplish the local authority's legitimate purpose," in keeping with the order of the FCC known as "PRB 1," FCC 85 506, released September 19, 1985; provided that there shall be no more than one antenna support structure on a single lot and that the antenna structure complies with the height limits of the applicable zone.

B. Exemptions from Use Permit requirements. The following communication facilities shall be exempt from Use Permit requirements.

1. Replacement or modification of previously permitted facilities or equipment determined by the Director to be of a minor nature that does not increase the number or height of antennas or significantly change or enlarge the ancillary related equipment at the site.
2. An antenna that is one meter (39.37 inches) or less in diameter or diagonal measurement, that is designed:
 - a. To receive direct broadcast satellite service, including direct-to-home satellite service, as defined by Section 207 of the Telecommunications Act of 1996, Code of Federal Regulations Title 47, and any interpretive decisions thereof issued by the Federal Communications Commission; or
 - b. For subscribing to a multipoint distribution service.
3. A satellite earth station (SES) antenna of two meters (78.74 inches) or less in diameter or diagonal measurement, located in a commercial or industrial zone, that is designed to transmit or receive radio communications by satellite or terrestrial communications antenna. These antennas may require a Building Permit and approval of the placement by the Director to ensure maximum safety is maintained and promote the aesthetic appearance of the City. These antennas shall be placed, whenever possible, on the top of buildings as far from the edge of rooftops as possible.

C. Coastal Development Permit. Unless preempted by federal law, a Coastal Development Permit (CDP) is required for all communication facilities located in the Coastal Zone that constitute development as defined in Section 9.10 (Definitions) and are not otherwise exempt from CDP requirements pursuant to Section 30610 of the Coastal Act and Section 6.20.040 (Coastal Development Permits). Projects within the Coastal Zone shall comply with all standards in the Local Coastal Program. (Am. Ord. 14-04)

D. Application requirements. In addition to the information required for a Use Permit, Administrative Development Permit, and/or Coastal Development Permit application by Chapter 6 (Procedures), an application for a communication facility shall include:

1. Consistent with all limitations imposed by Federal law, certification by a licensed engineer that is acceptable to the Director that the proposed facility will at all times meet standards set by the Federal Communication Commission (FCC) and comply with all applicable health requirements and standards pertaining to electromagnetic and/or radio frequency emissions.
2. A report, if required by the Police Department, to evaluate the potential for interference (e.g., HF, UHF, VHF, 800 MHz) with public safety communication equipment. The applicant shall be responsible for paying any costs incurred by the City, including the costs of retaining consultants, to review and analyze the report.
3. The applicant shall submit a visual impact analysis, which may include photomontage, field mock-up, or other techniques, which demonstrates the visual impacts of the proposed facility. Consideration shall be given to views from public areas. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service. The analysis shall also consider the potential of future utility undergrounding construction. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant.
4. A Master Plan of all existing facilities and planned future facilities within the City and surrounding area. The Master Plan shall consist of the following components:
 - a. A written description of the type of technology the company/carrier will provide to its customers over the next five years (i.e. Cellular, PCS, etc.) and a description of consumer services to be offered (i.e. voice, video and data transmission);
 - b. A description of the radio frequencies to be used for each technology;
 - c. A map of the City and surrounding area showing the five year plan cell sites and planned coverage;
 - d. A written list of existing, proposed and anticipated cell sites of the service provider over a five year period;
 - e. A description of the location of the cells and the types of installations, including antennas and equipment.
 - f. A site plan of the lot, right-of-way, premises or lot showing the exact location of the proposed facility (including all related equipment and cables), exact location and dimensions of all buildings, parking lots, walkways, trash enclosures, and property lines.
 - g. Co-location/Height Justification: The applicant shall provide justification as to why the proposed height is necessary and why co-location on an existing site is not feasible or desirable (if applicable).

- h. Building elevations and roof plan (for building and/or rooftop-mounted facilities) indicating exact location and dimensions of equipment proposed. For freestanding facilities, indicate surrounding grades, structures, and landscaping from all sides.
 - i. Proposed landscaping and/or non-vegetative screening (including required safety fencing) plan for all aspects of the facility.
- 5. Licenses: Documentation certifying the applicant has obtained all applicable licenses or other approvals required by the Federal Communication Commission to provide the services proposed in connection with the application.
- 6. Master Use Permit. A service provider who intends to establish multiple wireless Telecommunications Facilities within the City is encouraged to apply for the approval of all facilities under a Master Use Permit. Under this approach, all proposed facilities requiring a Use Permit may be acted upon by the City as a single Use Permit application, ensuring feasibility of long range company projections.
- E. **Communications consultant may be required.** In the event that the City needs assistance in understanding the technical aspects of a particular proposal, the services of a communications consultant may be requested to determine the engineering or screening requirements of establishing a specific wireless communications facility. This service will be provided at the applicant's expense.
- F. **Required findings for Use Permit approval.** The approval of a Use Permit or Administrative Development Permit for a communication facility shall require that the Review Authority make the following findings, in addition to those required for Use Permit approval by Section 6.20.080 (Use Permit):
 - 1. The communication facility complies with all applicable requirements of this Section; and
 - 2. The communication facility will not adversely impact the character and aesthetics of any public right-of-way.
- G. **Required findings for Coastal Development Permit approval.** The approval of a Coastal Development Permit for a communication facility shall require that the Review Authority find that the communication facility complies with Section 6.20.040 (Coastal Development Permit); that the communication facility is not located west of Highway 1, unless it is not visible from public viewing areas, meets the standards of Section 4.40.030.A.1, or such a prohibition would result in a conflict with Federal Law; and that the communication facility complies with all requirements of this Section applicable to coastal development permits.
- H. **Co-location required.** A new communication facility shall be co-located with existing facilities and with other planned new facilities whenever feasible, and whenever determined by the Review Authority to be aesthetically desirable. A service provider shall co-locate a new communication facility with non-communications facilities (e.g.,

light standards, water tanks, and other utility structures) where the Review Authority determines that this collocation will minimize the overall visual impact.

1. A service provider shall exhaust all reasonable measures to co-locate their communications facilities on existing towers or with or within existing ancillary support equipment facilities before applying for a new communication facility site.
 2. Each service provider shall provide the City with evidence that they have contacted all other potential providers who have, or who are reasonably likely to be installing facilities within the vicinity of the proposed facility and have offered to participate in a joint installation project on reasonable terms.
 3. In order to facilitate collocation, Use Permit and Coastal Development Permit conditions of approval for a new facility shall require each service provider to cooperate in the siting of equipment and antennas to accommodate the maximum number of operators at a given site where determined by the Review Authority to be feasible and aesthetically desirable.
- I. **City-owned property.** Consistent with all limitations imposed by Federal law, a communication facility shall not adversely affect the public health, safety or welfare. In order to best benefit the citizens of Grover Beach from this necessary community impact, the Review Authority shall always consider City-owned sites as the highest priority for the location of communication facilities.

4.40.040 Facility Design and Development Standards

- A. Each proposed communication facility shall comply with the following standards:
1. Facility placement.
 - a. A roof-mounted antenna on a structure that complies with applicable height limits shall be set back from the nearest roof edge the equivalent of the height of the tower or a minimum of 10 feet, whichever is greater.
 - b. A ground-mounted communication facility (including towers and antennas) shall be located as far as possible from all property boundaries, and set back from the property line at a ratio of 1.5 horizontal feet for every one foot of height, where feasible unless a location closer to property boundaries reduces visual impacts as viewed from public areas.
 - c. A tower or antenna shall be set back from any site boundary or public right-of-way by a minimum of 25 feet, if feasible. No part of any tower shall extend into a required setback or beyond a property line of the site.
 - d. Communication facilities other than towers and antennas shall be located either within a structure, underground, in a rear yard (not visible from a public right-of-way) or on a screened roof top area. A ground-mounted facility that is located within a front or side setback or within a public right-of-way shall be

underground so that the facility will not detract from the image or appearance of the City.

2. Height limitations.
 - a. All ground mounted communication equipment, antennas, poles, or towers shall be of a minimum functional height.
 - b. The height of a tower located on the ground shall not exceed 60 feet, except the Review Authority may grant an exception to allow towers of up to 80 feet where it determines that the increased height is necessary for adequate coverage, and the tower will co-locate service providers.
 - c. The height of a communications facility located on a structure other than a dedicated support tower shall not exceed 20 feet above the highest point of the structure and shall at no time exceed the height allowed by the applicable zone unless approved with a Use Permit.
 - d. An antenna mounted on the side of a structure shall not extend above the structure's parapet so that it is visible from below against the sky.
3. Colors and materials. All antennas, poles, towers, or equipment, including ancillary support equipment, shall have a non-reflective finish and shall be painted or otherwise treated to match or blend with the primary background and minimize visual impacts. Antennas attached to a structure shall be painted or otherwise treated to match the exterior of the structure or the antenna's background color. All ground-mounted equipment shall be covered with a clear anti-graffiti type material of a type approved by the Director or shall be adequately secured to prevent graffiti.
4. Screening, landscaping. All ground mounted equipment, antennas, poles, or towers shall be sited to be screened by existing development, topography, or vegetation. Ground mounted facilities shall be located within structures, underground, or in areas where substantial screening by existing structures or vegetation can be achieved. Additional new vegetation or other screening may be required by the Review Authority. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator's coverage objectives.
5. Additional screening and landscaping. As part of project review, the Review Authority may require additional screening and/or landscaping, undergrounding, an alternative color scheme, or relocation of a tower or ancillary equipment to a less obtrusive area of the site where it would have a less prominent visual presence due to slope, topography, size, or relationship to public right-of-ways.
6. Power lines. All power lines to and within a communication facility site shall be underground.
7. Backup power supplies. Backup generators shall only be operated during periods of power outages

- B. All building and roof-mounted wireless telecommunications facilities and antennae shall be designed to appear as an integral part of the structure where feasible and located to minimize visual impacts.
- C. The placement of new antennae and facilities shall not be physically obstructive or visually intrusive and shall be designed to be visually compatible with the character of the surrounding area.

4.40.050 Operation and Maintenance Standards

- A. **Contact and site information.** The owner or operator of any facility shall submit and maintain current at all times basic contact and site information. The applicant shall notify the City of any changes to the information submitted within 30 days of any change, including change of the name or legal status of the owner or operator. This information shall include the following:
 - 1. Identity, including name, address, and telephone number, and legal status of the owner of the facility including official identification numbers and FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility;
 - 2. Name, address, and telephone number of a local contact person for emergencies;
 - 3. Type of service provided; and
 - 4. Identification signs, including emergency phone numbers of the utility provider, shall be posted at all communication facility sites.
- B. **Facility maintenance.** All communication facilities and related equipment, including lighting, fences, shields, cabinets, and poles shall be maintained in good repair, free from trash, debris, litter, graffiti, and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible.
- C. **Landscaping maintenance.** All trees, foliage, and other landscaping elements on a communication facility site, whether or not used as screening, shall be maintained in good condition at all times in compliance with the approved landscape plan. The facility owner or operator shall be responsible for replacing any damaged, dead, or decayed landscaping as promptly as reasonably possible. Amendments or modifications to the landscape plan shall require approval by the Director. The Review Authority may also require a landscape maintenance agreement.
- D. **Site inspection required.** Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards identified in this Section.
- E. **Exterior lighting.** Lighting of antenna structures and their electrical support equipment is prohibited, except as required by any order or regulation of the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA). The lighting shall be constructed or located so that only the intended area is

illuminated and off site glare is fully controlled. Light fixtures shall be low wattage, hooded, and downward directed.

4.40.060 Discontinuance and Site Restoration

All equipment associated with a communication facility shall be removed within 30 days of the discontinuance of the use and the site shall be restored to its original pre-construction condition, subject to the approval of the Director. The service provider shall provide the City with a notice of intent to vacate a site a minimum of 30 days before site vacation. This removal requirement, and appropriate bonding requirements, shall be included in the terms of a lease for a facility on public property. A private lease for a facility located on private property is encouraged to include terms for equipment removal, since the property owner shall be ultimately responsible for removal of the equipment.

CHAPTER 5. SITE DEVELOPMENT STANDARDS

5.10 Flood Hazard Area Use Control.....	4
5.10.010 Statutory Authorization, Findings of Fact, Purpose and Methods.....	4
5.10.020 Definitions.....	5
5.10.030 General Provisions	13
5.10.040 Administration.....	14
5.10.050 Provisions for Flood Hazard Reduction	17
5.10.060 Variance Procedure	24
5.20 Street Improvements	28
5.20.010 Purpose	28
5.20.020 Permit Requirements.....	28
5.20.030 Development Standards.....	28
5.20.040 Completion of Street Improvements.....	31
5.20.050 Council Waiver of Street Improvements.....	32
5.30 Street Tree Regulations.....	33
5.30.010 Street Tree Policy Purpose and Intent	33
5.30.020 Definitions.....	33
5.30.030 Enforcing Authority	34
5.30.040 Master Tree List	34
5.30.050 Street Tree Planting Plan Standards.....	34
5.30.060 Street Tree Maintenance and Inspection	35
5.30.070 Removal of Trees	36
5.30.080 Removal of Trees Prohibited Without a Permit.....	37

5.30.090	Subdivision Street Tree Planting	38
5.30.100	Control of Trees on Easements	39
5.30.110	Property Owner Requests	39
5.30.120	Protection of Street Trees. Prohibitions.	399
5.30.130	Public Utilities.	40
5.30.140	Sidewalk, Curb and Gutter Determinations.....	41
5.30.150	Appeals	41
5.30.160	Non-liability of City.....	41
5.40	Utility Undergrounding	42
5.40.010	Applicability	42
5.40.020	Permit Requirements	42
5.40.030	Development Standards.....	42
5.40.040	Completion of Utility Undergrounding	43
5.40.050	Waiver of Utility Undergrounding	43
5.50	Grading and Drainage.....	45
5.50.010	Purpose	45
5.50.020	Applicability	45
5.50.030	Permit Required	45
5.50.040	Review Authority	46
5.50.050	Grading Permit Application Requirements.....	47
5.50.060	Grading Permit Requirements.....	47
5.50.070	Grading Standards	48
5.50.080	Drainage Standards	49
5.50.090	Completion of Grading	51
5.50.100	Enforcement.....	51
5.60	Stormwater Construction and Post-Construction Management.....	53
5.60.010	Authority	53
5.60.020	Purpose	53
5.60.030	Applicability	54
5.60.040	Review Authority	54
5.60.050	Owner Responsibilities.....	54
5.60.060	Minimum Standards	55

5.60.070	Construction Site Stormwater Runoff Control Provisions	55
5.60.080	Post-Construction Stormwater Management Provisions	56
5.60.090	Violations.....	56

5.10 Flood Hazard Area Use Control

Sections:

- 5.10.010 - Statutory Authorization, Findings of Fact, Purpose and Methods
- 5.10.020 - Definitions
- 5.10.030 - General Provisions
- 5.10.040 - Administration
- 5.10.050 - Provisions for Flood Hazard Reduction
- 5.10.060 - Variance Procedure

5.10.010 Statutory Authorization, Findings of Fact, Purpose and Methods

- A. **Statutory Authorization.** The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Council does hereby adopt the following floodplain management regulations.
- B. **Finding of Fact.**
 - 1. The flood hazard areas of the City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
 - 2. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to flood losses.
- C. **Statement of Purpose.** It is the purpose of this Section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone, mudslide (i.e. mudlow) or flood related erosion areas. These regulations are designed to:
 - 1. Protect human life and health;
 - 2. Minimize expenditure of public money for costly control projects;
 - 3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - 4. Minimize prolonged business interruptions;

5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. Ensure that those who occupy the area of special flood hazard assume responsibility for their actions.

D. **Methods of Reducing Flood Losses.** In order to accomplish its purpose, this Section includes regulations to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
4. Control filling, grading, dredging, and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

5.10.020 Definitions

Unless specifically defined below, words or phrases used in this Section shall be interpreted so as to give them the meaning they have in common usage and to give this Section its most reasonable application.

A zone - see "Special flood hazard area" as defined in this Section.

Accessory structure, low-cost and small means a structure that is:

1. Solely for the parking of no more than 2 cars; or limited storage (small, low cost sheds); and
2. Having a gross floor area of 120 square feet or less.

Accessory use means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

Alluvial fan means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain

slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this Section.

Area of shallow flooding means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard - See "Special flood hazard area" as defined in this Section.

Base flood means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this Section.

Base flood elevation (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH and VE that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement means any area of the building having its floor subgrade - i.e., below ground level - on all sides.

Breakaway walls are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

Building - see "Structure" as defined in this Section.

Coastal high hazard area means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other

area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone VE, or V.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before July 3, 1989.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood, flooding, or flood water means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
2. The condition resulting from flood-related erosion.

Flood Boundary and Floodway Map (FBFM) means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

Flood Insurance Rate Map (FIRM) means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source - see "Flooding" as defined in this Section.

Floodplain Administrator is the community official designated by title to administer and enforce the floodplain management regulations.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where

possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations means this Section and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."

Floodway fringe is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

Fraud and victimization as related to Subsection 5.10.060.C, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

Governing body is the City, which is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

Hardship as related to Subsection 5.10.060.C means the exceptional hardship that would result from a failure to grant the requested variance. The Council requires that the variance be exceptional, unusual, and peculiar to the property involved. More economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise

cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:
 - a. The flood openings standard in Subsection 5.10.050.A.3.c;
 - b. The anchoring standards in Subsection 5.10.050.A.1;
 - c. The construction materials and methods standards in Subsection 5.10.050.A.2; and
 - d. The standards for utilities in Subsection 5.10.050.B.

2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a report prepared by an independent professional appraiser. See Subsection 5.10.040.B.2.a.

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction, for floodplain management purposes, means structures for which the "start of construction" commenced on or after August 1, 1984, and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after August 1, 1984.

Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, trash, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-hundred-year flood or 100-year flood - see "**Base flood**" as defined in this Section.

Primary frontal dune means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.

Program deficiency means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

Public safety and nuisance as related to Subsection 5.10.060.C, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Remedy a violation means to bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Section or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Sand dunes mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Sheet flow area - see "Area of shallow flooding" as defined in this Section.

Special flood hazard area (SFHA) means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, AE, AH, VE or V.

Start of construction includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing,

grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

V zone - see "Coastal high hazard area" as defined in this Section.

Variance means a grant of relief from the requirements of this Section which permits construction in a manner that would otherwise be prohibited by this Section.

Violation means the failure of a structure or other development to be fully compliant with this Section. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Section is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

5.10.030 General Provisions

- A. **Lands to which this Section applies.** This Section shall apply to all areas of special flood hazards within the jurisdiction of the City.
- B. **Basics for establishing the areas of special flood hazards.** The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for San Luis Obispo County, California and Incorporated Areas" dated August 28, 2008, with accompanying Flood Insurance Rate Maps (FIRM's) and Flood Boundary and Floodway Maps (FBFM's), dated August 28, 2008, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this Section. This FIS and attendant mapping is the minimum area of applicability of this Section and may be supplemented by studies for other areas which allow implementation of this Section and which are recommended to the Council by the Floodplain Administrator. In addition, the area of special flood hazards shall be expanded to include areas that are expected to be inundated by continued and accelerated sea level rise over the expected life of the development. The area potentially subject to sea level rise shall be based upon up-to-date scientific papers and studies, agency guidance (such as the 2012 National Research Council report *Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future*) and reports by national and international groups such as the Intergovernmental Panel on climate Change. The study, FIRM's and FBFM's are on file at the City of Grover Beach Community Development Department, 154 South Eighth Street, Grover Beach, California. (Am. Ord. 14-04)
- C. **Compliance.** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Section and other applicable regulations. Violation of the requirements of this Section (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the Council from taking such lawful action as is necessary to prevent or remedy any violation.
- D. **Abrogation and greater restrictions.** This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- E. **Interpretation.** In the interpretation and application of this Section, all provisions shall be:
1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and
 3. Deemed neither to limit nor repeal any other powers granted under state statutes.

- F. **Warning and disclaimer of liability.** The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City, any elected or appointed official, officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder.
- G. **Severability.** This Section and the various Subsections thereof are hereby declared to be severable. Should any Subsection of this Section be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Section as a whole, or any portion thereof other than the Subsection so declared to be unconstitutional or invalid.

5.10.040 Administration

- A. **Designation of the floodplain administrator.** The Community Development Director in cooperation with the City Engineer is hereby appointed to administer, implement, and enforce this Section by granting or denying Development Permits in accord with its provisions.
- B. **Duties and responsibilities of the floodplain administrator.** The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:
1. Permit Review. Review all Development Permits to determine:
 - a. Permit requirements of this Section have been satisfied, including determination of substantial improvement and substantial damage or existing structures;
 - b. All other required state and federal permits have been obtained;
 - c. This site is reasonably safe from flooding;
 - d. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the City; and
 - e. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved

CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "**start of construction**" definition.

2. Development of Substantial Improvement and Substantial Damage Procedures.
 - a. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."
 - b. Assure procedures are coordinated with other departments/divisions and implemented by community staff.
3. Review, Use and Development of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Subsection 5.10.030.B, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Article V of this Section.

NOTE: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.

4. Notification of Other Agencies.
 - a. Alteration or relocation of a watercourse:
 - (1) Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
 - (2) Submit evidence of such notification to the Federal Emergency Management Agency; and
 - (3) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
 - b. Base Flood Elevation changes due to physical alterations:
 - (1) Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).
 - (2) All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

- c. Changes in corporate boundaries: Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.
- 5. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:
 - a. Certification required by Subsection 5.10.050.A.3.a and Subsection 5.10.050.D (lowest floor elevations);
 - b. Certification required by Subsection 5.10.050.A.3.b (elevation or floodproofing of nonresidential structures);
 - c. Certification required by Subsection 5.10.050.A.3.c (wet floodproofing standard);
 - d. Certification of elevation requires by Subsection 5.10.050.C.1.c (subdivisions and other proposed development standards);
 - e. Certification required by Subsection 5.10.050.F.2 (floodway encroachments);
 - f. Information required by Subsection 5.10.050.G.6 (coastal construction standards); and
 - g. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.
- 6. Map Determination. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Subsection 5.10.040.D.
- 7. Remedial Action. Take action to remedy violations of this Section as specified in Subsection 5.10.030.C.
- 8. Biennial Report. Complete and submit Biennial Report to FEMA.
- 9. Planning. Assume the City's General Plan is consistent with floodplain management objectives herein.
- C. **Development Permit.** A Development Permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Subsection 5.10.030.B. Application for a Development Permit shall be made on forms furnished by the Community Development Department of the City. The applicant shall provide the following minimum information:
 - 1. Plans in duplicate, drawn to scale, showing:
 - a. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their locations;

- b. Proposed locations of water supply, sanitary sewer, and other utilities;
 - c. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
 - d. Location of the regulatory floodway when applicable;
 - e. Base flood elevation information as specified in Subsection 5.10.030.B or Subsection 5.10.040.B.3;
 - f. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
 - g. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Subsection 5.10.050.A.3.b of this Section and detailed in FEMA Technical Bulletin TB 3-93.
- 2. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Subsection 5.10.050.A.3.b.
 - 3. For a crawl-space foundation, location and total net area of foundation openings as required in Subsection 5.10.050.A.3.c of this Section and detailed in FEMA Technical Bulletins 1-93 and 7-93.
 - 4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 - 5. All appropriate certifications listed in Subsection 5.10.040.B.5 of this Section.

5.10.050 Provisions for Flood Hazard Reduction

- A. **Standards of Construction.** In all areas of special flood hazards the following standards are required. In the Coastal Zone, development shall be prohibited in areas of special flood hazards, including areas subject to future flooding due to sea level rise, to the maximum extent feasible. If development cannot be built outside such hazard areas, the following standards shall be applied (Am. Ord. 14-04):
 - 1. **Anchoring.** All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - 2. **Construction Materials and Methods.** All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:
 - a. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
 - b. Using methods and practices that minimize flood damage;
 - c. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent

water from entering or accumulating within the components during conditions of flooding; and

- d. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

3. Elevation and Floodproofing.

- a. Residential construction. All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

- (1) In AE, AH, A Zones, elevated to one foot above the base flood elevation.
- (2) In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.
- (3) In an A zone, without BFE's specified on the FIRM, elevated to or above the base flood elevation; as determined under Subsection 5.10.040.B.3.

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

- b. Nonresidential construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with Subsection 5.10.050.A.3.a or:

- (1) Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Subsection 5.10.050.A.3.a, so that the structure is watertight with walls substantially impermeable to the passage of water;
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (3) Be certified by a registered civil engineer or architect that the standards of Subsection 5.10.050.A.3.b.(1) & (2) are satisfied. Such certification shall be provided to the Floodplain Administrator.

- c. Flood openings. All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

- (1) For non-engineered opening:

- (a) Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (b) The bottom of all openings shall be no higher than one foot above grade;
 - (c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and
 - (d) Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter and exit; or
- (2) Be certified by a registered civil engineer or architect.
- d. Manufactured homes. See Subsection 5.10.050.D.
- e. Garage and low cost accessory structures.
 - (1) Attached garages.
 - (a) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See Subsection 5.10.050.A.3.c. Areas of the garage below the BFE must be constructed with flood resistant materials. See Subsection 5.10.050.A.2.
 - (b) A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.
 - (2) Detached garages and accessory structures.
 - (a) "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Article II, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:
 - i. Use of the accessory structure must be limited to parking or limited storage;
 - ii. The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
 - iii. The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
 - iv. Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
 - v. The accessory structure must comply with floodplain encroachment provisions in Subsection 5.10.050.F; and

- vi. The accessory structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Subsection 5.10.050.A.3.c.
- (b) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Subsection 5.10.050.A.
- f. Crawlspace construction. This Subsection applies to buildings with crawl spaces up to two feet below grade. Below-grade crawl space construction in accordance with the requirements listed below will not be considered basements.
 - (1) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer;
 - (2) The crawl space is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. For guidance on flood openings, see FEMA Technical Bulletin 1-93;
 - (3) Crawl space construction is not permitted in V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones;
 - (4) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE; and
 - (5) Any building utility systems within the crawl space must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
 - (6) Requirements for all below-grade crawl space construction, in addition to the above requirements, to include the following:
 - (a) The interior grade of a crawl space below the BFE must not be more than two feet below the lowest adjacent exterior grade (LAG), shown as D in figure 3 of FEMA Technical Bulletin 11-01;
 - (b) The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed four feet (shown as L in figure 3 of FEMA Technical Bulletin 11-01) at any point;

- (c) There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event, not to exceed 72 hours; and
- (d) The velocity of floodwaters at the site should not exceed five feet per second for any crawl space. For velocities in excess of five feet per second, other foundation types should be used.

B. Standards for Utilities.

1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
 - a. Infiltration of flood waters into the systems; and
 - b. Discharge from the systems into flood waters.
2. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

C. Standards for Subdivisions and Other Proposed Development.

1. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, shall:
 - a. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).
 - b. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
 - c. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:
 - (1) Lowest floor elevation.
 - (2) Pad elevation.
 - (3) Lowest adjacent grade.
2. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
3. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
4. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

5. In the coastal zone, land divisions shall be prohibited if the resulting lots would provide for development within areas of special flood hazards, including areas subject to future flooding due to sea level rise. (Am. Ord. 14-04)

D. Standards for Manufactured Homes.

1. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:
 - a. Within Zones A, AH, AO, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - b. Within Zones V, and VE on the community's Flood Insurance Rate Map, meet the requirements of Subsection 5.10.050.G.
2. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A, AH, AE, AO, V, and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of Subsection 5.10.050.D.1 will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:
 - a. Lowest floor of the manufactured home is one foot above the base flood elevation; or
 - b. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

E. Standards for Recreational Vehicles.

1. All recreational vehicles placed in Zones A, AH, AO, AE, V and VE will either:
 - a. Be on the site for fewer than 180 consecutive days; or
 - b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

- c. Meet the permit requirements of Subsection 5.10.040.C of this Section and the elevation and anchoring requirements for manufactured homes in Subsection 5.10.050.D.
 2. Recreational vehicles placed on sites within Zones V, and VE on the community's Flood Insurance Rate Map will meet the requirements of Subsection 5.10.050.E.1 and Subsection 5.10.050.G.
 3. Owners of recreational vehicle parks and owners of manufactured home parks that allow placement of recreational vehicles must notify the Floodplain Administrator prior to placing any new recreational vehicle, altering any existing recreational vehicle, allowing the placement or alteration of, or allowing any recreational vehicle to remain on site for more than 180 consecutive days, such that the recreational vehicle fails to meet the requirements of Subsections 5.10.050.E.1. a and b. The owner of a recreational vehicle that fails to meet the requirements of Subsections 5.10.050.E.1. a and b must apply for a city recreational vehicle permit and provide certification from an approved special inspector that the recreational vehicle complies with the requirements of Subsection 5.10.050.E.1.c and 5.10.050.E.2.
 4. The owner of the recreational vehicle subject to the permit requirements of Subsection 5.10.050.E.3 shall at the time of application for the permit, pay to the City a processing fee in an amount established by resolution of the Council.
- F. **Floodways.** Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
1. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the City.
 2. Within an adopted regulatory floodway, the City shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 3. If Subsections 5.10.050.F.1 & 2 are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Article V.
- G. **Coastal High Hazard Areas.** Within coastal high hazard areas, Zones V, and VE, as established under Subsection 5.10.030.B, the following standards shall apply:
1. All new residential and non-residential construction, including substantial improvement/damage, shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the bottom of

the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or city building standards.

2. All new construction and other development shall be located on the landward side of the reach of mean high tide.
3. All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Article II of this Section. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.
4. Fill shall not be used for structural support of buildings.
5. Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
6. The Floodplain Administrator shall obtain and maintain the following records:
 - a. Certification by a registered engineer or architect that a proposed structure complies with Subsection 5.10.050.G.1; and
 - b. The elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

5.10.060 Variance Procedure

A. Nature of variances.

1. The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.
2. The variance criteria set forth in this Subsection of this Section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this Section would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

3. The city should help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance must be quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this Section are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

B. Conditions for variances.

1. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 5.10.040 and 5.10.050 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 5.10.020) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
4. Variance shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this Section. For example, in the case of variances to an elevation requirement, this means the Commission need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the Commission believes will both provide relief and preserve the integrity of the local ordinance.
5. Any applicant to whom a variance is granted shall be given written notice over the signature of the Floodplain Administrator that:
 - a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
 - b. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County of San Luis Obispo Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

6. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

C. Appeal board.

1. In passing upon requests for variances, the Commission shall consider all technical evaluations, all relevant factors, standards specified in this Section, and the:
 - a. Danger that materials may be swept onto other lands to the injury of others;
 - b. Danger of life and property due to flooding or erosion damage;
 - c. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
 - d. Importance of the services provided by the proposed facility to the community;
 - e. Necessity to the facility of a waterfront location, where applicable;
 - f. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. Compatibility of the proposed use with existing and anticipated development;
 - h. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. Safety of access to the property in time of flood for ordinary and emergency vehicles;
 - j. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
 - k. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
2. Variances shall only be issued upon a:
 - a. Showing of good and sufficient cause;
 - b. Determine that failure to grant the variance would result in exceptional "hardship" to the applicant; and
 - c. Determine that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see "Public safety and nuisance"), cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances.
3. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Subsections 5.10.060.C.1 through

5.10.060.C.4 are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

4. Upon consideration of the factors of Subsection 5.10.060.B.1 and the purposes of this Section, the Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Section.

5.20 Street Improvements

Sections:

5.20.010 - [Purpose](#)

5.20.020 - [Permit Requirements](#)

5.20.030 - [Development Standards](#)

5.20.040 - [Completion of Street Improvements](#)

5.20.050 - [Council Waiver of Street Improvements](#)

5.20.010 [Purpose](#)

[This Section provides standards for the construction of public street improvements for new construction, additions, and remodels when a building permit or discretionary permit is required. All public street improvements shall be constructed consistent with this Section and the City's Standards and Specifications.](#)

5.20.020 [Permit Requirements](#)

[All public street improvement plans shall be approved by the City Engineer and an Encroachment Permit issued prior to start of construction.](#)

5.20.030 [Development Standards](#)

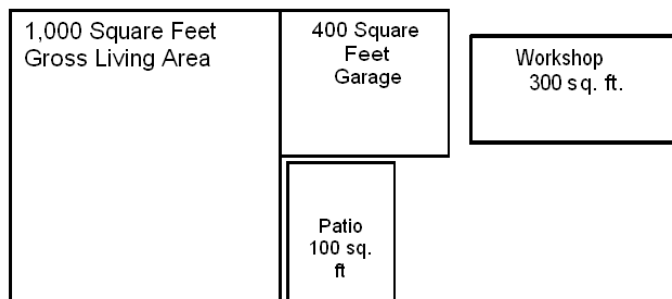
[The following standards shall apply for construction of public street improvements when a building permit or discretionary permit is required unless exempt consistent with Subsections G and H.](#)

- A. [All development requiring curb, gutter, and sidewalk shall replace existing curb, gutter, and sidewalk that is damaged or does not comply with City Standards and Specifications, as determined by the City Engineer.](#)
- B. [Single-unit residences shall install curb, gutter, sidewalk and a street conform of up to four feet except when a larger conform is needed to correct existing grade deficiencies, as determined by the City Engineer.](#)
- C. [Residential additions shall install curb, gutter, sidewalk and a street conform of up to four feet except when a larger conform is needed to correct existing grade deficiencies, as determined by the City Engineer. This shall apply when the aggregate square footage of the addition is an amount equal to 40 percent or greater of the existing habitable square footage or 500 square feet whichever is greater, as calculated in Subsection I.](#)
- D. [Residential remodels where alterations remove more than 50 percent of the exterior walls or remove more than 50 percent of the roof framing shall install curb, gutter,](#)

sidewalk and a street conform of up to four feet except when a larger conform is needed to correct existing grade deficiencies, as determined by the City Engineer.

- E. Commercial, industrial or multi-unit residential buildings shall install curb, gutter, sidewalk and street conform as necessary to connect to the existing edge of pavement, or to the centerline of the street as needed to correct existing grade deficiencies, as determined by the City Engineer.
- F. Commercial and industrial building alterations that require approval of a discretionary permit shall install curb, gutter, sidewalk and street conform as necessary to connect to the existing edge of pavement, or to the centerline of the street as needed to correct existing grade deficiencies, as determined by the City Engineer, except for the following:
 - 1. The project does not require a building permit; or
 - 2. A building permit is required for maintenance or repair; or
 - 3. The area of the tenant improvements is less than 1,000 square feet; or
 - 4. The Review Authority determines that the cost of the street improvements exceed 10% of the tenant improvement costs.
- G. Accessory Dwelling Units Exempt from Public Street Improvements. Accessory dwelling units are exempted from constructing public street improvements consistent with Government Code Section 65852.2 as amended.
- H. Projects Exempt from Street Conform. Projects required to construct a street conform located on a street included in a Measure K-14 Capital Improvement Project scheduled to be constructed within one year of building permit issuance may provide a temporary patch in-lieu of the street conform as approved by the City Engineer.
- I. Residential additions shall calculate the aggregate square footage based on the multipliers as follows:
 - 1. Gross living area 1.00
 - 2. Garages and other accessory structures that require a building permit 0.25
 - 3. Covered porches, patios, and similar structures as determined by the Director 0.15

The calculations are applicable to the combined square footage of all building permits issued for the address or site within the last ten years. Examples of calculations for single-unit residences are shown in Figures 5.1 and 5.2.

Figure 5.1 – Existing Improvements

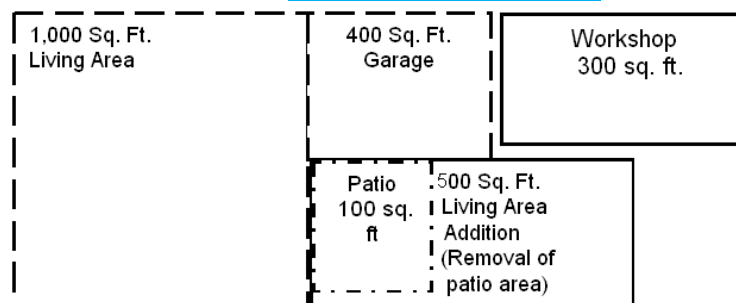
Living Area 1,000 Sq. Ft. X 1.00 = 1,000 Sq. Ft.

Garage 400 Sq. Ft. X 0.25 = 100 Sq. Ft.

Patio 100 Sq. Ft. X 0.15 = 15 Sq. Ft.

Workshop 300 Sq. Ft. X 0.25 = 75 Sq. Ft.

Total Existing 1,190 Sq. Ft.

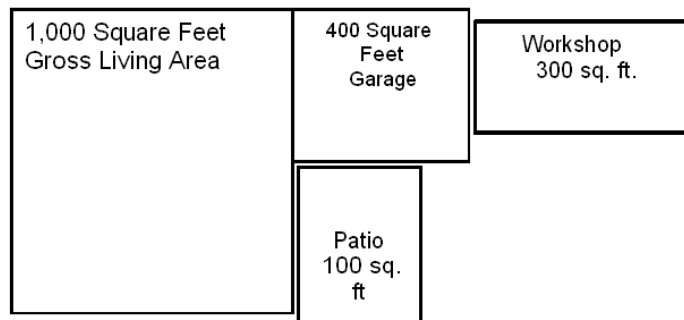
Proposed Improvements

Addition: 500 Sq. Ft. X 1.00 = 500 Sq. Ft.

Minus: Patio Removal (100 Sq. Ft. X 0.15 = 15 Sq. Ft.)

Adjusted Addition 485 Sq. Ft.

Percentage Calculation: 485 Sq. Ft. Addition / 1,190 Sq. Ft. Existing = 40.8%

Figure 5.2 – Existing Improvements

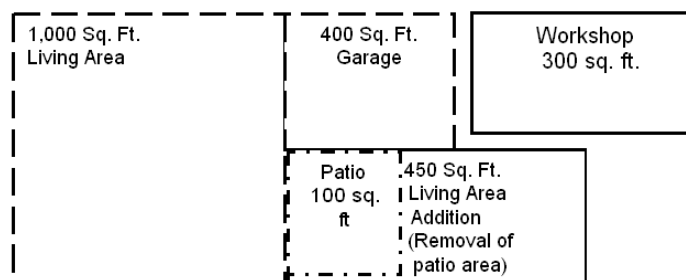
Living Area 1,000 Sq. Ft. X 1.00 = 1,000 Sq. Ft.

Garage 400 Sq. Ft. X 0.25 = 100 Sq. Ft.

Patio 100 Sq. Ft. X 0.15 = 15 Sq. Ft.

Workshop 300 Sq. Ft. X 0.25 = 75 Sq. Ft.

Total 1,190 Sq. Ft.

Proposed Improvements

Addition: 450 Sq. Ft. X 1.00 = 450 Sq. Ft.

Minus: Patio Removal (100 Sq. Ft. X 0.15 = 15 Sq. Ft.)

Adjusted Addition 435 Sq. Ft.

Percentage Calculation: 435 Sq. Ft. Addition / 1,190 Sq. Ft. Existing = 36.6%

5.20.040 Completion of Street Improvements

Construction of the requirements in Subsection 5.20.010 shall be completed prior to the issuance of a Certificate of Occupancy.

5.20.050 Council Waiver of Street Improvements

- A. The Council may waive all or part of the requirements of this Section upon application for such waiver in cases where in the sole discretion of the Council the strict application of this Section would create substantial hardship, would be impractical, or would not be in the best interests of the City or the public.
- B. The Council may extend the time for compliance with the provisions of this Section and may require such cash or other bond as it deems suitable to guarantee compliance with this Section within such time limit as it may specify.
- C. No filing fee shall be required for the waiver application to the Council under this Section.
- D. Each request for waiver of the requirements of this Section shall be acted upon independently by the Council based upon the particular facts involved.

5.30 Street Tree Regulations

Sections:

- 5.30.010 - Street Tree Policy Purpose and Intent
- 5.30.020 - Definitions
- 5.30.030 - Enforcing Authority
- 5.30.040 - Master Tree List
- 5.30.050 - Street Tree Planting Plan Standards
- 5.30.060 - Street Tree Maintenance and Inspection
- 5.30.070 - Removal of Trees
- 5.30.080 - Removal of Trees Prohibited Without a Permit
- 5.30.090 - Subdivision Street Tree Planting
- 5.30.100 - Control of Trees on Easements
- 5.30.110 - Property Owner Requests
- 5.30.120 - Protection of Street Trees Prohibitions
- 5.30.130 - Public Utilities
- 5.30.140 - Sidewalk, Curb and Gutter Determinations
- 5.30.150 - Appeals
- 5.30.160 - Non-liability of City

5.30.010 Street Tree Policy Purpose and Intent

It is hereby declared that the public interest and welfare requires that the City establish, adopt and maintain a comprehensive program for the installation, maintenance and preservation of trees within the City.

This Section provides policies, regulations and specifications necessary to govern installation, maintenance and preservation of trees to beautify the City, purify its air, provide shade, wind protection and preserve trees with historic and unusual value for the inhabitants of this City, subject to the availability of City funds for such purposes.

It is hereby declared to be the policy of the City to line its streets with trees and to provide a consistent and adequate program for maintenance and preservation of such trees. This policy provides for the planting of trees in all areas of the City, and for the selection of appropriate species to achieve as much uniformity as possible for beauty and economy.

5.30.020 Definitions

The following words and phrases used in this Section, unless a different meaning is clearly required by the context, shall have the following meanings:

Planting Strip shall mean the area available for planting between the street curb, or place where the curb should be, and the property line.

Planting shall mean planting and replacement of planting strips.

Maintain or Maintenance shall mean the entire care of trees in planting strips, as well as the preparation of ground, fertilizing, mulching, watering, unless specifically so stated.

Tree shall be defined as any woody plant characterized by having a single trunk of at least three inches in diameter at breast height (4-1/2 feet), or a multi-stemmed trunk system with a more or less definitely formed crown. This shall also include any tree that has been placed by the City that has not yet obtained the stated size.

Public Streets or Streets shall include all roads, streets, avenues, boulevards, alleys and parkways, or portion thereof, of the city.

Park Director shall mean the Parks and Recreation Director of the City.

Undeveloped Parcel as used in this Section shall be any lot, or portion of lot, which can be further subdivided or intensively developed in accordance with this Section.

5.30.030 **Enforcing Authority**

The Park Director, or his duly authorized representative, shall be charged with the enforcement of this Section.

The Parks and Recreation Commission shall be responsible for reviewing all required fee schedules for the planting of street trees. The Parks, Recreation and Beautification Commission shall advise the Park Director and made recommendations to the Council concerning required street trees.

5.30.040 **Master Tree List**

The Parks and Recreation Commission is hereby charged with the duty of promptly determining the types and species of trees suitable and desirable for planting and the areas in which, and conditions under which, such trees shall be planted in or which may overhang the public streets within the City. The Parks, Recreation and Beautification Commission shall also recommend a Tree Planting Plan setting forth the types of trees to be planted in different portions of the City and a recommended program of tree planting by the City. When such determination has been made, the Parks, Recreation and Beautification Commission shall report its findings in writing to the Council. When approved by the Council said reports shall be known as the Master Tree List and Master Plan. The List and Plan shall be placed on file with the City Clerk. Revisions or changes in said List or Plan may be amended from time to time by the Parks, Recreation and Beautification Commission in the matter described hereinabove.

5.30.050 **Street Tree Planting Plan Standards**

- A. The planting of trees in or within five feet of the public street right-of-way of the City shall be governed by the general and specific tree plan.

- B. The Parks and Recreation Commission shall be guided by and apply the following standards in formulating and approving a street tree plan.
1. The prime purpose of beauty, shade, and/or wind protection shall always be observed.
 2. The location of specific trees shall be at specified intervals with consideration given to avoiding or minimizing interference by the trees with existing or planned utilities, driveway approaches, street intersections and building exposures.
 3. No tree shall be planted within 35 feet of any corner of any intersection unless approved by the City Engineer.
 4. Selection and spacing of a particular species of tree for a specific block, a street, or section of the City shall be based upon the nature of the species and the width of the planting strip, soil conditions, zoning regulations, street patterns, building setbacks, utilities, and the availability of the particular species.
 5. All trees hereafter planted in or within five feet of the public street right-of-way of the City must be on the Master List, unless a written permit from the Park Director shall have first been obtained to plant a tree not on said list. Such permit shall set forth the type of tree, method of planting and maintenance, and any other conditions deemed proper by the Director for planting of such tree, and the person obtaining such permit shall comply with all the terms and conditions thereof.
- C. The Public Works Department shall assume the responsibility of furnishing and planting all new City street trees. Subdivisions shall be assessed a fee per lineal foot of street frontage per lot for this planting service. Said fee shall be established by the Parks and Recreation Commission and approved by the Council.

5.30.060 Street Tree Maintenance and Inspection

The Park Director shall have supervision, direction and control of the care, trimming, removal, relocation and replacement of trees in the streets or public property owned or under the control of the City. It shall be unlawful for any person to cut, trim, prune, spray, brace, or in any other manner to destroy or seriously damage any tree in the public street area or upon property owner or controlled by the City.

- A. Upon discovering that any such trees are infected or infested with insects, pests, or disease, the Park Director shall cause such conditions to be treated, or if any trees are so infected or infested to such a degree that such conditions cannot be eradicated by treatment, the Director may order the removal and replacement of any such trees.
- B. Street trees shall be maintained as follows: Surface roots of young trees in process of development shall be removed to prevent future sidewalk, curb and gutter damage. Overhead limbs shall be pruned proportionately to compensate for root loss. Upon reaching maturity, trees shall be pruned or trimmed to not less than seven feet above

ground in residential areas, and to not less than ten feet above the ground in commercial areas. Small trees and young trees during the process of development shall be properly shaped and trimmed to provide adequate sidewalk and street clearance.

- C. In the event any tree, shrub, or plant in any street in the City or any tree, shrub or plant standing on any private property, overhanging or projecting into any street or public place appears to be dead, liable to fall, dangerous, an obstruction to public travel or is not pruned or trimmed to not less than seven feet above a sidewalk in residential areas or ten feet in commercial areas, the Park Director may cause the same or such part or parts thereof as dead, liable to fall, dangerous, or an obstruction to such public travel, or is not so trimmed, to be cut down, and if in the street, to be removed there from; provided that, except in case of manifest public danger and immediate necessity, no such trees or shrubs standing on any private property shall be completely cut down or removed unless ten days' notice in writing be given by the Park Director to the owner or occupant of such property.

5.30.070 Removal of Trees

- A. Private Property: Any tree growing on private property which is endangering or, in the opinion of the Park Director, constitutes danger to public streets or public places, or which in any way endangers the usefulness of a public sewer or public utility, shall be removed or trimmed by the owner of the property within 14 days after receipt of such notice from the Park Director. In the event the property owner fails to remove or trim such trees within said time, the Park Director may then remove or trim said tree, and assess the cost thereof against the property owner, ten days prior notice of the hearing before the Council, subject to the right of the property owner to appeal the amount of said assessment to the Council within two days after notice thereof to the property owner. Such cost shall become a lien on the property and the resolution assessing such costs shall be recorded with the County Recorder's Office, or may be collected by court action.
- B. It shall be unlawful for any person, firm, partnership, corporation or other legal entity whatever, to remove, or cause to be removed, any tree from any undeveloped parcel of property without a permit, as provided herein.
- C. Streets and Public Places: No tree shall be removed from any public street or property owned or under the control of the City without the prior written consent of the Park Director. Such consent shall only be granted if the tree constitutes a hazard to property or persons using the adjoining streets, if its roots are causing excessive damage to the curb, gutters or sidewalks, or if it unduly interferes with the sewer system and public utilities. Any tree being removed for the benefit of the property owner shall be removed and replaced with an approved tree at the owner's expense.
- D. Any tree planted by the City in the City right-of-way or required by the City in the public right-of-way after the effective date of this ordinance, that must be removed because of type, growth habits or disease that do not meet future City standards,

shall be removed at City expense and replaced at the Park Director's discretion, subject to the availability of City funds.

E. Acceptable reasons for City removal on streets and public places:

1. Dead trees;
2. Dying, decayed or hazardous trees;
3. Trees that must be removed for sidewalks or curb repair;
4. Trees diseased beyond reclamation;
5. Thinning to approved spacing.
6. Acceptable reasons for property owner removal:
7. Trees directly in the way of new sidewalks, curbs, or driveway approaches;
8. Trees in way of house moving (undesirable species only).

5.30.080 Removal of Trees Prohibited Without a Permit

It shall be unlawful for any person, firm, partnership, corporation or other legal entity whatever, to remove, or cause to be removed, any tree from any undeveloped parcel of property without a permit as provided herein.

A. **Permits.**

1. Any person, firm, partnership, corporation or other legal entity, or agent of any such person desiring to remove one or more trees on any undeveloped parcel in the City shall apply in writing to the Parks and Recreation Director for a permit. Said application shall contain the number and a plot plan showing the location of the trees to be cut or removed and a brief statement of the reason for removal, as well as any other pertinent information the Parks and Recreation Director may require. On receipt of such application, the Parks and Recreation Director will inspect the premises and determine which trees may be removed.
2. The determination of the Parks and Recreation Director shall be based upon the following criteria:
 - a. The condition of the trees with respect to disease, danger of falling, proximity to existing or proposed structures and interference with utility service;
 - b. Necessity to remove trees in order to construct proposed improvements to allow economic enjoyment of the property;
 - c. Topography of the land and the effect of tree removal on erosion, soil retention, and the diversion or increased flow of surface waters;
 - d. Number of trees existing in the neighborhood on improved property. The Parks and Recreation Director shall be guided by the standards established in the neighborhood;

- e. Good horticultural practices, i.e., the number of healthy trees that a given parcel of land will support.

The Parks and Recreation Director shall give priority of inspection to those requests based on hazard, danger or disease. The Parks and Recreation Director may also refer any request to another Department, Board, Commission, Council, or Committee for report or recommendation.

In case of emergency caused by the tree being in a hazardous or dangerous condition, such tree may be removed by order (direction) of the Public Works Department.

B. Subdivisions.

1. All subdivision maps for five or more lots filed for tentative approval shall designate clearly any trees upon the property. Any trees upon the property which are to be removed shall be clearly designated upon the tentative subdivision map. Tentative approval of the map by the Parks and Recreation Commission shall constitute a recommendation to the Council to permit removal of any trees so designated.

C. Historic or heritage tree.

1. Historic or heritage tree shall mean any tree existing within the City which has been found by the Parks and Recreation Commission to be a tree of notable historic interest or high value type, size or historic associations and has been designated by resolution of the Council, on advice of the Parks, Recreation and Beautification Commission, as an historic or heritage tree.

All persons owning property upon which trees so designated exist shall be informed as to the status of these trees and the restrictions related to their care and removal. No tree designated as an historical or heritage tree shall be removed from the site without the prior approval of the Parks and Recreation Commission. This shall include the site of a proposed subdivision or any undeveloped parcel.

5.30.090 Subdivision Street Tree Planting

The cost for planting and maintenance of street trees for one year in new subdivisions shall be borne by the subdivider as established in Subsection 5.30.050.C.

This cost shall be determined from the official fee schedule of the City. This fee shall be reviewed as necessary in order to adjust to planting and maintenance cost.

The Parks and Recreation Commission shall, as soon as the basic subdivision improvements are approved, determine the species of tree, the specific locations and any other pertinent information that may be required before the trees are planted. The trees shall be planted after these determinations are made.

The subdivider shall be held responsible for any damage that occurs to any tree on the site where his construction is taking place during the period of time between planting of the street tree and final acceptance of the structure by the Community Development Department. Any damage to the trees shall be charged to the subdivider. Any tree that is destroyed in the process of construction shall be replaced with a tree of the same species and of the same size at the time the tree was destroyed. The subdivider shall be responsible for all costs.

5.30.100 Control of Trees on Easements

All existing trees located within public easements shall be so maintained by the owner of the property so as to prevent the roots from interfering with public pipelines and the limbs and branches from interfering with utility lines.

5.30.110 Property Owner Requests

- A. A majority of the abutting property owners in a given block, street, or area of the City where tree planting is required may petition for the uniform planting of a tree variety of their own choice. Such petition shall be approved by the Parks and Recreation Director, provided the tree selection is made from the Official Street Tree List and the selection does not conflict with the standards above.
- B. A petition bearing the signatures of not less than all of the property owners of any one block may be filed with the Parks and Recreation Director, requesting a change in the variety of trees in the planting strip adjacent to their properties. Such petition shall be approved by the Parks and Recreation Director providing the selection does not conflict with the standards above. The work may be done upon City force account or a City contract upon public bids, provided that the estimated cost thereof has been previously paid by the property owners. The work may also be done upon a private contract made by the property owners, the terms of which have been previously approved by the Parks and Recreation Director. All work is to be under the supervision of the Parks and Recreation Director.

5.30.120 Protection of Street Trees. Prohibitions.

- A. When determined by the Parks and Recreation Director that private plantings or installations in planting strips are a hazard to the public or conflict with the approved tree planting plan, the Parks and Recreation Director shall have full authority to cause such hazard or detriment to be removed or eliminated.
- B. No person shall, without a written permit from the Parks and Recreation Director, plant, remove, trim, prune, or cut any tree upon the streets, planting easements, or between the property line and the curb. Upon permission being granted to any person for the purpose of planting, trimming, pruning, cutting or removal same shall be done under the general supervision of the Parks and Recreation Director. All

stumps of such trees including underground portions to a depth to be specified by the Parks and Recreation Director shall be removed during such operations.

- C. No person shall interfere, or cause or permit any person to interfere with employees of the City who are engaged in the planting or maintenance, treating, or removing of any tree or plant in the streets or planting easements or in the removing of any stone, cement, or any substance in any such street, sidewalk, planting strip, alley, or other public place.
- D. Willful injury to or disfigurement or destruction of any shade tree or ornamental plant growing within the City, whether situated upon private ground within the front setback or on any street, sidewalk, or public park or place, is a violation of this ordinance.
- E. No person shall:
 - 1. Construct a concrete, asphalt, brick, or gravel sidewalk or otherwise fill up the ground area around any tree so as to shut off air, light, or water from the roots except under written authority from the Public Works Department,
 - 2. Pile building material, equipment or other substance around any tree so as to cause injury thereto,
 - 3. Apply any deleterious matter on or around any tree, or on the ground around it or on any planting strip, lawn or sidewalk,
 - 4. Post any sign on any tree, tree-stake, or guard, or fasten any guy wire, cable, or rope to any tree, tree-stake, or guard.
- F. Tree-stakes or guards may be placed around trees by property owners provided the same are placed near a tree for the purpose of protecting or training such trees under the direction of the Parks and Recreation Director.
- G. No person shall plant any tree on any street of the City, the planting of which is contrary to a street plan established pursuant to this Section or previous ordinances or code Sections.
- H. All damage caused to street trees by house moving shall be paid by the mover in an amount equal to the value of the tree according to tree evaluation standards of the International Shade Tree Conference. Any tree removed shall be replaced at the mover's expense.

5.30.130 Public Utilities.

Any person doing business as a public utility subject to the jurisdiction of the Public Utilities Commission of the State of California, and any duly constituted public agency authorized to provide and providing utility service, shall be given a permit from the Park Director valid for one year from the date of issuance, permitting such person to trim, brace, remove, or perform such other acts with respect to trees growing adjacent to the public streets of the City or which grow upon private property to the extent that they encroach upon such public streets as may be necessary to comply with the safety

regulations of said commission and as may be necessary to maintain the safe operation of its business.

5.30.140 Sidewalk, Curb and Gutter Determinations.

In all cases where root damage from City planted trees occurs to City sidewalk, curbs or gutters, the City shall remove or root prune the trees and replace the damaged concrete.

It shall be the responsibility of a property owner to remove, at his own expense, trees directly in the way of new sidewalks, curbs, or driveway approaches. Any tree so removed shall be replaced, at the discretion of the Park Director, with an acceptable tree from the Master Tree List at the property owner's expense.

The installation of both integral and detached sidewalks within the same block will be allowed when upon determination by the Park Director and Public Works Director that the change within the block is necessary to preserve a desirable tree that is at least four inches in diameter, a distance of two feet above ground level, provided a minimum sidewalk width of four feet can be constructed.

5.30.150 Appeals

Any person aggrieved by any act or determination of the Park Director in the exercise of the authority herein granted shall have the right to appeal to the Council. An appeal shall be in writing, stating the decision appealed and reasons for the appeal.

5.30.160 Non-liability of City

Nothing in this article shall be deemed to impose any liability upon the City, or upon any of its officers or employees, nor to relieve the owner and occupant of any private property from the duty to keep trees and shrubs upon private property, or under his control, or upon sidewalks and parking strips in front of such private property in safe condition.

5.40 Utility Undergrounding

Sections:

[5.40.010 - Applicability](#)

[5.40.020 - Permit Requirements](#)

[5.40.030 - Development Standards](#)

[5.40.040 - Completion of Utility Undergrounding](#)

[5.40.050 – Waiver of Utility Undergrounding](#)

5.40.010 [Applicability](#)

This Section provides standards for the undergrounding of public utilities for new construction, additions and remodels when a building permit is required. All undergrounding of public utilities shall be performed consistent with this Section and the City's Standards and Specifications.

5.40.020 [Permit Requirements](#)

All public utility undergrounding shall be approved by the applicable utility companies and the City Engineer. An Encroachment Permit shall be issued prior to start of construction for utilities located within the public right-of-way.

5.40.030 [Development Standards](#)

The following standards shall apply for undergrounding of public utilities when a building permit is required.

- A. Primary Lines. New construction of residential, commercial and industrial buildings shall underground new and existing primary lines as follows:
 - 1. Within existing subdivisions that have no existing overhead primary utilities.
 - 2. New residential subdivisions on lots greater than one gross acre.
 - 3. Areas within existing utility undergrounding districts.
- B. Secondary Lines. New and existing secondary lines shall be placed underground for the following:
 - 1. New commercial and industrial buildings greater than 500 square feet.
 - 2. Additions to commercial and industrial buildings greater than 500 square feet.
 - 3. Commercial and industrial building alterations except for the following:
 - a. A building permit is required for maintenance or repairs; or
 - b. The area of tenant improvements is less than 1,000 square feet; or

- c. The Review Authority determines that the cost of the secondary utility undergrounding exceeds 10% of the tenant improvement costs.
- 4. New residences except accessory dwelling units as defined in Chapter 9 (Definitions).
- 5. Residential additions that exceed 40 percent of the existing square footage (as calculated by Section 5.20.030.I) or 500 square feet, whichever is greater.
- 6. Residential remodels where alterations remove more than 50 percent of the exterior walls or remove more than 50 percent of the roof framing.
- C. Above Ground Equipment. New and existing utility appurtenances and associated equipment, including transformers, pedestal mounted boxes and meter cabinets may be placed above ground.

5.40.040 Completion of Utility Undergrounding

Construction of the requirements in Subsection 5.40.030 shall be completed prior to the issuance of a Certificate of Occupancy.

5.40.050 Waiver of Utility Undergrounding

- A. The owner may request the City Engineer waive the requirements to underground secondary lines. The written waiver request shall demonstrate why the required undergrounding cannot be completed based on Subsections 1-4. The City Engineer may waive the requirement to underground secondary lines for the following circumstances:
 - 1. The existing utility pole is located on the adjacent lot and the owner is unable to obtain an easement allowing access to the closest utility pole.
 - 2. The existing pole is located within the public right-of-way but the pole is not located within five feet of the project lot.
 - 3. There are topographical conditions that would not provide minimum clearances required by the utility companies.
 - 4. The existing built conditions would require the cost of undergrounding to exceed 10% of the total cost of the construction project based on a written estimate provided by the utility companies.
- B. The owner may request the City Council waive the requirements of this Section. The written waiver request with the fee as established in the Master Fee Schedule shall demonstrate why the required undergrounding cannot be completed based on Subsection 1. The Council may waive the requirement to underground primary and/or secondary lines or extend the time for compliance as follows:

- Each request for waiver of the requirements of this Section shall be acted upon independently by the Council based upon the particular facts involved.

5.50 Grading and Drainage

Sections:

- 5.50.010 - Purpose
- 5.50.020 - Applicability
- 5.50.030 - Permit Required
- 5.50.040 - Review Authority
- 5.50.050 - Grading Permit Application Requirements
- 5.50.060 - Grading Permit Required
- 5.50.070 - Grading Standards
- 5.50.080 - Drainage Standards
- 5.50.090 - Completion of Grading
- 5.50.100 - Enforcement

5.50.010 Purpose

This Section provides procedures and minimum standards for grading activities and the construction of drainage control facilities. These provisions are intended to promote properly designed projects by preventing unreasonable or unnecessary damage from grading activities and by reducing hazards caused by flooding.

5.50.020 Applicability

The requirements of this Section shall apply to all proposed development, new land uses and any grading, removal of vegetation, construction of flatwork or other land-disturbing activity.

5.50.030 Permit Required

- A. **When required.** A grading permit is required for the following grading activities unless exempted by Subsection B:
1. Any grading, ground-disturbing, or other land-disturbing activity.
 2. As required by California Building Code Appendix J (Grading).
 3. Any grading located in a geologic hazard area shown on the Hazard Area Maps of the General Plan Safety Element. All geologic hazard areas shall be subject to additional requirements including soils and geologic investigation, analysis and reporting. A report prepared by the appropriately licensed professional(s) indicating that the site is suitable for the proposed development and providing specific design guidelines for the proposed development shall be included with any grading permit application. Final soils and geologic grading reports shall also be required for all grading activities in these areas, except that borings and related analyses shall be sufficient in liquefaction hazard areas.

4. Any grading activities that may adversely affect surrounding properties as determined by the Public Works Director. The Public Works Director shall have the discretion to impose any reasonable design requirements or conditions on such work which is determined necessary to prevent or reduce the harmful effects such work might cause to surrounding properties.

B. **Exemptions.** The following grading activities are exempt from the issuance of a grading permit. However, the Public Works Director shall have the discretion to impose any reasonable design requirements or conditions on such work which is determined necessary to prevent or reduce the harmful effects such work might cause to surrounding properties.

1. Removal of vegetation does not exceed 1,000 square feet in area;
2. Cultivation of land for agricultural purposes, provided that normal and customary agricultural practices are followed to minimize potential erosion;
3. Excavations for wells or tunnels or utilities;
4. An excavation does not exceed four feet in vertical depth at its deepest point, measured from the original surface, and does not exceed 200 square feet in area;
5. A fill that does not exceed three feet in vertical height at its highest point, measured from the natural ground surface, and does not cover more than 200 square feet;
6. Exploratory excavations under the direct supervision of geotechnical engineers or engineering geologists which do not exceed an aggregate area of 200 square feet; or
7. An excavation below finished grade for basements and footings of a building if authorized by a valid building permit. This exception does not affect the requirement of a grading permit for any fill made with the material from the excavation.

5.50.040 Review Authority

- A. The Public Works Director is authorized to issue a grading permit in compliance with this Development Code and the Municipal Code and may require conditions as are necessary to achieve compliance.
- B. **Development Permit.** If the grading permit is associated with an approved Development Permit, the Public Works Director shall determine that the project is in substantial compliance with the approved Development Permit in order to issue the grading permit.

5.50.050 Grading Permit Application Requirements

- A. An application for a grading permit shall include a completed application form, the information and materials described in a Department handout, and the required filing fee. The application shall be filed with the Community Development Department.
- B. Site grading and grading plans shall be prepared by a professional having experience and competence in the design of site grading and who is appropriately licensed by the State of California to perform said design.
- C. A preliminary soils report prepared by a geotechnical engineer shall be provided for the following projects:
 - 1. Construction of new residential and non-residential buildings;
 - 2. Additions above the ground floor level to residential and non-residential buildings;
 - 3. Additions to ground floor level non-residential buildings. The Building Official may waive this requirement if it is determined that, based on the size of the addition and building occupancy type, investigation of the footing excavation by a geotechnical engineer will suffice.
 - 4. Ground level additions to residential buildings. The Building Official may waive this requirement if it is determined that, based on the size of the addition, investigation of the footing excavation by a geotechnical engineer will suffice.

5.50.060 Grading Permit Requirements

- A. **Permit Requirements.** All grading permits shall comply with the following requirements.
 - 1. All grading permit applications shall comply with the current edition of the California Building Code Appendix J (Grading).
 - 2. All stormwater construction and post construction requirements have been met in compliance with Section 5.60 (Stormwater Construction and Post-Construction Management).
 - 3. All standards contained in this Development Code and other sections of the Municipal Code.
 - 4. Residential hillside development standards in Subsection 2.20.050.D (Hillside Development Standards) and Subsection 2.20.050.E (CPR1 Development Standards), when applicable.
 - 5. The applicant for a grading permit may be required to provide performance guarantees in compliance with Development Code Section 6.30.050 (Performance Guarantees) upon recommendation by the Public Works Director.
 - 6. Projects located in the Coastal Zone shall require Coastal Development Permit approval in compliance with Section 6.20.040 (Coastal Development Permit).

7. All grading activities shall comply with the California Environmental Quality Act (CEQA), when applicable.

5.50.070 Grading Standards

- A. **Purpose.** This Section provides standards for grading, slope construction, erosion and sediment control, and protection of watercourses and drainage inlets.
- B. **General standards.**
 1. Wherever practicable, grading should preserve, match, or blend with the natural contours of the land.
 2. Whenever practicable, trees and native vegetation should be retained.
 3. Scars from cuts and fills should be minimized; the amount of cuts and fills should be reduced and sharp angles at the top and sides of all necessary cut and fill slopes shall be rounded off, and/or a retaining wall acceptable to the City shall be constructed. Where a cut or fill slope occurs between two lots, the slope shall be contained entirely within one lot and the slope should normally be made a part of the downhill lot.
 4. Geologic hazards and adverse soil conditions shall be mitigated.
 5. Walls that retain soil constructed within three feet of any property line shall be of masonry or concrete construction. The fill behind the wall shall not be less than six inches below the top of the wall.
 6. Retaining walls with level backfill that retain less than six feet as measured from the top of footing and with no imposed loads other than soil backfill, wind and seismic may be constructed per City standard. All other walls shall be designed by an appropriately licensed professional.
 7. When excavations or retaining walls are proposed near any property line, the Public Works Director may require a shoring installation and removal plan or retaining wall design by a licensed professional if in their opinion the excavation or retaining wall may result in damage to adjacent property.
- C. **Slope construction standards.**
 1. Slopes, both cut and fill, shall not be steeper than three run to one rise (3:1), except as approved by the Public Works Director and a thorough geological and engineering analysis indicates that steeper slopes are safe and permanent erosion and sediment control measures are specified.
 2. Long or steep slopes shall be terraced at regular intervals to slow runoff and provide a place for sediment to settle out.
 3. A five foot wide bench sloped at two percent shall be provided between the top or bottom of all slopes and the public right-of-way except as approved by the Public Works Director.

4. Tops and bottoms of slopes shall not be located closer than two feet to any property line unless retained by an approved retaining wall.
 5. All cleared slopes in cuts and fills and other areas vulnerable to erosion shall be permanently stabilized.
- D. Erosion and sediment control. Approved erosion and sediment control devices shall be required for all grading and stockpiling of materials in compliance with Section 5.60 (Stormwater Construction and Post-Construction Management).
- E. Standards for protection of watercourses and drainage inlets.
1. Grading activities shall not encroach on natural watercourses or constructed channels, except as approved by the Public Works Director and all required permits are obtained from agencies having jurisdiction.
 2. Excavated materials shall not be deposited or stored in the street, gutter or sidewalk without approval of an encroachment permit in compliance with Chapter 5 of the Municipal Code (Encroachment Permits) except as approved by the Public Works Director.
 3. Temporary and permanent sediment controls such as sediment debris basins and sediment traps shall be constructed to prevent sediment from entering existing or newly installed storm drainage structures. Any trapped sediment shall be removed to a disposal site approved by the Public Works Director.
 4. Any storm drain inlet protection measure which completely blocks the drain entrance shall be prohibited. Waddles and straw bales used alone are considered ineffective and shall not be allowed. Gravel bags, filter fabric wraps, commercially available inlet protection devices or other City approved methods shall be used in a manner that does not cause erosion, or flooding into a roadway.

5.50.080 Drainage Standards

- A. **Purpose.** This Section provides standards for drainage and retention facilities.
- B. **General standards**
1. No construction shall be allowed that alters natural drainage courses or that alters the existing outlet location, volume, peak flow rate or velocity of runoff except as approved by the Public Works Director.
 2. In cases where existing offsite runoff is conveyed onto and/or across the site the completed work shall provide for its continuation.
 3. Site drainage and drainage facilities shall be designed by a professional having experience and competence in the design and specification of drainage facilities and who is appropriately licensed by the State of California to perform said design.

4. All storm drainage structures shall be sized and constructed in compliance with the City of Grover Beach Standards and Specifications. Where no City standard or specification exists, the Public Works Director may require design by a Civil Engineer or compliance with an approved standard of another agency.
5. All subsurface flows and surface runoff shall be contained and dispersed at non-erosive velocities into the natural watercourse of the drainage area, except as required in this Section.
6. Concentration of runoff shall only be permitted in swales or watercourses.
7. Energy dissipating devices shall be required at all drainage outlets.

C. Retention Requirements

1. New construction on a vacant lot or on a lot where the primary structure is being removed, on-site drainage retention shall be required for all existing and new impervious surface areas regardless of the percent change to impervious surface area.
2. New construction that results in an increase to impervious surface area equal to or greater than 40%, on-site drainage retention shall be required for all existing and new impervious surface areas.
3. New Construction on a vacant lot or on a lot where the primary structure is being removed and new construction that results in an increase to impervious surface area equal to or greater than 40%, the property shall meet the requirements of City Standards and Specifications Section 8 (Stormwater Construction and Post-Construction Management), Subsection 8.04 (Long Term Maintenance).
4. New construction that results in an increase to impervious surface area less than 40%, on-site drainage retention is required only for the net increase to existing impervious surface area.
5. Runoff shall be directed to the newly created retention facilities, except as approved by the Public Works Director. Portions of sites not requiring retention per this Section and that previously drained to the street may continue to do so if approved by the Public Works Director.
6. For the purposes of this Section, surfaces including decks shall be considered pervious if they are constructed and installed per approved plans or approved manufacturer's recommendations and can be demonstrated to pass 3.2 inches of water per hour.
7. Drainage retention volume for impervious areas requiring retention shall be calculated using the following formula: impervious area in square-feet multiplied by 0.325 equals cubic feet of required drainage retention volume. When this volume exceeds retention volume required by Section 5.60 (Stormwater Construction and Post-Construction Management), this Section shall prevail except when a reduction in volume is approved by the Public Works Director.
8. Common drainage retention basins may be constructed for developments consisting of more than one lot. Common drainage retention volume shall be

calculated assuming retention of runoff from streets, curb, gutter and sidewalks except when approved by the Public Works Director.

9. **Exemptions.** Lots developed or redeveloped within a multi-lot development that includes a common drainage retention basin sized in compliance with this Section shall not be required to construct additional drainage retention facilities.

5.50.090 Completion of Grading

- A. Upon completion of the rough grading work and at the final completion of the work, the Building Official or Public Works Director may require the following reports:
 1. An as-built plan prepared by an appropriately licensed professional including a certification that the work was completed in compliance with the final approved plan.
 2. A final soils report prepared by the geotechnical engineer and/or geologist including a certification as to the adequacy of the site for the intended use and as affected by geological features.
 3. A certification by an appropriately licensed professional that the drainage facilities constructed were installed and operate in compliance with the final approved plans.
 4. The engineer for a project may be required to inspect work and certify compliance with the approved grading plan, erosion and sediment control plan, and the provisions of this Section.

5.50.100 Enforcement

- A. The provisions of this Section shall be enforced by the Building Official and Public Works Director. If it is determined that the work does not comply with the provisions of this Section, a Stop Work Order may be issued stopping all work until such time as compliance is ensured.
- B. **Violations.** Any person who causes, conducts, allows, or furnishes equipment or any labor for any grading activities without first obtaining a grading permit required by this Section is in violation of this Section. Any person who fails to comply with any term or condition of an approved grading permit is in violation of this Section. Violations shall be enforced in compliance with Municipal Code Article 1, Chapter 4 (Administrative Citations for Violation of the Code). Violations may also be subject to stop work orders, corrective action orders, and/or the suspension of occupancy permits.
- C. **Hazards.** Whenever the Public Works Director determines that any excavation, embankment, or fill on private property constitutes a hazard to public safety, endangers property, or adversely affects the safety, use or stability of adjacent property, an overhead or underground utility, or a public way, watercourse, or

drainage channel, or could adversely affect the water quality of any water bodies or watercourses, the owner or other person in control of the subject property shall be contacted and advised of the problem. Upon receipt of written notice from the Public Works Director, the property owner shall repair or eliminate the excavation, embankment or fill so as to eliminate the hazard and conform to the requirements of this Section. (Ord. 13-04)

5.60 Stormwater Construction and Post-Construction Management

Sections:

- 5.60.010 - Authority
- 5.60.020 - Purpose
- 5.60.030 - Applicability
- 5.60.040 - Review Authority
- 5.60.050 - Owner Responsibilities
- 5.60.060 - Minimum Standards
- 5.60.070 - Construction Site Stormwater Runoff Control Provisions
- 5.60.080 - Post-Construction Stormwater Management Provisions
- 5.60.090 - Violations

5.60.010 Authority

- A. The Federal Clean Water Act, the implementing regulations for the National Pollutant Discharge Elimination System (NPDES), and the California Porter-Cologne Water Quality Control Act provide for the regulation and reduction of pollutants discharged to waters of the State and United States by extending NPDES requirements to stormwater and urban runoff discharges to and from the storm drain system.
- B. The City is required to enroll as a permittee under the State of California's Waste Discharge Requirements for Small Municipal Separate Storm Sewer Systems (Order No. 2013-0001-DWQ) and the NPDES General Permit No. CAS000004 (General Permit). Under the provisions of the General Permit, the City is required to possess the necessary legal authority and implement appropriate procedures to regulate the entry of pollutants and non-stormwater discharges into the storm drain system and implement mandatory site design measures to minimize the adverse effects of urbanization and development on watershed processes and beneficial uses resulting from changes in stormwater runoff conditions, and where possible, maintain and/or restore receiving water beneficial uses.

5.60.020 Purpose

- A. This Section provides standards to protect and enhance water quality by reducing pollutants in stormwater discharges to the maximum extent practicable. The objectives of this Section are to:
 - 1. Regulate the contribution of pollutants in stormwater discharges;
 - 2. Reduce pollutants in stormwater discharges by guiding, regulating, and controlling the design, construction, use, and maintenance of construction activities with the potential to degrade water resources;
 - 3. Require the construction of permanent stormwater runoff controls to protect water quality and maintain non-erosive hydrologic conditions downstream of construction activity ;

4. Require responsibility for and long-term maintenance of structural stormwater control facilities and nonstructural stormwater management; and
5. Enable legal authority to carry out inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this uses.

5.60.030 Applicability

This Section shall apply to all construction activities including but not limited to, projects that require building and/or grading permits.

5.60.040 Review Authority

- A. This Public Works Director is authorized to administer, implement, and enforce the provisions of this Section and establish any rules and regulations necessary for the enforcement of this Section.
- B. For the purpose of verifying compliance with this Section, the Public Works Director may enter onto private property for the purpose of inspecting, at reasonable times, any facility, equipment, practices, or operations, including:
 1. Prior to commencing land disturbance during the rainy season, to ensure all necessary sediment controls are in place;
 2. During active construction, to ensure, at a minimum, that BMPs implemented are effective and being maintained, and that pollutants of concern are not being discharged from the construction site;
 3. Following construction, to ensure that all temporary BMPS have been removed and disturbed areas have been stabilized;
 4. Prior to occupancy, to ensure all Structural Water Quality Treatment, Runoff Retention, and/or Peak Management Controls are constructed in accordance with approved plans;
 5. Annually, to ensure that all Structural Water Quality Treatment, Runoff Retention, and/or Peak Management Controls are being implemented and maintained in accordance with approved plans; and
 6. Any time there is a reasonable cause to believe a violation of this Section exists.

5.60.050 Owner Responsibilities

Each property owner has the responsibility before, during, and after construction, to ensure compliance with this Section. The property owner also has a responsibility to ensure compliance with local, State, and Federal permitting requirements. No approval shall exonerate the property owner or his agent(s) from the responsibility of complying with the requirements of this Section and other local, State or Federal requirements.

5.60.060 Minimum Standards

The standards in this Section are minimum standards; therefore this Section does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into receiving waters caused by said person. This Section shall not create liability on the part of the City, or any agent or employee thereof for any damages that result from any discharger's reliance on this Section or any administrative decision lawfully made hereunder.

5.60.070 Construction Site Stormwater Runoff Control Provisions

- A. **Purpose.** The standards in this Section are intended to prevent construction site discharges of pollutants and adverse impacts on beneficial uses of receiving waters. It establishes standards and specifications to manage non-point source pollution, soil erosion and sedimentation associated with construction activities.
- B. **Permit requirements.** No land shall be disturbed until a program for preventing construction site discharges of pollutant and impacts on beneficial uses of receiving waters has been approved by the Public Works Director.
 - 1. Projects subject to the Construction General Permit shall submit and implement a site specific Stormwater Pollution Prevention Plan (SWPPP). Construction shall not begin until the WDID Number, issued from the State Water Resources Control Board has been provided to the City.
 - 2. Projects exempt from the Construction General Permit but which may pose a threat to water quality shall develop and implement a Water Pollution Control Plan in compliance with the City's Standards and Specifications. Projects that may pose a threat to water quality are those projects that:
 - a. disturb one acre or less; or
 - b. disturb 5 acres or less and are granted an erosivity waiver and have one or more of the following water quality concerns:
 - i. potential to discharge directly or indirectly into Meadow Creek or the ocean;
 - ii. direct contact with groundwater;
 - iii. have cuts/fills in excess of six feet;
 - iv. have slopes steeper than 3:1; or
 - v. implementation by a contractor with a history of non-compliance.
 - 3. Projects exempt from the Construction General Permit but which may pose a negligible threat to water quality shall develop and implement a Water Pollution Control Plan in compliance with the City's Standards and Specifications. Projects that pose a negligible threat to water quality have none of the water quality concerns identified in Subsection 2 and may include, but are not limited to, remodeling projects and other interior improvements.
- C. During construction, construction activities shall be designed and conducted to minimize runoff of sediment and all other pollutants.
- D. Final approval and/or occupancy of a project shall not be granted until all temporary Best Management Practices have been removed from the site.

5.60.080 Post-Construction Stormwater Management Provisions

A. Purpose. This Section provides standards to reduce pollutant discharges to the maximum extent practicable and to prevent stormwater discharges from causing or contributing to a violation of receiving water quality standards, also known as post-construction stormwater management. These standards emphasize protecting and, where degraded, restoring key watershed processes to create and sustain linkages between hydrology, channel geomorphology, and biological health necessary for healthy watersheds. Maintenance and restoration of watershed processes impacted by stormwater management is necessary to protect water quality and the beneficial uses of surface and groundwater.

B. Permit requirements. The applicant shall submit a Stormwater Control Plan in compliance with the City's Standards and Specifications.

Prior to final approval and/or occupancy, the applicant shall submit a Long Term Operation and Maintenance Plan in compliance with the City's Standards and Specification.

5.60.090 Violations

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Section. A violation shall be subject to the enforcement actions contained in Municipal Code Article V, Chapter 6 (Illegal Discharges and Illicit Connections), Section 5607 or may be restrained by injunction or otherwise abated in a manner provided by law. (Ord. 13-04)

CHAPTER 6. PROCEDURES

6.10 Permit Application Filing and Processing.....	3
6.10.010 Purpose.....	3
6.10.020 Authority for Land Use and Zoning Decisions	3
6.10.030 Application Preparation and Filing	4
6.10.040 Application Review.....	6
6.10.050 Development Evaluation and Staff Reports.....	7
6.10.060 Application Fees.....	8
6.10.070 Indemnification	8
6.20 Permit Review and Decisions	9
6.20.010 Purpose.....	9
6.20.020 Administrative Development Permit.....	9
6.20.030 Administrative Use Permit Reserved	11
6.20.040 Coastal Development Permit	11
6.20.050 Emergency Coastal Development Permit.....	18
6.20.060 Development Permit	21
6.20.070 Home Occupation Permit.....	22
6.20.072 Modification to Standards	22
6.20.075 Short-Term Rental Permit.....	25
6.20.080 Temporary Use Permit.....	27
6.20.090 Use Permit	31
6.20.100 Variance	32
6.20.110 Zoning Clearance	33
6.30 Permit Implementation, Time Limits, Extensions, and Revocations.....	35
6.30.010 Purpose.....	35
6.30.020 Effective Date of Permits	35
6.30.030 Applications Deemed Approved.....	36
6.30.040 Permit to Run With the Land.....	36
6.30.050 Performance Guarantees.....	36

6.30.060	Time Limits and Extensions	37
6.30.070	Changes to an Approved Development	38
6.30.080	Permit Revocations	39
<hr/>		
6.40	<u>Affordable Housing Streamlined Review</u>	41
6.40.010	<u>Purpose</u>	41
6.40.020	<u>Eligibility</u>	41
6.40.030	<u>Exclusions</u>	42
6.40.040	<u>Certifications</u>	43
6.40.050	<u>Review Procedure</u>	44

10 Permit Application Filing and Processing

Sections:

- 6.10.010 - Purpose
- 6.10.020 - Authority for Land Use and Zoning Decisions
- 6.10.030 - Application Preparation and Filing
- 6.10.040 - Application Review
- 6.10.050 - Development Evaluation and Staff Reports
- 6.10.060 - Application Fees
- 6.10.070 - Indemnification

6.10.010 Purpose

The purpose of this Section is to set forth permit procedures and requirements for the preparation, filing, and processing of development applications required by this Development Code. The development review process is designed to provide a consistent and efficient method for the City to implement its General Plan and other adopted goals, policies, and standards.

6.10.020 Authority for Land Use and Zoning Decisions

Table 6.1 (Review Authority), below, identifies the Review Authority responsible for reviewing and making decisions on each type of development application required by this Development Code.

Type of Action	Code Section	Review Authority ⁶		
		Director	Commission	Council
General Plan Amendment	7.30	Recommend	Recommend	Decision
Local Coastal Program Amendment	7.30	Recommend	Recommend	Decision ¹
Development Code Amendment	7.30	Recommend	Recommend	Decision
Financial Assistance	Council Policy	Recommend	No action	Decision
Administrative Development Permit	6.20.020	Decision	Appeal	Appeal
Administrative Use Permit	6.20.030	Decision	Appeal	Appeal
Coastal Development Permit	6.20.040	Recommend ²	Decision	Appeal
Development Permit	6.20.060	Recommend	Decision	Appeal
Modification to Standards	6.20.072	Decision⁷	Appeal⁷	Appeal
Use Permit	6.20.090	Recommend	Decision ^{3,4}	Appeal ^{3,4}
Variance	6.20.100	Recommend	Decision	Appeal
Zoning Clearance	6.20.110	Decision⁵	--	--
Home Occupation Permit	6.20.070	Decision	Appeal	Appeal
Short-Term Rental Permit	4.10.185	Decision	Appeal	Appeal
Temporary Use Permit	6.20.080	Decision	Appeal	Appeal
Interpretations	1. 2010 .050	Decision	Appeal	Appeal

Table 6.1 Review Authority			
Type of Action	Code Section	Review Authority ⁶	
		Director	Commission
Note:			
1. The decision by the City Council does not take effect until it is certified by the California Coastal Commission.			
2. The Director may approve a Coastal Development Permit in compliance with Section 6.20.040.			
3. For projects subject to a Zoning Clearance with a Subdivision Map or a Tentative Parcel Map, the Director shall be the Review Authority.			
34. The City Council shall be the Review Authority for Use Permits for Commercial Cannabis Retailer and Microbusinesses with retailer uses.			
5. The Director's decision under a Zoning Clearance is a ministerial action and not subject to an appeal.			
6. The Review Authority responsible for reviewing and making decisions on each type of permit shall be responsible for making any applicable CEQA determination. A CEQA determination may be appealed to the Council.			
7. Items subject to Director review are listed in Section 6.20.072.B.1-7; items subject to Planning Commission review are listed in Section 6.20.072.B.8. Modifications to two or more items listed in Subsection B.1-7 shall be reviewed by the Planning Commission.			

6.10.030 Application Preparation and Filing

A. Pre-application conference.

1. An applicant ~~is encouraged to request~~ may submit a pre-application ~~conference~~ review with the Director before completing and filing a development application for major development applications (e.g., residential subdivisions greater than 10 units, mixed-use projects, large non-residential projects, etc.), or to ensure conformity with objective design standards prior to building permit submittal for projects that may be approved with a Zoning Clearance (Section 6.20.110).
2. The purpose of ~~this conference~~ the review for a major development project is to:
 - a. Inform the applicant of City development and design standards as they apply to the proposed development;
 - b. Review the City's permit process, possible development alternatives, or modifications; and
 - c. Identify information and materials the City typically requires for similar applications, and any necessary technical studies and information relating to the environmental review of the development (if applicable).
 - d. Allow for a presentation to the City Council to receive feedback on a conceptual project design.
3. The purpose of the review for a project that requires a Zoning Clearance is to provide verification that the proposed project is in conformance with objective development and design standards or identify which standards are not in compliance with the Development Code. The applicant may re-submit for an additional review and pay the required fee as established in the Master Fee Schedule.

~~34~~. Failure by City staff to identify all required studies or all applicable standards does not constitute a waiver of those studies or standards.

~~45~~. The pre-application ~~conference~~ review shall not be construed as either a recommendation for approval or denial of the application by the City.

- B. **Application content.** All development applications shall be filed with the Department on a City application form, together with all required fees and/or deposits and all other information and materials specified in the Department's handouts and/or checklists submittal requirements for the specific type of application and any additional instructions provided by the Director. The Department will prepare required forms and checklists.
- C. **Eligibility.** An application may only be filed by the owner of the property, an authorized agent of the owner, a person acting in compliance with a purchase contract or other written consent, or the Director on behalf of the Council.
- D. **SB 330 Preliminary Application.** The SB 330 Preliminary Application review process was established under the State's Housing Crisis Act of 2019 and is a specific type of review by the Director. The process provides early identification of all standards and requirements applicable to a project, offering a vesting of standards relative to the time an SB 330 Preliminary Application is submitted. A review under this procedure is subject to all requirements and information and materials listed on the City's SB 330 Preliminary Application. The availability of this type of review shall sunset on January 1, 2030, unless extended by the State legislature. The preliminary application review process is at the option of a project proponent and may only be implemented when all requirements are satisfied, including all timeframes required for submittal of a formal application. The following outlines the process to be followed:
1. In compliance with Government Code Section 65941.1, a proponent of a multi-unit residential development or mixed-use development with a residential component has the option of submitting a Preliminary Application. All of the information listed in City's SB 330 Preliminary Application form and payment of the Preliminary Application processing fee shall be submitted to the City.
 2. If the City determines that the Preliminary Application for the development project is incomplete, the project proponent must submit the specific information needed to complete the application within 90 days of receiving the City's written identification of the necessary information. If the project proponent does not submit this information within the 90-day period, then the preliminary application shall expire and have no further force or effect, and if any portion of the ministerial design review was completed or approved, it shall be deemed null and void.
 3. After submittal of all of the information required, if the project proponent revises the project to change the number of residential units or square footage of construction changes by 20 percent or more, excluding any increase resulting

from Density Bonus Law, the development proponent must resubmit the required information so that it reflects the revisions.

4. The project proponent shall submit a formal application for a development project within 180 calendar days of submitting a complete preliminary application. If the City determines that the formal application for the development project is incomplete, the project proponent shall submit the specific information needed to complete the application within 90 days of receiving the City's written identification of the necessary information. If the project proponent does not submit this information within the 90-day period, then the preliminary application shall expire and have no further force or effect, and any such ministerial design review approval shall be deemed null and void.
5. If the applicant revises the project between the Preliminary Application phase and the formal application phase such that the number of residential units or square footage of construction changes by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, the project shall not be deemed to have submitted a Preliminary Application, in satisfaction of State and City requirements, until the project proponent resubmits the required information.

6.10.040 Application Review

- A. **Determination of completeness.** The Director shall review each application for completeness and accuracy before it is considered officially filed. The Director's determination of completeness shall be based on the Department's submittal requirements and any additional instructions provided by the Director.
 1. Notification of Applicant. As required by Government Code Section 65943, within 30 calendar days of application filing, the applicant shall be informed in writing that the application is complete and has been accepted for processing or that the application is incomplete and that additional information shall be provided to complete the application process.
 2. Appeal of determination. Where the Director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the determination in compliance with Section 7.20 (Appeals).
 3. Time for submittal of additional information. When an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur.
 4. Expiration of application. If an applicant fails to provide the additional information specified in the incompleteness letter within six months, the application shall

expire and be deemed withdrawn. At which time, the Director may authorize a partial refund based upon the pro-rated costs to-date at the time of withdrawal. The Director may grant one six-month extension, if requested in writing by the applicant prior to the date of expiration. After the expiration of an application, development approval shall require the submittal of a new, complete application, together with all required deposits and/or fees.

5. Environmental information. After an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the development.

- B. **Determination of Coastal Development Permit notice and hearing.** For developments proposed within the Coastal Zone (Section 6.20.040 Coastal Development Permits), the Director shall make the determination as to whether the development is categorically excluded, non-appealable, or appealable for the purposes of notice, hearing, and appeal procedures, at the same time that completeness review occurs in compliance with Subsection A.

6.10.050 Development Evaluation and Staff Reports

- A. **Staff evaluation.** The Director shall review applications to determine whether they are consistent with the General Plan, this Development Code, and other City goals, policies, and standards, as applicable.
- A. **Referral of application.** At the discretion of the Director, or where otherwise required by this Development Code or State or Federal law, an application may be referred to any public agency that may be affected by or have an interest in the proposed development.
- B. **Concurrent applications.**
 1. Concurrent filing. An applicant for a development that requires the filing of more than one application (e.g., Tentative Subdivision Map, Use Permit, etc.), shall file all related applications concurrently, together with all application fees and/or deposits required by Section 6.10.060 (Application Fees).
 2. Concurrent processing. Multiple development applications for the same ~~development~~ project shall be processed concurrently and ~~shall be~~ reviewed and approved or denied by the highest Review Authority designated ~~by this Development Code for any of the applications in Table 6.1~~ (e.g., a development for which applications for Development Code Amendment and a Use Permit are filed shall have both applications decided by the Council, instead of the Commission acting upon the Use Permit as otherwise provided by Table 6-1).
- C. **Staff report.** Where appropriate, the Director shall provide a written recommendation to the applicable Review Authority on the disposition of the application.

6.10.060 Application Fees

- A. **Fee schedule.** The Council shall establish a schedule of fees for the processing of the applications required by this Development Code, which shall be listed in the City's Master Fee Schedule. Fees are intended to allow recovery of all costs incurred by the City in processing development applications.
- B. **Timing of payment.** The City will not process an application until all required fees or deposits have been paid. If at any time during the review process deposits are insufficient to cover the City's costs of processing the application, the City shall cease processing until additional funds are submitted.
- C. **Refunds and withdrawals.** Application fees cover City costs for public hearings, mailings, staff time, and the other activities involved in processing applications. Fees are not refundable in the event of denial by the Review Authority. In the case of a withdrawal, the Director may authorize a partial refund based upon the pro-rated costs to-date at the time of withdrawal.

6.10.070 Indemnification

- A. **Applicant agreement.** At the time of submitting a development application, the applicant shall agree to defend, indemnify, and hold harmless the City and its agents, attorneys, employees, and officers, from any action, claim, loss, or proceeding brought against the City or its agents, employees, and officers to attack, set aside, void, or annul a discretionary land use approval of the City. The required indemnification shall include damages awarded against the City, if any, costs of suit, attorney's fees, and other costs and expenses incurred in connection with the action.
- B. **City notification of applicant.** In the event that an action, claim, or proceeding referred to in Subsection A. above is brought, the City shall promptly notify the applicant of the existence of the action, claim, or proceeding and shall cooperate fully in the defense of the action, claim, or proceeding.
- C. **City participation in defense.** Nothing in this Section shall prohibit the City from participating in the defense of any action, claim, or proceeding, if the City elects to bear its own attorney's fees and costs.

20 Permit Review and Decisions

Sections:

- 6.20.010 - Purpose
- 6.20.020 - Administrative Development Permit
- 6.20.030 - ~~Administrative Use Permit~~ [Reserved](#)
- 6.20.040 - Coastal Development Permit
- 6.20.050 - Emergency Coastal Development Permit
- 6.20.060 - Development Permit
- 6.20.070 - Home Occupation Permit
- 6.20.075 – Short-Term Rental Permit
- 6.20.080 - Temporary Use Permit
- 6.20.090 - Use Permit
- 6.20.100 - Variance
- [6.20.110 - Zoning Clearance](#)
- [6.20.120 - Modifications to Standards](#)

6.20.010 Purpose

This Section provides procedures for the review and approval or denial of development applications and other review requirements established by this Development Code. The procedures of this Section are carried out after those described in Section 6.10 (Permit Application Filing and Processing).

6.20.020 Administrative Development Permit

- A. **Purpose.** This Section establishes procedures for Administrative Development Permits for minor additions and ~~uses~~ [alterations](#) to ensure that development and design standards are met. ~~that may be needed to avoid or minimize potential negative impacts on the surrounding area.~~
- B. **Applicability**
- ~~1. When required.~~ An Administrative Development Permit is required to authorize ~~land uses for~~ the following types of projects:
- ~~a. Additions to existing multi-family dwellings.~~
 - ~~b. 1.~~ [1.](#) Additions to non-residential buildings no greater than 1,000 square feet.
 - ~~c. 2.~~ [2.](#) Alterations to non-residential building elevations that are visible from a public street.
 - ~~d. 3.~~ [3.](#) Alterations to non-residential sites (e.g., landscaping, parking).
 - ~~e. Conversion of a commercial unit to a residential dwelling.~~
 - ~~f. 4.~~ [4.](#) Grading permits when not associated with a building permit or other development permits.

~~g.~~ 5. As required by other Sections of this Development Code.

~~2. Exceptions. The following are exempt from the requirements of an Administrative Development Permit:~~

~~a. Accessory structures, fences, and walls erected in compliance with this Development Code.~~

- C. **Review Authority.** The Director shall approve, conditionally approve, or deny an Administrative Development Permit application. The Director may also refer the application to the Commission.
- D. **Application requirements.** An application for an Administrative Development Permit shall be prepared, filed, and processed in compliance with Section 6.10 (Permit Application Filing and Processing).
- E. **Public Notice, Hearing, and Appeals for Administrative Development Permits.**
~~and hearing. A public notice and hearing shall not be required for the Director's decision on an Administrative Development Permit application.~~
 - 1. Notice Required. Notice of the intent by the Director to approve an Administrative Development Permit application, or approve with conditions, shall be mailed by the Director to the applicant and all owners of property within 100 feet of the exterior boundaries of the subject property. The notice shall state that any interested party may file an appeal to the Planning Commission of the Director's intended decision within the 10-day period stated in the notice. In the event the Director acts to deny the application, no public notice shall be required. However, the Director shall notify the applicant of the right to appeal the denial to the Planning Commission.
 - 2. Appeals. If an appeal is received, the Director shall schedule the appeal for a public hearing before the Planning Commission at the next available Commission hearing in accordance with Section 7.10 (Public Hearings). The person filing the appeal shall pay the fee as established in the Master Fee Schedule.
 - 3. Hearings. No public hearing shall be required for a Director-approved Administrative Development Permit.
- F. **Findings.** The Director may approve an Administrative Development Permit only after making all of the following findings:
 - 1. The proposed development is consistent with the General Plan, this Development Code, and other City goals, policies, and standards, as applicable.
 - 2. ~~The~~ For non-residential development, the subject site is physically suitable in terms of design, operating characteristics, shape, size, and topography.
 - 3. The proposed development will not constitute a hazard to the public, health, safety, or welfare.

- G. **Conditions of Approval.** In approving an Administrative Development Permit, the Director may impose conditions of approval to ensure that the development will comply with the findings required by Subsection F (Findings).

6.20.030 ~~Administrative Use Permit~~ Reserved

- ~~A. **Purpose.** This Section establishes procedures for Administrative Use Permits for uses that may only be appropriate on particular sites and/or may need to be carefully designed to avoid or minimize potential negative impacts on the surrounding area.~~
- ~~B. **Applicability.** An Administrative Use Permit is required to authorize land uses as specified in Chapter 2 (Zones and Allowable Land Uses) or as required by other Sections of this Development Code.~~
- ~~C. **Review Authority.** The Director is authorized to approve, conditionally approve, or deny Administrative Use Permit applications.~~
- ~~D. **Application requirements.** An application for an Administrative Use Permit shall be prepared, filed, and processed in compliance with Section 6.10 (Permit Application Filing and Processing).~~
- ~~E. **Notice and hearing.** Notice of the public hearing shall be provided and the hearing shall be conducted in compliance with Section 7.10 (Public Hearings).~~
- ~~F. **Findings.** The Director may approve an Administrative Use Permit only after making all of the following findings:~~
- ~~1. The proposed development is consistent with the General Plan, this Development Code, and other City goals, policies, and standards, as applicable.~~
 - ~~2. The subject site is physically suitable in terms of design, operating characteristics, shape, size, and topography.~~
- ~~G. **Conditions of Approval.** In approving an Administrative Use Permit, the Director may impose conditions of approval to ensure that the development will comply with the findings required by Subsection E (Findings).~~

6.20.040 Coastal Development Permit

- A. **Purpose.** This Section establishes the process for the review of all development that requires a Coastal Development Permit to ensure that it will be consistent with the provisions of the City's Local Coastal Program, the California Coastal Act and the California Code of Regulations Title 14 Division 5.5.
- B. **Applicability.**
1. Coastal Development Permit required. A Coastal Development Permit is required to authorize any development located in the Coastal Zone in accordance with the provisions of this Section, except as otherwise provided in Subsection 2

(Exemptions). "Development" for purposes of this Section is defined in Section 9.10.030 (Coastal Act Definitions). The requirements for obtaining a Coastal Development Permit shall be in addition to requirements to obtain any other permits required by this Development Code.

2. Exemptions. The following projects shall not require a Coastal Development Permit.
 - a. Occupancy permits.
 - b. Development exempted by Public Resources Code Section 30106 and 30610, except as otherwise specified by the Coastal Commission in Title 14 of the California Code of Regulations, Chapter 6, Section 13250, 13252, and 13253 and any amendments thereafter adopted.
 - c. Harvesting of agricultural crops.

- C. **Review Authority.** The Commission is authorized to issue Coastal Development Permits for appealable and non-appealable projects that require a public hearing. The Director is authorized to issue Coastal Development Permits for non-appealable projects that do not require a public hearing.

The City does not have jurisdiction to issue Coastal Development Permits for the following:

1. Development projects located in tidelands, submerged lands, and public trust lands as described in Section 30519(b) of the Public Resources Code and described as areas of Coastal Commission Permit Jurisdiction illustrated on the Local Coastal Program Post-Certification Permit and Jurisdiction Map as amended.
2. Coastal Development Permits issued by the Coastal Commission including condition compliance. Where either new development, or a modification to existing development, is proposed on a site where development was authorized in a Coastal Commission issued Coastal Development Permit either prior to certification of the LCP or through a de novo action on an appeal of a City approved Coastal Development Permit and the permit has not expired or been forfeited, the applicant shall apply to the City for the Coastal Development Permit except for:
 - a. Requests for extension, reconsideration and revocation of the Coastal Commission issued permits;
 - b. Development that would lessen or negate the purpose of any specific permit condition, any mitigation required by recorded documents, any recorded offer to dedicate or grant of easement or any restriction/limitation or other mitigation incorporated through the project description by the permittee of a Coastal Commission issued Coastal Development Permit.

In any of these circumstances, the applicant must seek to file an application with the Coastal Commission for an amendment to the Coastal Commission issued Coastal

Development Permit and authorization for the proposed new development or modification to existing development. The Coastal Commission will determine whether the application for amendment shall be accepted for filing pursuant to the provisions of Title 14 California Code of Regulations, Section 13166.

- D. **Application Requirements.** An application for a Coastal Development Permit shall be prepared, filed, and processed in compliance with Section 6.10 (Permit Application Filing and Processing).
- E. **Determination of permit category.** The Director shall determine if the proposed project requires a Coastal Development Permit and, if so, determine whether the project is appealable to the Coastal Commission, and determine the applicable review procedures as established herein. This determination may be appealed in compliance with Subsection 1 (Appeal of permit category determination).
1. Appeal of permit category determination. Where an applicant or interested person, including the City and the Coastal Commission staff have a question as to whether a development is exempted, excluded, non-appealable, or appealable, the following procedures shall establish whether a development is exempted, excluded, non-appealable or appealable:
 - a. The Director shall make a determination as to what type of development is being proposed (i.e. appealable, non-appealable) and shall inform the applicant of the notice and hearing requirements for that particular development.
 - b. If the determination of the Director is challenged by the applicant or an interested person, or if the City wishes to have a Coastal Commission determination as to the appropriate designation, the Director shall notify the District Director of the Central Coast District Office of the Coastal Commission by telephone or in writing of the dispute/question and shall request the Executive Director's determination as to whether the development is categorically excluded, non-appealable or appealable.
 - c. The Executive Director of the Coastal Commission shall, within two working days of the local government request (or upon completion of a site inspection where such inspection is warranted), transmit a determination as to whether the development is categorically excluded, non-appealable or appealable.
 - d. Where, after the Executive Director's investigation, the Executive Director's determination is not in accordance with the City Director's determination, the Coastal Commission shall hold a hearing for purposes of determining the appropriate designation for the area. The Commission shall schedule the hearing on the determination for the next Commission meeting (in the appropriate geographic region of the state) following the Executive Director's determination.

F. **Public hearing.** At least one public hearing shall be held by the Commission on each application for appealable development as defined in Section 9.10 (Definitions) of this Development Code.

1. Such hearing shall occur no earlier than 10 calendar days following the mailing of the notice required in Subsection G. The public hearing may be conducted in accordance with existing City procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing.
2. If a decision on a Coastal Development Permit is continued by the City to a time which is neither (a) previously stated in the notice provided pursuant to Subsection G, nor (b) announced at the hearing as being continued to a time certain, the City shall provide notice of the further hearings (or action on the proposed development) in the same manner, and within the same time limits as established in Subsection G.
3. Any person may submit written comments to the Director on an application for a Coastal Development Permit, or on an appeal of a Coastal Development Permit, at any time prior to the close of the public hearing. If no public hearing is required, written comments may be submitted prior to the decision date specified in the public notice. The Director shall forward the written comments to the appropriate Review Authority and the applicant.

G. **Public notice.**

1. Notice of Appealable & Non-Appealable Developments – Public Hearing Required.
 - a. Notice of an application for a Coastal Development Permit that is appealable or non-appealable and requires a public hearing shall be provided at least 10 calendar days prior to the first public hearing on the development proposal as follows:
 - i. Notice shall be published in a newspaper of general circulation;
 - ii. Notice by first class mail to any person who has filed a written request to be on the mailing list for that development project or for coastal decisions within the City; or any local, regional and state agencies known to be interested in the project;
 - iii. Notice by first class mail to all property owners within 300 feet and to all residents within 100 feet of the proposed project;
 - iv. Notice by first class mail to the Central Coast District of the Coastal Commission.
 - b. The notice shall contain the following information:
 - i. A statement that the development is within the Coastal Zone;
 - ii. The name of the applicant;

- iii. The application number;
 - iv. A description of the development and its proposed location;
 - v. The date, time and place at which the application will be heard by the city Review Authority;
 - vi. A brief description of the general procedure concerning the conduct of hearing and local actions;
 - vii. The procedures for filing local and Coastal Commission appeals, if applicable, including any local fees required.
2. Notice of Non-Appealable Developments – No Public Hearing Required
- a. Notice of an application for a Coastal Development Permit that is not appealable and does not require a public hearing shall be provided at least 10 calendar days prior to the Director taking action on the development proposal as follows:
 - i. Notice by first class mail to all property owners and residents within 100 feet of the proposed project;
 - ii. Notice by first class mail to any person who has filed a written request to be on the mailing list for that development project or for coastal decisions within the City;
 - iii. Notice by first class mail to the Central Coast District of the Coastal Commission.
 - b. The notice shall contain the following information:
 - i. A statement that the development is within the Coastal Zone;
 - ii. The name of the applicant;
 - iii. The application number;
 - iv. A description of the development and its proposed location;
 - v. The date the application will be acted upon by the Review Authority;
 - vi. The general procedure for submitting comments prior to the Review Authority taking action on the proposed development;
 - vii. A statement that any comments must be received within ten calendar days of the notice date.
- H. **Required findings.** The approval shall require that the Review Authority make all of the following findings:
- a. The proposed development as modified by any conditions of approval, is in conformity with the City's certified Local Coastal Program and will not adversely affect coastal resources;

- b. If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code);
- c. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment;

~~d. The proposed use is consistent with the purposes of the zone in which the site is located;~~

~~e. The proposed development is in conformance with the City's General Plan;~~

d. The proposed development is consistent with the General Plan, this Development Code, and other City goals, policies, and standards, as applicable.

~~f~~ e. The proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity; and

~~g~~ f. Public services are adequate to serve the proposed development.

- 2. Conditions of approval. The Review Authority may impose any reasonable conditions to ensure that the approval will comply with the findings required by Subsection H.

I. Final City Action on a Coastal Development Permit.

- 1. Finality of City action. The City's decision on an application for a Coastal Development Permit shall not be deemed final until:
 - a. The City's decision on the application has been made;
 - b. All required findings have been adopted that the proposed development is or is not in compliance with the certified Local Coastal Program and, where applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act; and
 - c. All rights of local appeal identified in Section 7.020.040 (Appeals to the Coastal Commission) have been exhausted.
- 2. Notice procedures of Final City Action.
 - a. Final City action. Within seven calendar days of a final City action on a Coastal Development Permit application, the City shall provide notice of its action by first class mail to the Central Coast District office of the Coastal Commission and to any person who specifically requested this notice. The notice shall include the conditions of approval, written findings, and the procedures for appeal of the local decision to the Coastal Commission, if applicable.

- b. Failure of City to act in a timely fashion. If the applicant believes that the City failed to act on an application within the time limits in Government Code Sections 65950 through 65957.1, which provide that permit applications are deemed approved if the permitting agency has not acted within specified deadlines, and which further provide that a project cannot be deemed approved without the public notice required by law, the applicant shall notify the City, all interested persons, and the Coastal Commission, in writing, of the claim that the development has been approved by operation of law. The notice shall specify the application that is claimed to be approved, the time, date, and place when the application was filed and deemed complete, and language stating the permit will be approved if the City does not act within 60 days.
 - c. Notice of City failure to act. When the City receives a notice that the time limits established in compliance with Government Code Sections 65950 through 65957.1 have expired, the City shall act on the application within 60 days of receipt of the notice required by law. If the City fails to act within 60 days of receipt of the notice required by law, the City shall notify the Commission and any person entitled to receive notice that the application has been locally approved by operation of law in compliance with Government Code Sections 65950 through 65957.1. The appeal period to the Coastal Commission for a project locally approved by operation of law shall begin to run only upon the receipt of the City notice in the Coastal Commission's office.
3. Effective date. The final action by the City on a Coastal Development Permit application for appealable development shall become effective after the 10 working day Coastal Commission appeal period, unless either of the following occur:
- a. An appeal is filed in compliance with Section 7.20.040 (Appeals to the Coastal Commission);
 - b. The notice of final City action does not comply with the requirements of Subsection 2.a.
 - c. When either of the circumstances in (a) or (b) occur, the Coastal Commission shall, within five calendar days of receiving notice of that circumstance, notify the City and the applicant that the effective date of the City action has been suspended.

J. Waiver of Coastal Permit Public Hearing for Minor Development

This Section provides for the waiver of a public hearing on a Coastal Development Permit for development that is appealable to the Coastal Commission, in compliance with Public Resources Code Section 30624.9. This Section shall not be used to waive the requirement for a public hearing on any other permit required by this Development Code to have a public hearing.

1. **Applicability.** The Director may waive the requirement for a public hearing on a Coastal Development Permit application for a minor development that is appealable to the Coastal Commission. For purposes of this section, "minor development" means a development which the City determines satisfies all of the following requirements:
 - a. Is consistent with the certified Local Coastal Program;
 - b. Requires no discretionary approval other than a Coastal Development Permit; and
 - c. Has no adverse effects, either individually or cumulatively, on coastal resources or public access to the shoreline or along the coast.
2. **Criteria for waiver.** A public hearing may be waived for minor development only if both of the following occur:
 - a. Notice that a public hearing shall be held upon request by any person is provided by the City to all persons who would otherwise be required to be notified of a public hearing by Section 7.10 (Public Hearings), as well as any other persons known to be interested in receiving notice; and
 - b. No request for public hearing is received by the City within 15 working days from the date of the City sending the notice required by paragraph (a). (Am. Ord. 14-04)
3. **Content of notice.** The notice required by Subsection 2.a shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the City on a development application.
4. **Second residential units** do not require a public hearing consistent with the applicable provisions of Government Code Section 65852.2
- K. **Coastal Development Permit Amendments.** Upon application by the permittee, a Coastal Development Permit may be amended. Application for an amendment shall be accomplished in the same manner specified by this Section for the initial application of the Coastal Development Permit.
- L. **Post approval procedures.** The procedures and requirements in Section 7.30 (Permit Implementation, Time Limits, Extensions, and Revocations), and those related to appeals in Chapter 7 (Administration), shall apply following the decision on an application for a Coastal Development Permit.

6.20.050 Emergency Coastal Development Permit

- A. **Purpose.** This Section provides procedures for the issuance of Emergency Coastal Development Permits deemed necessary to perform work to resolve problems resulting from a situation falling within the term "emergency" as defined in Section 9.10.030 (Definitions).

- B. **Applicability.** When immediate action by a person or public agency is required to resolve an emergency, requirements to obtain the otherwise appropriate development ~~application~~ permit may be waived by the Director upon receiving notification of the emergency, identification of the type of work required to resolve the emergency, and the location of work to be performed.
1. The Director shall not issue an Emergency Coastal Development Permit for any work to be conducted on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled. Requests for emergency work in these areas shall be referred directly to the Coastal Commission.
- C. **Review Authority.** The Director, Public Works Director or City Manager shall have the discretion to grant Emergency Coastal Development Permits in compliance with this Section.
- D. **Method and content of notification.** Notification of the emergency to the Director shall be by letter or facsimile, if time allows, or by telephone or personal contact, if time does not allow. The person notifying the Director shall report to their best knowledge:
1. The nature and location of the emergency;
 2. The cause of the emergency, insofar as this can be established;
 3. The remedial, protective, or preventative work required to resolve the emergency;
 4. The circumstances during the emergency that appeared to justify the proposed courses of action; and
 5. The probable consequences of failing to take the actions necessary to resolve the emergency.
- E. **Verification.**
1. The Director shall verify that an emergency does exist, insofar as time allows.
 2. The Director and the person or public agency that made the notification shall document the facts related to the emergency.
- F. **Public notice.** The Director shall provide public notice of the proposed emergency actions as determined to be appropriate by the Director based on the nature of the emergency.
- G. **Findings.**
1. **Required findings.** The Director may approve an Emergency Coastal Development Permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular Coastal Development Permit application later, if the Director finds that:

- a. An emergency exists that requires action more quickly than allowed by City procedures customarily required for the processing of appropriate development ~~application permits~~ and the development shall be completed within 30 days, unless otherwise specified in the terms of the permit (Am. Ord. 14-04);
 - b. Public comment has been considered regarding the emergency and the proposed actions, if time allows;
 - c. The work is consistent with the nature of the emergency, and the requirements of the certified Local Coastal Program; and
 - d. The work proposed is the minimum action necessary to address the emergency and, to the maximum extent feasible, is the least environmentally damaging temporary alternative for addressing the emergency.
2. Conditions of approval. If granted, an Emergency Coastal Development Permit shall be subject to reasonable and necessary terms and condition and shall be a written document that includes the following information:
- a. Language clearly indicating that the work accomplished under an Emergency Coastal Development Permit is considered temporary until authorized by a follow-up regular Coastal Development Permit and that issuance of an Emergency Coastal Development Permit shall not constitute an entitlement to the erection of permanent development or structures;
 - b. The date of issuance and an expiration date for the Emergency Coastal Development Permit;
 - c. The scope of work to be performed;
 - d. Terms and conditions of the permit;
 - e. A provision stating that within 90 days of issuance of the Emergency Coastal Development Permit, a regular Coastal Development Permit application shall be submitted and properly filed consistent with the requirements of this Chapter; and
 - f. A provision that states that: The development authorized in the Emergency Coastal Development Permit must be removed unless a complete application for a regular Coastal Development Permit is filed within 90 days of approval of the emergency permit and said regular permit is approved. If a regular Coastal Development Permit authorizing permanent retention of the development is denied, then the development that was authorized in the Emergency Coastal Development Permit, or the denied portion of the development, must be removed. The Emergency Coastal Development Permit may contain conditions for removal of development or structures if they

are not authorized in a regular Coastal Development Permit, or the emergency permit may require that a subsequent permit must be obtained to authorize the removal.

The violation of any condition of approval shall constitute a violation of this Section and may constitute grounds for revocation of the permit.

H. Reporting.

1. The Director shall report, in writing or orally, to the Council at each regular meeting of the Council while an Emergency Permit is in effect. The report shall state the nature of the emergency, the progress of the work to resolve the emergency, and any other pertinent information.
2. The Director shall report, in writing, the issuance of Emergency Permits to the Coastal Commission within three days following the date of issuance.
3. Copies of any written report shall be available at the Council meetings and shall be mailed to all persons who have requested notification and associated reports in writing.

6.20.060 Development Permit

- A. **Purpose.** This Section establishes procedures for Development Permits for new development and major additions to ensure that all development and design standards are met that may be appropriate on particular sites and/or may need to be carefully designed to avoid or minimize potential negative impacts on the surrounding area.
- B. **Applicability.** The following types of projects require approval of a Development Permit (a Use Permit approval may also be required for a defined land use within this Development Code):
- ~~1. When required. A Development Permit review is required to authorize land uses for the following types of projects:~~
- ~~a. New multi-family development~~
1. Residential development projects with five or more dwelling units.
2. Mixed-use development projects with 10 or more dwelling units.
- ~~b. 3. New non-residential development or redevelopment.~~
- ~~c. New construction or additions to single-family dwellings in single-family residential zones located north of West Grand Avenue that exceed 15 feet in height as measured at the highest point of the lot at the buildings edge.~~
- ~~d. 4. Additions to non-residential buildings greater than 1,000 square feet.~~
- ~~e. 5. Conversion of a residential dwelling to a commercial use.~~

6. Conversion of existing multi-unit dwellings using fractional density into ten or more additional dwelling units.

~~f. 7.~~ As required by other Sections of this Development Code.

~~2. Exceptions. The following are exempt from the requirements of a Development Permit:~~

~~a. Accessory structures, fences, and walls erected in compliance with this Development Code.~~

- C. **Review Authority.** The Commission is authorized to approve, conditionally approve, or deny Development Permit applications.
- D. **Application requirements.** An application for a Development Permit shall be prepared, filed, and processed in compliance with Section 6.10 (Permit Application Filing and Processing).
- E. **Notice and hearing.** Notice of the public hearing shall be provided and the hearing shall be conducted in compliance with Section 7.10 (Public Hearings).
- F. **Findings.** The Commission may approve a Development Permit application only after making all of the following findings:
 - 1. The proposed development is consistent with the General Plan, this Development Code, and other City goals, policies, and standards, as applicable.
 - 2. ~~The~~ For non-residential development, the subject site is physically suitable in terms of design, operating characteristics, shape, size, and topography.
 - 3. The ~~site's suitability ensures that the type and intensity of use being proposed~~ development will not constitute a hazard to the public, health, safety, or welfare.
 - 4. ~~For development in the R1, CR1, and CPR1 zones that exceed 15 feet in height, the proposed development will not substantially obstruct views from adjacent properties.~~
- G. **Conditions of Approval.** In approving a Development Permit, the Commission may impose conditions of approval to ensure that the development will comply with the findings required by Subsection F (Findings).

6.20.070 Home Occupation Permit

- A. **Purpose.** This Section establishes procedures and standards for Home Occupation Permits for legal commercial enterprise conducted by an occupant(s) of a dwelling as specified in this Section. These activities may be acceptable if reviewed and appropriately conditioned in compliance with this Section.
- B. **Applicability.** The Home Occupation Permit is intended to permit and regulate home occupations that are conducted within a legally established dwelling. The

Home Occupation Permit is only valid for the person to whom it is issued at the application address.

C. Review Authority.

1. The Director is authorized to issue Home Occupation Permits. The Director shall approve, conditionally approve, or deny Home Occupation Permits.
2. In conjunction with the Home Occupation Permit, the applicant shall obtain a Business Tax Certificate in compliance with Municipal Code Article X.

D. Application requirements. An application for a Home Occupation Permit shall be prepared, filed, and processed in compliance with Section 6.10 (Permit Application Filing and Processing). It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection I below.

E. General standards. Home occupations shall conform to the following standards:

1. The home occupation shall be clearly an accessory use to the full-time use of the property as a residence.
2. A home occupation may have a maximum of one employee on-site in addition to the full-time residents of the dwelling.
3. All home occupation activities shall not occupy more than 25 percent of the total floor area of the dwelling, or a maximum of 500 square feet, whichever is less. A garage may be used for home occupation purposes only if the required off-street parking spaces are continually maintained.
4. There shall be no signs posted on the property associated with the home occupation.
5. There shall be no window display or outdoor storage or display of equipment, materials, or supplies associated with the home occupation.
6. There shall be no motor vehicles used or kept on the premises, except residents' passenger vehicles and/or one commercial vehicle not exceeding an unladen weight of 4,500 pounds. The vehicle shall be parked on-site (i.e., the vehicle shall not be parked on the street) within an allowed parking area.
7. No home occupation activity shall create or cause dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances as determined by the Director.
8. Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the property. The use shall not employ the storage of explosive, flammable, or hazardous materials beyond those normally associated with a residential use.

9. The use shall not require any exterior modifications to the structure not customarily found in a dwelling, nor shall the home occupation activity be visible from a public street or surrounding properties.

F. Permitted Uses. The following uses shall be considered permitted:

1. Office-only uses (e.g., professional services, electronic commerce, etc.) where the business activity typically includes phone calls, use of computers, and paperwork.
2. Arts and crafts work (e.g., small handcrafted items, painting, photography, etc.).
3. Repair of small non-hazardous items (e.g., sewing, jewelry, clocks, computer repair, etc.) for mobile businesses where customers do not visit the dwelling.
4. Music, dance, physical and educational instruction limited to five students or less and no more than three classes per day between the hours of 7:00 a.m. and 10:00 p.m. conducted within the residence (i.e., not within a garage, accessory structure or outdoors).
5. Other uses similar to the above uses as determined by the Director.

G. Prohibited Uses. The following uses shall be prohibited:

1. On-site sales of products or services, unless otherwise specifically allowed in this Section.
2. Automotive and other vehicle repair (e.g., boats, motorcycles, trucks, etc.) and service (body or mechanical), detailing, painting, storage, or upholstery.
3. Welding and machine shop operations.
4. Personal services and personal services-restricted (as defined in Chapter 9 Definitions).
5. Uses that require explosives, highly combustible materials, or toxic materials.
6. Carpenter, wood working, or cabinet making.
7. Wood cutting businesses.
8. Medical and dental offices.
9. Veterinary clinics, animal hospitals and animal boarding.
10. Construction contractor facilities and/or outside storage. An office only use is allowed in compliance with Subsection F.1.
11. Adult businesses.
12. Other uses determined by the Director to be similar to those listed above and/or not compatible with residential uses.

H. Notice and hearing. A public notice and hearing shall not be required for the Director's decision on a Home Occupation Permit.

- I. **Findings.** The Director may approve a Home Occupation Permit subject to all of the following findings:
1. The proposed use is compatible with the surrounding residential uses.
 2. The proposed use is clearly an accessory use to the primary use as a full-time residence.
 3. The proposed use does not alter the residential character of the dwelling and property.
 4. The proposed use will not constitute a hazard to the public, health, safety, or welfare.
- J. **Conditions of Approval.** In approving a Home Occupation Permit application, the Director may impose conditions or terms deemed reasonable and necessary to ensure that the approval would be in compliance with the purpose of this Section. If the Home Occupation Permit application is not operated consistent with the requirements of this Section, it may be revoked as specified in Section 6.30.080 (Permit Revocations).

6.20.072 Modification to Standards

- A. **Purpose.** This purpose of this Section is to provide the flexibility necessary to allow for minor deviations or exceptions from development standards and/or objective design standards applicable to development to respond to unique conditions of a property or project or to the conditions on adjacent properties, that constitute a reasonable use or development of a property that will be compatible with surrounding uses and development.
- B. **Applicability.** An application for Modification to Standards may only be submitted for the following:
1. Decrease of up to 20 percent of a front or street side setback, but in no event shall a structure be located closer than three feet from the property line.
 2. Increase of up to one foot in the height of a fence or wall located in a side or rear setback.
 3. An increase of up to eight feet above the maximum building height for architectural features, mechanical equipment, and an elevator shaft or stairway.
 4. Decrease of up to 10 percent in the dimensions for aisles, driveways, or parking spaces.
 5. Decrease in the required landscape coverage.
 6. Increase in allowed paving for parking in front and street side setback areas in residential zones to accommodate required parking.

7. For additions and alterations to existing dwelling unit(s), an alteration, relief, or substitution required by an objective design standard listed in Section 4.25 (Residential Objective Design Standards).
8. For new dwelling unit(s), an alteration, relief, or substitution required by an objective design standard listed in Section 4.25 (Residential Objective Design Standards).

C. Review Authority

1. Outside of Coastal Zone. The Director is authorized to approve, conditionally approve, or deny Modification to Standards for a singular minor exception to a development standard pursuant to Subsection B (items 1 through 7). Only the Planning Commission is authorized to approve, conditionally approve, or deny Modification to Standards seeking any type of exception from an objective design standard pursuant to Subsection B.8 and/or more than two minor exceptions to development standards.
2. Within Coastal Zone. A Coastal Development Permit (Section 6.20.040) is required to authorize any Modification to Standards for development located in the Coastal Zone.

D. Application Requirements. An application for a Modification to Standards shall be prepared, filed, and processed in compliance with Section 6.10 (Permit Application Filing and Processing).

E. Public Notice, Hearing, and Appeals for Modification Reviewed by Director.

1. Notice Required. Notice of the intent by the Director to approve a Modification application, or approve with conditions, shall be mailed by the Director to the applicant and all owners of property within 100 feet of the exterior boundaries of the subject property. The notice shall state that any interested party may file an appeal to the Planning Commission of the Director's intended decision within the 10-day period stated in the notice. In the event the Director acts to deny the application, no public notice shall be required. However, the Director shall notify the applicant of the right to appeal the denial to the Planning Commission.
2. Appeals. If an appeal is received, the Director shall schedule the appeal for a public hearing before the Planning Commission at the next available Commission hearing in accordance with Section 7.10 (Public Hearings). The person filing the appeal shall pay the fee as established in the Master Fee Schedule.
3. Hearings. No public hearing shall be required for a Director-approved Modification to Standards. For Modification to Standards applications that require Planning Commission review, notice of the public hearing shall be provided and the hearing shall be conducted in compliance with Section 7.10 (Public Hearings).

F. Approval. A Modification to Standards shall be approved only after the Review Authority makes all the following findings:

1. The Modification to Standards is consistent with the purpose, intent, goals, policies, programs, and land use designation of the General Plan, Development Code, and any applicable specific plan.
 2. The Modification to Standards will not be detrimental to the health, safety, or general welfare of the persons within the vicinity.
 3. For exceptions to objective design standards pursuant to Section 6.20.120.B.7 and 6.20.120.B.8, the Modification to Standards will result in a superior design approach suited to the type of development, circumstances at the property or adjacent property(ies), and/or constitutes a reasonable design solution that improves compatibility with surrounding development.
- G. Conditions of Approval. In approving a Modification to Standards, the Review Authority may impose conditions of approval to ensure that the development will comply with the findings required by Subsection F.

6.20.075 Short-Term Rental Permit

Refer to Section 4.10.185

6.20.080 Temporary Use Permit

- A. **Purpose.** This Section establishes procedures and standards for Temporary Use Permits for the short-term activities specified in this Section. These are activities that may not comply with particular standards of the applicable zone, but may otherwise be acceptable because of their temporary nature, if reviewed and appropriately conditioned in compliance with this Section.
- B. **Applicability.** A Temporary Use Permit is required to permit the short-term activities specified in this Section.
- C. **Review Authority.** The Director is authorized to issue Temporary Use Permits. The Director shall approve, conditionally approve, or deny Temporary Use Permits.
- D. **Application requirements.** An application for a Temporary Use Permit shall be prepared, filed, and processed in compliance with Section 6.10 (Permit Application Filing and Processing).
- E. **Exempt short-term activities.** The following activities are allowed without a Temporary Use Permit, but may require other permits as specified.
 1. Construction yards - On-site. On-site contractor's construction yard for an approved construction project including storage or cargo containers. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the project construction, whichever occurs first.

2. Fund-raising events.
 - a. Fund raising events (e.g., bake sales, yard sales, car washes, etc.) conducted on property within a non-residential zone, limited to a maximum of two days per month for each sponsoring organization.
 - b. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code.
3. Garage sales. Garage sales may be held in compliance with ~~Municipal Code Article X~~ Section 4.10.077 (Garage Sales).
4. Public right-of-way. Activities conducted within the public right-of-way that are authorized by an Encroachment Permit.
5. Special Events. A Special Events Permit shall be required in compliance with Municipal Code Article III if an event is anticipated or planned to be attended by more than 100 people.
6. Meeting halls or public assembly facilities. Events that occur at permanent meeting halls or public assembly facilities, unless the activity involves resale goods as defined in Chapter 9 (Definitions), which shall require a Temporary Use Permit to comply with the requirements of Section 4.10.160 (Resale Stores).

F. Allowed short-term activities. A Temporary Use Permit may authorize the following short-term activities within the specified time limits, but in no event for more than 12 months. Other activities that are proposed to occur for no more than 12 months, but do not fall within the categories defined below shall instead comply with the Development Permit requirements and development standards that otherwise apply to the property.

1. Events. Art and craft exhibits, carnivals, circuses, fairs, farmer's markets, festivals, flea markets, food events, open-air theaters, outdoor entertainment/sporting events, promotional events, rummage sales, swap meets, and other special events.
2. Seasonal sales lots. Seasonal sales activities (e.g., Christmas tree lots, pumpkins, agricultural products grown on the premises, etc.) including temporary residence/security trailers.
3. Mobile Vendors on private property. A mobile vendor may operate a maximum of 10 days per calendar month on private property, subject to the following operating requirements:
 - a. Access and Circulation. Mobile vending operations shall be located in an area that does not impede safe vehicular, bicycle, or pedestrian traffic or does not provide adequate sight distance at a corner in compliance with Section 3.10.030.E. Obstruction of access or circulation through any parking lot, or obstruction of access to any public sidewalk or street is prohibited.

- b. Location of Mobile Vendor. Mobile vendors shall be parked, stopped, or standing on an asphalt, concrete, or all-weather surface (as approved by the City Engineer) and outside of any designated fire lane, or loading space. Mobile vendors are prohibited on undeveloped lots except when operating as an ancillary use for a special event.
 - c. Seating Areas. Seating areas may be provided as authorized by the Temporary Use Permit.
 - d. Display of merchandise. The display of merchandise is prohibited and includes placement of goods outside of the vehicle and attached to the vehicle.
 - e. County Health Permit. Mobile vendors selling food or other consumable, ingestible products shall have a valid permit issued by the County Department of Public Health. All required County health permits must be in possession of the mobile vendor operator when operating in the city.
 - f. Hours of operations. Mobile vendors shall be prohibited from operating between the hours of 10:00 p.m. to 7:00 a.m., including set up and clean up.
 - g. Litter Removal. Mobile vendors shall remove litter caused by its products from any public and private property within a 25 foot radius of the vending vehicle's location.
 - h. Noise. Mobile vendors shall comply with Municipal Code Article III, Chapter 1.01 (Noise Standards).
 - i. Signage. Mobile vendors shall comply with Section 3.60 (Sign Regulations).
 - j. Events. The Director may allow more than one mobile vendor if associated with a special or promotional event of no greater than three consecutive days.
 - k. Waste Management.
 - i. Mobile vendors shall not discharge any liquid (e.g., water, grease, oil, etc.) onto or into city streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the operator.
 - ii. Mobile vending operations shall provide separate and clearly marked receptacles for trash, recycling and/or compost, according to the collection services available at the operating site. Operators shall properly dispose of all trash, recycling and/or compost generated by their operations daily.
4. Model homes & sales office. A model home(s) and/or sales office associated with a residential project. This may include off-site directional signs located on private property with written permission from the property owners. The maximum sign area shall be 36 square feet for each sign and a maximum sign height of six feet.

5. Temporary structures. A temporary classroom, office, or similar structure (not for storage), including a manufactured or mobile unit, may be approved as an accessory use for a maximum of 12 months.
 6. Temporary storage containers. A temporary storage or cargo container not associated with an active building permit may be approved for a maximum of 30 days. The storage container shall be located on-site.
 7. Temporary office and living quarters. A trailer or mobile home used as a temporary work and/or living quarters when associated with an active construction site.
 8. Construction yards - Off-site. Off-site contractors' construction yards, for an approved non-City construction project. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the project, whichever occurs first.
 9. Similar short-term activities. A short-term activity that the Director determines is similar to the other activities listed in this Section, and compatible with the applicable zone and surrounding land uses.
- G. **Notice and hearing.** A public notice and hearing shall not be required for the Director's decision on a Temporary Use Permit.
- H. **Findings.** The Director may approve a Temporary Use Permit subject to making all of the following findings:
1. The location, operation and time period of the temporary use will not constitute a hazard to the public interest, health, safety, or general welfare.
 2. The operation of the temporary use will not be detrimental to adjoining properties through the creation of excessive dust, light, noise, odor, or other objectionable characteristics.
 3. The proposed lot is adequate in size and shape to accommodate the temporary use without detriment to the enjoyment of other properties located adjacent to and in the vicinity of the subject lot.
 4. The proposed lot is adequately and safely served by streets having sufficient capacity and improvements to accommodate the quantity of traffic that the temporary use will or could reasonably be expected to generate.
 5. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at an acceptable off-site location.
- I. **Conditions of Approval.** In approving a Temporary Use Permit application, the Director may impose conditions that are deemed reasonable and necessary to ensure that the permit would be in full compliance with the findings required by Subsection H. This may include conditions from other City departments (e.g., Police, Fire, and Public Works) that may have a direct effect on the operation of the temporary use. Conditions may address any pertinent factors affecting the operation of the temporary event, or use, and may include the following:

1. Regulating the length of time for operations, operating hours and days.
2. Provision for adequate temporary pedestrian and vehicular circulation, and parking facilities.
3. Regulation of nuisance factors including mitigation of glare or direct illumination, dirt, dust, noise, odors, smoke, trash, and vibration on adjacent lots.
4. Regulation of temporary structures and facilities, including placement, height, size, and location of equipment.
5. Provision to meet City building and fire code requirements.
6. Provision for sanitary and medical facilities, as appropriate.
7. Provision for solid, hazardous, and toxic waste collection, recycling, and/or disposal.
8. Provision for police/security and safety measures, as appropriate.
9. Regulation of signs.
10. Other conditions that would ensure that the operation of the proposed temporary use would be conducted in an orderly manner, and in full compliance with the purpose of this Section.

6.20.090 Use Permit

- A. **Purpose.** This Section establishes procedures for Use Permits for developments and uses that may only be appropriate on particular sites and/or may need to be carefully designed to avoid or minimize potential negative impacts on the surrounding area.
- B. **Applicability.** A Use Permit is required to authorize land uses as specified in Chapter 2 (Zones and Allowable Land Uses) or as required by other Sections of this Development Code.
- C. **Review Authority.** The Commission is authorized to approve, conditionally approve, or deny Use Permit applications.
- D. **Application requirements.** An application for a Use Permit shall be prepared, filed, and processed in compliance with Section 6.10 (Permit Application Filing and Processing).
- E. **Notice and hearing.** Notice of the public hearing shall be provided and the hearing shall be conducted in compliance with Section 7.10 (Public Hearings).
- F. **Findings.** The Commission may approve a Use Permit only after making all of the following findings:
 1. The proposed development is consistent with the General Plan, this Development Code, and other City goals, policies, and standards, as applicable.

2. ~~The~~ For non-residential uses, the subject site is physically suitable in terms of design, operating characteristics, shape, size, and topography.
 3. The type, and intensity of use being proposed will not constitute a hazard to the public, health, safety, or welfare.
- G. **Conditions of Approval.** In approving a Use Permit, the Review Authority may impose conditions of approval to ensure that the development will comply with the findings required by Subsection F (Findings).

6.20.100**Variance**

- A. **Purpose.** This Section establishes procedures for a Variance to waive or modify standards of this Development Code when the strict application of the development standards would deny the applicant privileges enjoyed by other applicants in the vicinity and in the same zone because of special circumstances of the subject property including location, shape, size, surroundings, topography, or other physical features.
- B. **Applicability.** A Variance may be granted to waive or modify any requirement of this Development Code except: allowed land uses, residential density, specific prohibitions (for example, prohibited signs), the application of hazard or ESHA setback requirements, or procedural requirements. (Am. Ord. 14-04)
- C. **Review Authority.** The Commission is authorized to approve, conditionally approve, or deny Variance applications.
- D. **Application requirements.** An application for a Variance shall be prepared, filed, and processed in compliance with Section 6.10 (Permit Application Filing and Processing).
- E. **Notice and hearing.** Notice of the public hearing shall be provided and the hearing shall be conducted in compliance with Section 7.10 (Public Hearings).
- F. **Findings.** The Commission may approve a Variance only after making all of the following findings in compliance with Government Code Section 65906.
 1. There are special circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features, etc.) that do not apply generally to other properties in the vicinity in the same zone.
 2. Strict compliance with Development Code standards would deprive the subject property of privileges enjoyed by other property in the vicinity and in the same zone.
 3. Approving the Variance would not constitute a granting of special privilege inconsistent with the limitations on other properties in the same vicinity and zone.

4. The requested Variance would not allow a use or activity that is not otherwise expressly authorized by the regulations governing the subject parcel.
- G. **Conditions of Approval.** In approving a Variance, the Commission may impose conditions of approval to ensure that the development will comply with the findings required by Subsection F.

6.20.110 Zoning Clearance

- A. Purpose.** This Section provides a procedure for issuing Zoning Clearances, which are used to verify that a proposed land use or structure complies with the allowed uses and development standards applicable to the type of use or the zone of the subject parcel.
- B. Applicability.** Zoning Clearance is required to verify that all requirements of this Development Code have been satisfied for any permitted ("P") land use allowed by Chapter 2 (Zones and Allowable Land Uses) and where no discretionary permit approval to establish the use or development is required. In addition, the following require Zoning Clearance:
1. Additions to existing dwelling units.
 2. Additions to existing multi-unit dwellings.
 3. Conversion of a commercial unit to a residential dwelling.
 4. Residential projects with four or fewer dwelling units.
 5. Mixed-use projects with nine or fewer dwelling units.
 6. Conversion of existing multi-unit dwellings using fractional density into nine or fewer additional dwelling units.
 7. Affordable housing projects that provide 25 percent or more of the dwelling units as deed restricted to very low- and/or low-income households.
 8. A "reconfiguration" of an architectural feature which does not modify the previously approved theme or plan for an approved development application.
 9. Restriping of a parking lot which does not decrease the number of parking spaces required for an approved development project nor change the vehicle circulation patterns, unless otherwise required to comply with Americans with Disabilities Act (ADA) requirements.
 10. Color and material board changes that are consistent with the original approval for a completed residential, commercial, or industrial development project.
 11. Upper story/rooftop decks that are in compliance with Section 3.10.080 (Upper Story/Rooftop Decks) and all applicable objective design standards of this Development Code.

12. As otherwise required by this Development Code.

C. Review Authority.

1. Outside of Coastal Zone. Zoning Clearance is conducted by the Director and not subject to an appeal.
2. Within Coastal Zone. A Coastal Development Permit (Section 6.20.040) is required to authorize any Zoning Clearance for an expansion of use or development located in the Coastal Zone.

D. Application Requirements. An application for Zoning Clearance shall be prepared, filed, and processed in compliance with Section 6.10 (Permit Application Filing and Processing) to comply with the following:

1. A Zoning Clearance shall be filed concurrently with the Building Permit application, if applicable. An applicant may file a Pre-Application (Section 6.10.030) for a preliminary assessment of whether a contemplated project would comply with the objective development and design standards of the Development Code.
2. No person shall alter, install, occupy, or use any newly constructed or modified structure, or change or occupy any newly initiated or modified use, or type or class of use without first applying for and obtaining the required Zoning Clearance.

E. Notice and Hearing. A public notice and hearing shall not be required for the Director's decision on Zoning Clearances.

F. Approval. The Director shall issue the Zoning Clearance after first determining that the proposed development or improvement:

1. Complies with all of the applicable provisions, requirements, and standards for the category of use and the zone of the subject parcel;
2. Demonstrates compliance with any previously issued conditions of approval affecting the use on the subject parcel;
3. Demonstrates compliance with the Development Code and other applicable City standards; and
4. Is consistent with the General Plan and any applicable specific plan.

G. Conditions of Approval. The Director's decision on a Zoning Clearance shall not impose any conditions of approval.

6.30 Permit Implementation, Time Limits, Extensions, and Revocations

Sections:

- 6.30.010 - Purpose
- 6.30.020 - Effective Date of Permits
- 6.30.030 - Applications Deemed Approved
- 6.30.040 - Permit to Run With the Land
- 6.30.050 - Performance Guarantees
- 6.30.060 - Time Limits and Extensions
- 6.30.070 - Changes to an Approved Development
- 6.30.080 - Permit Revocations

6.30.010 Purpose

This Section provides requirements for the implementation of the development ~~applications~~ ~~permits~~ or approvals required by this Development Code, including time limits and procedures for approving extensions of time.

6.30.020 Effective Date of Permits

- A. **Permits not within the coastal zone.** The approval of a ~~discretionary~~ development ~~permit~~ ~~application~~ for a development shall become effective after the 10th working day following the date of application approval by the Review Authority, where no appeal of the Review Authority's action has been filed in compliance with Section 7.20 (Appeals).
- B. **Permits non-appealable to the Coastal Commission.** The approval of a development ~~permit~~ ~~application~~ for a development that is not appealable to the Coastal Commission shall become effective after the 10th working day following the date of approval by the Review Authority, where no appeal of the Review Authority's action has been filed in compliance with Section 7.20 (Appeals).
- C. **Permits appealable to the Coastal Commission.** The approval of a development ~~permit~~ ~~application~~ that is appealable to the Coastal Commission shall become effective upon the expiration of the Coastal Commission's 10 working day appeal period which begins the day after the receipt by the California Coastal Commission of notice of the City's final action, and where no appeal of the Review Authority's action has been filed by two Coastal Commissioners, the applicant, or any aggrieved person in compliance with the Coastal Act, but not if the notice of final local action does not meet the requirements of California Code of Regulations 13571. ~~(Am. Ord. 14-04)~~

6.30.030 Applications Deemed Approved

A development ~~permit~~ application ~~application~~ deemed approved in compliance with Government Code Section 65956(b) shall be subject to all applicable provisions of the General Plan, this Development Code, and other applicable City policies and standards before a building permit is issued or a land use not requiring a building permit is established.

6.30.040 Permit to Run With the Land

Unless otherwise specified, development ~~permits~~ applications and approvals granted in compliance with this Chapter shall run with the land, and shall continue to be valid upon a change of ownership of the site or structure to which it applies, with the exception of Home Occupation Permits.

6.30.050 Performance Guarantees

A. Deposit of security

1. The Review Authority or the Director may require the execution of a covenant or other agreement to deposit security in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval.
2. The security shall, as required by law or otherwise at the option of the City, be in a form which includes but is not limited to cash, a certified or cashier's check, letter of credit, or a performance bond executed by the applicant and a corporate surety authorized to do business in California and approved by the City.
3. The security shall remain in effect until all of the secured conditions have been performed to the satisfaction of the Director.
4. Security required in compliance with this Section shall be payable to the City.

B. **Release of security.** Upon satisfactory compliance with all applicable provisions of this Section, the security deposit shall be released.

C. Failure to comply

1. Upon failure to perform any secured condition(s), the City may perform the condition, or cause it to be done, and may collect from the obligor all costs incurred, including administrative, engineering, legal, and inspection costs.
2. Any unused portion of the security shall be refunded to the obligor after deduction of the cost of the work.

6.30.060 Time Limits and Extensions

A. Time limits

1. Unless a condition of approval or other provision of this Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with Subsection B.
2. If a development is to be constructed in approved phases, each subsequent phase shall be exercised within 24 months from the date that the previous phase was exercised, or the permit shall expire and become void, except where an extension of time is approved in compliance with Subsection B.
3. The permit shall not be deemed "exercised" until the applicant has substantially commenced construction of the approved development or actually commenced the allowed use on the site in compliance with the conditions of approval.

B. Extensions

1. Filing and review of request
 - a. Time for filing. The Applicant shall file an application for an extension of time with the Director before the expiration of the permit, together with the filing fee required by the City's Master Fee Schedule. The permit shall be automatically extended for 60 days, or until the application for the extension is approved, conditionally approved, or denied, whichever occurs last.
 - b. Evidence to be provided. The Review Authority shall determine whether the applicant has made a good faith effort to exercise the permit. The burden of proof is on the applicant to establish that circumstances beyond the control of the applicant (e.g., demonstrated problems with completing the acquisition of the lot, poor weather during periods of planned construction, financial circumstances, etc.) have prevented exercising the permit.
 - c. Public hearing. If the original approval required a public hearing, the Review Authority shall hold a public hearing on a proposed extension of time, after providing notice of the public hearing in compliance with Section 7.10 (Public Hearings). If the original approval did not require a public hearing, the Director may approve the extension of time.
2. Action on extension request.
 - a. A permit may be extended for three additional 12-month periods beyond the expiration of the original approval; provided, the Review Authority finds that there have been no changes in the conditions or circumstances of the site or development.
 - b. If a project requires the issuance of a permit by the federal or state governments, or a local agency other than the City in order to be constructed, additional extensions may be granted beyond the extensions allowed in

subsection 2.a, if the review authority can make a finding the delay in the project was not caused by the Applicant's actions or failure to use due diligence in pursuing the required permits necessary to move forward with construction of the project.

6.30.070 Changes to an Approved Development

A. Application.

1. A development or new land use allowed through a permit or approval granted in compliance with this Development Code shall be in substantial compliance with the approved drawings and plans, and any conditions of approval imposed by the Review Authority, except where changes to the development are approved in compliance with this Section.
2. An Applicant shall request desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request. Requested changes may involve changes to one or more conditions imposed by the Review Authority or actual changes to the development (e.g., hours of operation, expansion of a use, etc.) as originally proposed by the Applicant or approved by the Review Authority.
3. Changes shall not be implemented until first approved by the applicable Review Authority, and may be requested either before or after construction or establishment and operation of the approved use.

B. **Notice and hearing.** If the matter originally required a noticed public hearing, the Review Authority shall hold a public hearing in compliance with Section 7.10 (Public Hearings), except for the minor changes outlined in Subsection C. below.

C. **Minor changes by Director.** The Director may authorize minor changes to an approved development ~~permit~~ [application](#) or other approval only if the changes:

1. Are consistent with all applicable provisions of this Development Code and the spirit and intent of the original approval; and
2. Do not involve a feature of the development that was:
 - a. A basis for findings in a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report for the development;
 - b. A basis for conditions of approval for the development; or
 - c. A specific consideration by the Review Authority (e.g., the Director, Commission, or Council) in approving the permit; and
3. Do not involve any expansion of the use of more than 10 percent, if located east of Highway 1, and do not involve expansion of the use by any amount, if located west of Highway 1. ~~(Am. Ord. 14-04)~~

6.30.080 Permit Revocations

- A. **Permit Revocations.** The City's action to revoke a permit or approval shall have the effect of terminating the permit or approval and denying the privileges granted by the original approval.
- B. **Hearing and notice required.** The Commission shall hold a public hearing to revoke a permit or approval granted in compliance with the provisions of this Development Code. The hearing shall be noticed and conducted in compliance with Section 7.10 (Public Hearings).
1. Ten days before the public hearing, notice shall be mailed or delivered to the applicant being considered for revocation and the property owner of the site.
 2. Exceptions.
 - a. Temporary Use Permits.
 - b. Short-Term Rental Permits.
- C. **Findings**
1. Permits. A Use Permit or other development ~~permit~~ application or approval (except a Variance, see Subsection 2., below) may be revoked by the Commission, if it makes any one of the following findings:
 - a. Circumstances under which the permit or approval was granted have been changed by the applicant to an extent that one or more of the findings that justified the original approval can no longer be made, and the public health, safety, and welfare require revocation.
 - b. The permit or other approval was granted, in whole or in part, on the basis of a fraud, misrepresentation, or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit or approval.
 - c. One or more of the conditions of the original permit or approval have not been substantially fulfilled or have been violated.
 - d. The approved use or structure has ceased to exist or has been suspended for a period in excess of 12 months.
 - e. An improvement authorized in compliance with the permit or approval is in violation of any applicable code, law, ordinance, regulation, or statute.
 - f. The improvement/use allowed by the permit or approval has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a nuisance.
 2. Variances. A Variance may be revoked by the Commission, if the Commission makes any one of the following findings, in addition to any one of the findings specified in Subsection 1, above:

- a. Circumstances under which the original approval was granted have been changed by the applicant to a degree that one or more of the findings contained in the original approval can no longer be made in a positive manner, and the grantee has not substantially exercised the rights granted by the Variance.
- b. One or more of the conditions of the Variance have not been met, or have been violated, and the grantee has not substantially exercised the rights granted by the Variance.

6.40 Affordable Housing Streamlined Review

Sections:

[6.40.010 - Purpose](#)

[6.40.020 - Eligibility](#)

[6.40.030 - Exclusions](#)

[6.40.040 - Certifications](#)

[6.40.050 - Review Procedure](#)

6.40.010 **Purpose**

[This Section provides requirements for the implementation of Government Code Section 65913.4 establishing Affordable Housing Streamlined Review of qualifying multi-unit housing development and mixed-use development projects.](#)

6.40.020 **Eligibility**

A. **To be eligible for streamlined processing under this Section, the development project must satisfy all of the following criteria:**

1. **Multi-Unit or Mixed-Use.** [The project must be a multi-unit housing development that contains at least two residential units or a mixed-use development with at least two-thirds residential component in terms of development square footage and comply with the minimum and maximum residential density range permitted for the site, plus any applicable density bonus.](#)
2. **Required Affordable Units.** [If more than 10 residential units are proposed, at least 10 percent of the project's units must be dedicated as affordable to households making below 80 percent of the area median income. If the project will contain subsidized units, the applicant has recorded or is required by law to record a land use restriction for either a minimum of 55 years for rental type units, or a minimum of 45 years for ownership type units](#)
3. **Legal Parcel Adjacent to Urban Uses.** [The project must be located on a legal parcel or parcels within the incorporated City limits. At least 75 percent of the perimeter of the site must adjoin parcels that are developed with urban uses, which means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses. Legal parcels that are only separated by a street or highway shall be considered adjoined.](#)
4. **Conforms with General Plan and Zoning.** [The project must be located on a property or properties either zoned or has a General Plan designation allowing for multi-unit residential development or mixed-use development with a residential component.](#)

5. **Objective Design and Development Standards.** The project must meet all objective design and development standards in effect at the time the application is submitted.
6. **Parking.** The project must provide at least one parking space per unit without regard to unit size, number of bedrooms, or guest parking spaces; however, no parking is required if the project meets any of the following criteria:
 - a. The project is located within one-half mile of public transit.
 - b. The project is located within an architecturally and historically significant historic district.
 - c. On-street parking permits are required but not offered to the occupants of the project.
 - d. There is a car share vehicle within one block of the development.
- B. **Subdivision.** The project does not involve an application to create separately transferable parcels under the Subdivision Map Act.

6.40.030 **Exclusions**

The following types of property or property characteristics are excluded from consideration or application for streamlined processing under this Section:

- A. **Farmland.** Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by the City.
- B. **Wetlands.** Wetlands, as defined in the United States Fish and Wildlife Service
- C. **Fire Hazards.** A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.
- D. **Hazardous Waste Site.** A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed-uses.
- E. **Fault Zones.** A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California

Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

- F. Floodplain. A floodplain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development application pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
- G. Floodway. A floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.
- H. Conservation/Resource Protection. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the Federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.
- I. Protected Habitat. Habitat for protected species identified as candidate, sensitive, or species of special status by State or Federal agencies, fully protected species, or species protected by the Federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
- J. Conservation. Lands under conservation easement.
- K. Rent Restricted. A site that would require demolition of housing that is subject to recorded restrictions or law that limits rent to levels affordable to moderate, low, or very-low-income households; subject to rent control; or currently occupied by tenants or that was occupied by tenants within the past ten years.
- L. Tenancy. A site that previously contained housing occupied by tenants that was demolished within the past 10 years.
- M. Mobilehome. A parcel of land or site governed by the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.

6.40.040 Certifications

The project proponent must certify to at least one of the following:

- A. **Public Work.** The entirety of the project is a public work as defined in Government Code Section 65913.4(8)(A)(i).
- B. **Prevailing Wage.** The project is not in its entirety a public work and all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area.
- C. **Ten or Fewer Units.** The project includes 10 or fewer units, is not a public work, and does not require subdivision.
- D. **Skilled Workforce.** If the project consists of 50 or more units that are not 100 percent subsidized affordable housing, the project proponent must certify that it will use a skilled and trained workforce, as defined in Government Code section 65913.4(8)(B)(ii).

6.40.050 **Review Procedure**

- A. **Application.** A developer shall submit a notice of intent to the City that a project should be considered under the Senate Bill 35 eligibility criteria as outlined in this Section. Such notice shall include information and materials as listed on the City's SB 35 Application (Affordable Housing Streamlined Review) and shall be submitted for review by the Director to determine eligibility.
- B. **Determination of Complete Application.** The Director has the authority to review applications for completeness and compliance with the provisions of this Section.
- C. **Ineligible Application.** If the Director determines a project ineligible under this Section, the review of the project shall be subject to all application types, reviews and procedures as outlined in Chapter 6 (Procedures).
- D. **Ministerial Action.** The review of and action on the application for multi-unit residential development or mixed-use development with a residential component that complies with all the provisions of this Section is a ministerial action not subject to further discretionary review or action.
- E. **CEQA.** A qualifying project approved by ministerial action pursuant to this Section shall not be subject to additional review or determination under the California Environmental Quality Act (CEQA) pursuant to the general rule that CEQA is inapplicable to ministerial actions of the City.

CHAPTER 8. SUBDIVISION REGULATIONS

8.10 General Provisions	6
8.10.010 Title	6
8.10.020 Purpose.....	6
8.10.030 Adoption Authority – Conformance with Other Regulations	7
8.10.040 Interpretation and Application.....	7
8.10.050 Conflict with Public Provisions	7
8.10.060 Conflict with Private Provisions	7
8.10.070 Actions by Persons with Interest	8
8.10.080 Severability	8
8.20 General Requirements.....	9
8.20.010 T rac t <u>Subdivision</u> Maps.....	9
8.20.020 Parcel Maps	9
8.20.030 Exclusions and Exceptions	9
8.20.040 Lot Line Adjustment	10
8.20.050 Correcting or Amending Maps	10
8.20.060 Lot Merger <u>Review Authority for Subdivision Decisions</u>	11
8.20.070 Expansion of Condominium Projects	12
8.30 Tract <u>Subdivision</u> Maps, Vesting Tentative <u>Subdivision</u> Maps, and Parcel Maps: Procedures	13
8.30.010 Tentative and Final T rac t <u>Subdivision</u> Maps.....	13
8.30.020 Vesting Tentative <u>Subdivision</u> Maps.....	16
8.30.030 Parcel Maps	18
8.40 Tentative Tract <u>Subdivision or Parcel Map</u>, Tentative Parcel <u>Map</u>, and Vesting Tentative <u>Subdivision</u> Map, <u>Vesting Tentative Parcel Map</u>: Preparation, Form, and Other Requirements.....	19

8.40.010	Preparation and Form of Tentative <u>Subdivision or Parcel</u> Map	19
8.40.020	Information <u>Contents of</u> on Tentative <u>Subdivision or Parcel</u> Maps	19
8.40.030	Additional Information on Vesting Tentative <u>Subdivision or Parcel</u> Maps	21
8.40.040	Other Material to Accompany Tentative <u>Subdivision or Parcel</u> Map	22
8.40.050	Application Requirements	23
8.50	Final Map Form, Preparation, and Other Requirements	24
8.50.010	General Preparation Requirements	24
8.50.020	Form and Contents <u>Reserved</u>	24
8.50.030	Title Sheet of Final Tract Map	27
8.50.040	Statements, Documents and Other Data to Accompany Final TRACT Map	30
8.50.050	Separated Property	31
8.50.060	Final Parcel Maps – Preparation <u>4 Parcels or Less</u>	31
8.60	LOT LINE ADJUSTMENT	32
8.60.010	Application for Lot Line Adjustment	32
8.60.020	Criteria for Lot Line Adjustment	32
8.60.030	Procedures for Lot Line Adjustment	32
8.70	Subdivision Design and Improvements	34
8.70.010	General Considerations	34
8.70.020	General Requirements – Lots	34
8.70.030	Lot Dimensions	34
8.70.040	Solar Orientation	35
8.70.050	Multiple Frontages	35
8.70.060	Depth-Width Relationship	35
8.70.070	Lot Lines	35
8.70.080	Taxing District Boundary	36
8.70.090	Flag Lots (deep lot subdivisions)	36
8.70.0100	General Requirements – Streets	36
8.70.0110	Access Restrictions	37
8.70.0120	Street Names	37
8.70.0130	Slope Easements	37
8.70.0140	Street Types and Requirements	37
8.70.0150	General Requirement – Design Criteria and Improvement Standards	37

8.70.0160	Improvements	37
8.80	Dedications	40
8.80.010	General Requirements	40
8.80.020	Offer to Dedicate Easements to Remain Open	40
8.80.030	Waiver of Direct Street Access	41
8.80.040	Title Insurance for Dedication	41
8.90	Subdivision Improvement Requirements	42
8.90.010	General Requirements	42
8.90.020	Preparation and Form of Improvement Plans	42
8.90.030	Grading Plan	43
8.90.040	Plan Check Fees	43
8.90.050	Commencement of Improvement Work	43
8.90.060	Inspection of Improvement Work	43
8.90.070	Coordination of Improvement Work	43
8.90.080	Improvements Deferred or Waived	43
8.90.090	Over Sizing Improvements Reimbursements	44
8.90.0100	Improvement Agreement	44
8.90.0110	Form. Filing and Term of Improvement Agreement	44
8.90.0120	Minimum Agreement Provisions	44
8.90.0130	Additional Agreement Provisions	45
8.90.0140	Improvement Security Required	45
8.90.0150	Form. Filing and Term of Improvement Security	46
8.90.0160	Labor and Materials	46
8.90.0170	Liability for Alterations or Changes	46
8.90.0180	Release of Improvement Security – Assessment District Proceedings	46
8.90.0190	Release of Improvement Security – Completion of Work	47
8.90.0200	Withholding Building Permits	47
8.90.0210	Acceptance of Improvements	47
8.90.0220	Deferral of Improvements for Parcel Maps	47
8.100	Subdivision Exceptions	49
8.100.010	Exception Authority	49
8.100.020	Required Findings and Conditions	49

8.100.030	Filing Applications – Form and Content	50
8.100.040	Commission or Public Works Director Action	50
8.100.050	Council Action	50
8.110	Reversion to Acreage	51
8.110.010	Purpose Procedures for Reversion To Acreage	51
8.110.020	Initiation of Proceedings	51
8.110.030	Public Hearing	51
8.110.040	Required Findings	51
8.110.050	Required Conditions	52
8.110.060	Delivery of Reversion Map to County Recorder	52
8.110.070	Effect of Filing Reversion Map with the County Recorder	52
8.110.080	Tax Bond Not Required	52
8.120	Lot Merger	54
8.120.010	Purpose	54
8.120.020	Application	54
8.120.030	8.120.010 Procedures for Lot Merger	54
8.130	Condominium Conversions	55
8.130.010	Purpose and Intent	55
8.130.020	Applicability of Other Laws	55
8.130.030	Provisions to Govern Condominium Conversion Projects	55
8.130.040	Application Requirements	56
8.140	Fees	57
8.140.010	Council Authority	57
8.150	Enforcement	58
8.150.010	Generally	58
8.150.020	Illegal Subdivisions – Notification of Public Works Director Required	58
8.150.030	Certificate of Compliance – Application – Fee	58
8.150.040	Certificate of Compliance – Application – Determination	58
8.150.050	Certificate of Compliance – Recordation	59
8.150.060	Illegal Subdivision – Permit Issuance Prohibited	59
8.160	Urban Lot Splits	60

<u>8.160.010 Authority and Purpose</u>	60
<u>8.160.020 Subdivision Standards</u>	60
<u>8.160.030 General Requirements and Restrictions</u>	61
<u>8.160.040 Approval Process</u>	62

8.10 General Provisions

Sections:

- 8.10.010 - Title
- 8.10.020 - Purpose
- 8.10.030 - Adoption Authority – Conformance with other regulations
- 8.10.040 - Interpretation and application
- 8.10.050 - Conflict with public provisions
- 8.10.060 - Conflict with private provisions
- 8.10.070 - Actions by persons with interest
- 8.10.080 - Severability

8.10.010 Title

This Chapter shall be known and cited as the “Grover Beach Subdivision Ordinance.”

8.10.020 Purpose

The regulations codified in this Title are adopted for the following purposes:

- A. To protect and provide for the public health, safety and general welfare;
- B. To guide the development of the City in accordance with the general plan and specific plans;
- C. To ensure that real property which is to be divided can be used without danger to inhabitants or property due to fire, flood, soil instability, noise or other hazard;
- D. To ensure that proper provision will be made for traffic circulation, public utilities, facilities, and other improvements within the subdivided land and within the City as a whole;
- E. To protect and enhance the value of land and improvements and to minimize conflicts among the uses of land and buildings;
- F. To protect potential buyers and inhabitants by establishing standards of design, and by establishing procedures which ensure proper legal description and defined monuments for ~~monumenting of~~ subdivided land;
- G. To protect the natural resources of the community, including topographic and geologic features, solar exposure, water courses, wildlife habitats and scenic vistas, and to increase reasonable public access to such resources;
- H. To enable innovations in subdivision procedures which facilitate development that will best reflect the capability of the land to support a desirable living environment.

8.10.030 Adoption Authority – Conformance with Other Regulations

- A. These regulations are adopted pursuant to the Subdivision Map Act (“Act”), as a "local ordinance" as that term is used in that Act, and to supplement the provisions of that Act. All provisions of the Subdivision Map Act and future amendments thereto not incorporated in these regulations shall apply to all subdivisions, subdivision maps and proceedings under these regulations. Further to the extent that any of the provision in this Chapter are found to be inconsistent with the Act, the Act shall govern and take precedent over this local regulation.
- ~~B. Nothing in this Section shall be read to limit the rights of the City to enact additional provisions concerning the division of land as are deemed necessary to protect the public health, safety and general welfare.~~
- C. Approval or conditional approval of a subdivision map shall not excuse compliance with other applicable provisions of this code or other applicable ordinances, rules, regulations and policies adopted by the City.
- ~~D.~~ Notwithstanding anything to the contrary included in this chapter, all land divisions, lot line adjustments and mergers within the Coastal Zone shall require a Coastal Development Permit. For the purposes of this section, land divisions include: subdivisions through a parcel map, subdivision ~~tract~~ map, grant deed, or any other method; lot splits; redivisions of land; and issuance of a certificate of compliance, unless the certificate of compliance is issued for a land division that occurred prior to the effective date of the Coastal Act and complied with all State laws and local ordinances in effect at the time. ~~(Am. Ord. 14-04)~~

8.10.040 Interpretation and Application

In their interpretation and application, these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

8.10.050 Conflict with Public Provisions

These regulations are not intended to annul any other law or regulation. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other regulation or law, whichever provisions are more restrictive or impose higher standards shall control.

8.10.060 Conflict with Private Provisions

- A. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easements, covenants, or any other private agreement or restriction, the requirements of these

regulations shall govern. When the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations or the determinations of the advisory agency or ~~council~~ [Review Authority](#) in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations there under, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

~~8.10.070—Actions by Persons with Interest~~

~~A. When any provisions of the Subdivision Map Act or of these regulations require the execution of any certificate or affidavit or the performance of any act of a person in his official capacity who is also a subdivider or an agent or employee thereof, such certificate or affidavit shall be executed or such act shall be performed by some other person duly qualified therefore and designated so to act by the Council.~~

~~8.10.080 Severability~~

~~A. If any part or provisions of these regulations or application thereof to any person or circumstances are adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The council declares that it would have enacted the remainder of these regulations even without any such part, provision or application.~~

8.20 General Requirements

Sections:

- 8.20.010 - ~~Tract~~ Subdivision Maps
- 8.20.020 - Parcel Maps
- 8.20.030 - Exclusions and exceptions
- 8.20.040 - Lot line adjustment
- 8.20.050 - Correcting or amending maps
- 8.20.060 - ~~Lot merger~~ Review Authority for Subdivision Decisions
- ~~8.20.070 - Expansion of condominium projects~~

8.20.010 ~~Tract~~ Subdivision Maps

Except as provided in Section 8.20.030, the division of real property into five or more parcels or creation of five or more condominiums or a conversion of a dwelling to a stock cooperative containing five or more parcels or community apartment project having five or more parcels or units requires the filing, approval and recording of tentative and final ~~tract~~ subdivision maps except where defined within Government Code Section 66426 subsection (a) through (f) and as provided in these regulations and the Subdivision Map Act.

8.20.020 Parcel Maps

Except as provided in Section 8.20.030 and 8.30.030, the division of real property into four or fewer parcels, or creation of four or fewer condominiums or a stock cooperative or community apartment project having four or fewer parcels or units requires the filing, approval and recording of tentative and final parcel maps as provided in these regulations or as required by ~~and~~ the Subdivision Map Act.

8.20.030 Exclusions and Exceptions

- A. No maps shall be required for divisions of property which are excepted from the definition of subdivision within the Subdivision Map Act.
- ~~B. Parcel maps, but not tentative and final tract subdivision maps, shall be required for these land divisions enumerated under Section 66426 of the Subdivision Map Act.~~
- ~~C.~~ No maps shall be required for any divisions of land of exemptions defined within the Subdivision Map Act Section 66412. :
 - ~~1. The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks or trailer parks;~~
 - ~~2. Mineral, oil or gas leases;~~

3. ~~Land dedicated for cemetery purposes under the Health and Safety Code of the State;~~
 4. ~~Boundary line or exchange agreements to which the State Land Commission or a local agency holding a trust grant of tide and submerged lands is a party;~~
 5. ~~Any separate assessment under Section 2188.7 of the Revenue and Taxation Code;~~
 6. ~~The financing or leasing of any parcel of land, or portion of parcel, in conjunction with the construction of commercial or industrial buildings on a single parcel, when the project is subject to a development permit approval pursuant to this Development Code;~~
 7. ~~The financing or leasing of existing separate commercial or industrial buildings on a single parcel.~~
- ~~D. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for the purpose of determining the number of parcels within a subdivision.~~
- ~~E. In spite of the requirements in Section 8.20.020, the Council Review Authority may waive the requirement for a parcel map. To waive the parcel map requirement, the Council Review Authority must find that the proposed land division complies with all standards established by the City for design and improvements, utilities and environmental protection. (See Section 8.100, Subdivision Exceptions).~~
- ~~F. Parcel maps shall not be required for these conveyances involving government agencies or public utilities, as provided in the Subdivision Map Act (Section 66428).~~

8.20.040 Lot Line Adjustment

The adjustment of a boundary line between four or fewer existing adjacent parcels, which does not result in a greater number of buildable parcels than originally existed, does not require a [subdivision](#) or parcel map. However, the ~~Public Works Director~~ [City Engineer](#) must approve the [deeds which reflect the lot line adjustment](#) ~~lot line adjustment~~ as provided in Section 8.60. ~~(Am. Ord. 14-04)~~

8.20.050 Correcting or Amending Maps

Recorded final ~~tract~~ [subdivision](#) maps and recorded final parcel maps may be amended, corrected or modified, as provided in the Subdivision Map Act (Sections 66469 through 66472.1). Approved lot line adjustments may be amended as ~~provided for tract and parcel maps,~~ with amending [deeds](#) ~~or correcting documents~~ to be filed with the ~~Public Works Department and~~ [City and recorded at](#) the County [Clerk](#) Recorder.

8.20.060 Lot Merger Review Authority for Subdivision Decisions

~~A. Contiguous parcels under common ownership may be merged (interior lot lines may be removed) by approval of a lot line adjustment, as provided in Section 8.20.040, together with recordation of a certificate of compliance for the new parcel, and compliance with Section 8.120 if deemed necessary by the Public Works Director City Engineer.~~

Pursuant to the Map Act (Sections 66415, 66452.1, & 66458) Table 8.1 identifies the Review Authority responsible for reviewing and making decisions on each type of subdivision application and other decision required by this Subdivision Ordinance.

Table 8.1 Review Authority ⁴					
Subdivision Types	Code Section	Review Authority			
		Director	City Engineer	Commission	Council
Parcel Maps (4 or fewer parcels)					
Parcel Map Waiver	8.30.030	Recommend ¹	Decision	Appeal	Appeal
Urban Lot Split	8.160	Recommend	Decision	--	--Appeal
Tentative Parcel Map	8.30.030	Recommend	Recommend	Decision	Appeal
Vesting Parcel Map	8.30.030	Recommend	Recommend	Decision--	Appeal
Final Parcel Map	8.50.060	Recommend	Decision	--	--Appeal
Parcel Map Time Extension	8.30.010	Recommend	Recommend ²	Decision	Appeal
Subdivision Maps (5 or more parcels)					
Tentative Subdivision Map	8.30.010	Recommend	Recommend	Decision	Appeal
Vesting Subdivision Map	8.30.020	Recommend	Recommend	Decision	Appeal
Final Subdivision Map	8.50	Recommend	Decision ³	Appeal--	Appeal
Subdivision Map Time Extension	8.30.010	Recommend	Recommend	Decision	Appeal
Adjustments / Mergers / Reversions / Condo Conversions					
Lot Line Adjustment	8.60	--	Decision --	--	--
Voluntary Lot Merger	8.120	--	Decision --	--	--
Revision to Acreage	8.110	--	Recommend	--	Decision
Certificate of Compliance	8.60	Recommend	Decision	--	--
Condo Conversion	8.130	Recommend	Recommend	Recommend	Decision
Subdivision Exceptions	8.100	Recommend	Recommend	--	Decision
Note: 1. Refer to Section 8.30.030.B 2. The City Engineer may approved an extension if the Parcel Map was approved by the City Engineer. 3. Subdivision Maps that require an offer of dedication shall be approved by the Council. 4. In the Coastal Zone, a Coastal Development Permit may be required. Refer to Section 6.20.040.					

~~8.20.070 Expansion of Condominium Projects~~

~~Notwithstanding Section 8.20.040, the addition of floor area to a condominium project shall require approval of the type of map previously approved. If the Public Works Director finds such a map is not necessary for the purposes of these regulations, the Public Works Director or may waive the requirement for such a map.~~

8.30 ~~Tract~~ Subdivision Maps, Vesting Tentative Subdivision Maps, and Parcel Maps: Procedures

Sections:

- 8.30.010 - Tentative and Final ~~Tract~~ Subdivision Maps
- 8.30.020 - Vesting Tentative Maps
- 8.30.030 - Parcel Maps

8.30.010 Tentative and Final ~~Tract~~ Subdivision Maps

- A. **Preliminary plans.** ~~Subdividers~~ Applicants are encouraged to consult with the Community Development and Public Works Departments (See Subsection 6.10.030.A).
- B. **Identification of tentative ~~tract~~ subdivision map.** ~~Before submitting a tentative tract map, the person preparing the map~~ Applicants shall obtain a ~~tract map~~ number from the San Luis Obispo County Surveyor. The number shall be placed upon each copy of the tentative ~~tract~~ subdivision map.
- C. **Filing of tentative subdivision map – application.** The tentative subdivision map application shall be filed with the Community Development Department and shall be prepared in accordance with the provisions of Chapter 6 (Procedures).
- D. **Examination of application.** Community Development and Engineering Department staff shall examine the map application upon presentation and shall not accept it unless it is a complete application in compliance with the Subdivision Map Act and these regulations.
- E. **Notice of ~~Commission~~ public hearing on tentative ~~tract~~ subdivision map.** Notice of the public hearing shall be provided in compliance with Section 7.10 (Public Hearings).
- F. **~~Commission a~~ Action on tentative ~~tract~~ subdivision map.** ~~Within 50 days of the filing thereof, the Commission shall, after a hearing and consideration of the tentative tract map, accompanying reports of applicant and staff, and public testimony, approve, conditionally approve, or disapprove the map. Said fifty-day period shall commence after certification of the EIR, adoption of a negative declaration or an exemption determination. The Review Authority shall take action on a tentative subdivision map no later than 50 days of the filing of the tentative map and consistent with Table 8.1.~~
- G. **Withdrawal of tentative ~~tract~~ subdivision map.** Once a date for ~~Commission~~ the Review Authority consideration of the tentative ~~tract~~ subdivision map has been set, requests for withdrawal shall be submitted to ~~the Commission~~ City staff in writing, or orally if made at the meeting when the map is being considered. ~~No refund of the filing fee shall be made.~~ Withdrawal of the map shall be an effective denial of the application.

- ~~H. **Minor modification of tentative tract map after approval.** Minor modifications of an approved or conditionally approved tentative tract map may be made. However, they must be approved by the Public Works Director before the final map is submitted.~~
- I. **Extension of time to act.** Any of the time limits for acting on tentative ~~tract~~ subdivision maps specified in these regulations may be extended by mutual consent of the ~~subdivider~~ applicant and the ~~Commission or Council~~ Review Authority, as the case may be. To do so, the ~~subdivider~~ applicant must expressly waive, in writing or in the record at a public hearing, his right to have the map considered within those time limits. ~~Application after denial.~~ ~~When any application for a tentative tract map filed pursuant to this Chapter has been denied, no new application which is substantially the same shall be filed within one year of the date of denial unless the facts upon which the decision was made, have changed. The Community Development Director shall determine whether facts have changed or when an application is substantially the same as the previous application.~~
- J. **Filing of Final final tract map.** Within 24 months of the date of approval or conditional approval of the tentative ~~tract~~ subdivision map ~~or the end of any period representing an extension to the tentative subdivision map consistent with Section 6.30.060,~~ the ~~subdivider~~ applicant may ~~cause the boundary of the proposed subdivision or any part thereof to be surveyed and the~~ submit a required final ~~tract map to be prepared and filed~~ in accordance with these regulations and the Subdivision Map Act. ~~When the final map is filed, either all survey markers shall be in place, or a bond shall be posted guaranteeing that all survey corners shall be placed prior to the acceptance of the public improvements by the Council.~~
- K. **Termination of proceedings.** Failure to file a final ~~tract~~ map within 24 months of the date of approval or conditional approval of a tentative ~~tract~~ subdivision map, or within any extended period of time granted in accordance with Section 6.30.060, immediately following, shall terminate all proceedings. Before a final map may thereafter be filed, a new tentative ~~tract~~ subdivision map shall be submitted and approved ~~hereunder~~.
- ~~L. **Time extension.**~~
- ~~8. The Commission may extend the time for filing the final tract map for a period or periods not exceeding a total of three years.~~
- ~~9. Applications for extensions shall be made in writing prior to the date of tentative tract map expiration. Time extension may be granted subject to the condition that the final map shall be prepared and improvements shall be constructed and installed in compliance with requirements in effect at the time the request for extension is considered. Any other conditions may be imposed which may have been imposed at the time of tentative map approval and existing conditions may be revised or deleted or new conditions added.~~
- M. **Final ~~tract~~ map compliance.** Final ~~tract~~ maps shall be prepared in substantial compliance ~~accordance~~ with the approved tentative ~~tract~~ subdivision map.

N. **Submission of final ~~tract~~ map.** When all the certificates appearing on the final ~~tract~~ map, except the approval certificates of the ~~City Clerk, City Engineer, Community Development Director~~review authority and the County Recorder's certificate, have been signed, and where necessary, acknowledged, the final ~~tract~~ map, along with copies of reference maps and other supporting data necessary to verify the survey, may be submitted to ~~the city staff for review and recommendation City for examination and presentation to the Council for final approval,~~ provided it complies with all other provisions of these regulations and the Subdivision Map Act. ~~The map shall be accompanied by as many prints as the Community Development Director shall require.~~

O. **Action of City Engineer ~~and Community Development Director~~.**

1. Upon receipt of a final ~~tract~~ map and accompanying documents, fees and materials for filing, the City Engineer ~~and Community Development Director~~ shall determine if they are in substantial ~~conformity~~ compliance with the approved or conditionally approved tentative tract map and modifications and conditions made or required. If they are found to be complete and in substantial conformance compliance with these and other applicable regulations, ~~the Community Development Director shall transmit the map to~~ the City Engineer ~~who~~ shall transmit the map to ~~the City Clerk after certification~~review authority. No map shall be ~~certified~~ approved until the required improvements have been installed or an subdivision agreement or bond for installation has been secured in accordance with ~~these regulations~~the subdivision map act.
2. ~~Should the map or accompanying documents, fees or materials be found to be incomplete or incorrect in any respect, the City Engineer or Community Development Director shall advise the subdivider by mail of the changes or additions that must be made before the map may be certified.~~
3. If the City Engineer ~~or Community Development Director~~ determines circumstances concerning the design and improvement of the subdivision in relation to the public health, safety and welfare have materially changed since the approval of the tentative ~~tract~~ subdivision map, they need not certify the final map. In such instances, the City Engineer ~~and Community Development Director~~ shall return the map to the ~~Council~~ Review Authority for further consideration.
4. ~~The final tract map shall not be considered filed for action by the Council until the City Engineer and Community Development Director have completed the actions required in Subsections 1, 2 and 3 above.~~

P. **~~Council~~ Review Authority action on final map.**

1. ~~At the meeting at which it receives the map, or at the first regular meeting thereafter, the Council~~ The Review Authority shall approve the map ~~if it conforms with the approved tentative map and meets the requirements of the Subdivision Map Act, these regulations, and any rulings made pursuant to them~~ if it has previously approved a tentative map for the proposed subdivision and it finds the final subdivision map in substantial compliance with the previously approved tentative

map. ~~If the map does not conform, the Council shall disapprove it.~~ Final maps that include an offer of dedication or public improvement bond shall be approved by the Council.

2. If the Review Authority does not approve or disapprove the map within the prescribed time in California Government Code section 66452.2, or any authorized extension within this chapter, and the map conforms to all requirements of an approved tentative subdivision map, it shall be deemed approved, and the City Clerk shall certify its approval. ~~Council fails to act within the prescribed time, the final map shall be deemed approved to the extent it meets the requirements enumerated above. Upon approval by either action or inaction, the City Clerk shall certify approval of the final map.~~
- Q. **Council acceptance or rejection of offers of dedication.** Subject to exceptions in the Subdivision Map Act, at the time the Council approves a final ~~tract~~ map, it shall also accept, accept subject to improvement, reject without prejudice, or reject all offers of dedication. This action shall be certified on the map by the City Clerk.
- R. **Disposition after approval.** After the ~~Council approves a final tract map~~ is approved by the Review Authority, the City Clerk, or their designated appointee shall transmit the map to the County Recorder.

8.30.020 Vesting Tentative Subdivision Maps

A. Application.

1. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Subdivision Ordinance, requires the filing of a tentative tract map or tentative parcel map, a vesting tentative map may instead be filed, in accordance with the provisions hereof.
 2. If an applicant ~~subdivider~~ does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.
- B. **Filing and processing.** A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports, and shall be processed in the same manner as set forth in the subdivision ordinance for a tentative map except as provided in Section 8.40.030.
- C. ~~Council a~~ Action on tract vesting subdivision tract map. Within thirty days of ~~its receipt of the Commission's report, the Council finding a vesting tentative subdivision map application complete, the Review Authority~~ shall consider and approve, conditionally approve, or disapprove the vesting tentative ~~tract subdivision~~ map. If the map is disapproved, the grounds for disapproval shall be stated.
- D. **Vesting on approval of vesting tentative subdivision map.**

1. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Government Code Section 66474.2. However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative subdivision map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.
2. Notwithstanding Subsection 1, a permit, approval, extension or entitlement may be made conditional or denied if any of the following are determined:
 - a. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
 - b. The condition or denial is required, in order to comply with state or federal law.
3. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Subsection G. If the final map is approved, these rights shall last for the following periods of time:
 - a. An initial time period of one year. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
 - b. The initial time period set forth in Subsection (a) shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds 30 days, from the date a complete application is filed.
 - c. An applicant ~~subdivider~~ may apply to the Community Development Director for a one year extension at any time before the initial time period set forth in Subsection (a) expires. If the extension is denied, the ~~subdivider~~ applicant may appeal that denial in compliance with Section 7.20 (Appeals).
 - d. If the ~~subdivider~~ applicant submits a complete application for a building permit during the periods of time specified in this Subsection, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

E. Development inconsistent with zoning - denial or conditional approval.

1. Whenever an applicant ~~subdivider~~ files a vesting tentative subdivision map for a subdivision whose intended development is inconsistent with this Development Code in existence at that time, that inconsistency shall be noted on the map. The City shall deny such a vesting tentative map or approve it conditioned on the ~~subdivider~~applicant, or ~~his or her~~their designee, obtaining the necessary change to this Development Code to eliminate the inconsistency. If the change to this Development Code is obtained, the conditionally approved vesting tentative map shall, notwithstanding Subsection 8.30.020.D, confer the vested right to proceed

with the development in substantial compliance with the change to this Development Code and the map, as approved.

2. The rights conferred by this Section shall be for the time periods set forth in Subsection 8.30.020.D.3.

- F. **Applications inconsistent with current policy.** Notwithstanding any provision of this ordinance, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in Subsections 8.30.020.D and E, and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.
- G. **Expiration.** The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by Subsection 8.30.010.M for the expiration of the approval or conditional approval of a tentative map.

8.30.030 Parcel Maps

- A. **Filing - Processing - Appeals - Dedication acceptance.** The procedures for filing, processing, public notice and actions on tentative ~~and final~~ parcel maps shall be the same as provided in these regulations for tentative ~~and final tract~~ subdivision maps. A tentative or vesting tentative parcel map is not required provided a parcel map waiver is requested and findings made (subsection B).
- B. **Parcel Map Waiver.** An applicant may request the waiver of the requirement for a Parcel Map, and the waiver may be granted, in compliance with the Map Act (Section 66428), provided that the Director shall makes the following findings that the parcel map complies with all applicable requirements of this Development Code and the Subdivision Map Act pursuant to the following:
 1. Area
 2. Improvement and design of the subdivision.
 3. Floodwater drainage control.
 4. Appropriate improved public roads.
 5. Sanitary disposal facilities.
 6. Water supply availability.
 7. Environmental protection.
 8. All other applicable requirements of this Development Code and the Map Act.

8.40 Tentative ~~Tract~~ Subdivision or Parcel Map, Tentative Parcel Map, and Vesting Tentative Subdivision Map, Vesting Tentative Parcel Map: Preparation, Form, and Other Requirements

Sections:

- 8.40.010 - Preparation and form of tentative subdivision or parcel map
- 8.40.020 - Information on tentative map
- 8.40.030 - Additional information on vesting tentative maps
- 8.40.040 - Other material to accompany tentative map
- 8.40.050 - Application requirement

8.40.010 Preparation and Form of Tentative Subdivision or Parcel Map

- A. Tentative subdivision or parcel maps shall provide the following:
 - 1. Shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record.
 - 2. The size of each sheet shall be 18 by 26 inches or 460 by 660 millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch or 025 millimeters. Larger page size may be accepted, but no larger than 24 by 36 inches.
 - 3. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this.
 - 4. The sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.
 - 5. Shall be prepared by, or under the direction of, a registered civil engineer or licensed land surveyor.
- ~~A. The tentative map shall be clearly and legibly drawn to an engineer's scale of not less than one inch equals one hundred feet. If necessary to provide the proper scale, more than one sheet may be used, but the relation of the several sheets shall be clearly shown on each. Each sheet shall be no larger than twenty four inches by thirty six inches. Sheets no larger than thirty six inches by forty two inches may be submitted with the prior approval of the Public Works Director.~~
- ~~B. Tentative tract maps shall be prepared by or under the supervision of a registered civil engineer, licensed land surveyor or architect. Tentative parcel maps may be prepared by anyone.~~

8.40.020 ~~Information~~ Contents of ~~on~~ Tentative Subdivision or Parcel Maps

- ~~A. The~~ Tentative maps shall contain all information required in Subdivision Map Act Sections 66445 through 66450. ~~the following information, in addition to any other information which may be required by the Subdivision Map Act:~~

- B. ~~A.~~ The map number, name if any, date of preparation, north point, scale, and if based on a survey, the date and official record of the survey;
- C. ~~B.~~ Name and address of the person or entity which prepared the map and the applicable registration or license number and expiration date ~~thereof~~;
- D. ~~C.~~ Names and addresses of the ~~subdivider~~ applicant and all parties having a record title interest in the property being subdivided;
- E. ~~D.~~ The boundaries of the subdivision, defined by legal description, with sufficient information to locate the property and to determine its position with respect to adjacent named or numbered subdivisions, if any;
- F. ~~E.~~ Topographic information with a reference to the source of the information. Contour lines shall be two-foot~~have the following~~ intervals;
 - 1. ~~Two-foot contour interval for undeveloped areas and two-foot intervals for building sites within the Urban Services Line;~~
 - 2. ~~Ten-foot contour interval for undeveloped areas and two-foot intervals for building sites and paved or graded areas outside the Urban Services Line. Contours of adjacent land shall also be shown whenever the surface features of such land affect the design or development of the proposed subdivision;~~
- G. ~~F.~~ The ~~approximate trunk~~ location and dripline ~~and general description of any oak two inches d.b.h. or greater or other native of trees four eight inches d.b.h. diameter breast height (DBH). or greater~~ ~~or the general canopy cover of clusters of trees indicating the species and if proposed to be removed or retained with notations as to their proposed retention or destruction; notations as to general type of vegetation in areas not occupied by trees;~~
- H. ~~G.~~ The location and outline to scale of all structures which are to be retained within the subdivision and all structures outside the subdivision and within ten feet of the boundary lines; the distances between structures to be retained, and existing or proposed street and lot lines, notations concerning all structures which are to be removed;
- I. ~~H.~~ The locations, widths and purposes of all existing and proposed easements for utilities, drainage and other public purposes shown by dashed lines, within and adjacent to the subdivision (including proposed building setback lines, if known); all existing and proposed utilities including size of water lines and size and grade of sewer lines, locations of manholes, fire hydrants, street trees and street lights;
- J. ~~I.~~ The location, width and directions of flow of all water courses and flood control areas within and adjacent to the property involved; the proposed method of providing storm water drainage and erosion control;

J. The location of all potentially dangerous areas, including areas subject to inundation, landslide, or settlement, or excessive noise, and the means of mitigating the hazards;
- K. The locations, widths and names or designations of all existing or proposed streets, alleys, paths and other rights-of-way, whether public or private; private easements

within and adjacent to the subdivision; the radius of each centerline curve; a cross section of each street; any planned line for street widening or for any other public project in and adjacent to the subdivision; private streets shall be clearly indicated;

- L. The lines and approximate dimensions of all lots, and the number assigned to each lot; the total number of lots; the approximate areas of each lot; lots shall be numbered consecutively;
- M. The boundaries, acreage and use of existing and proposed public areas in and adjacent to the subdivision. If land is to be offered for dedication for park or recreation purposes or for purpose of providing public access to any public waterway, river or stream, it shall be so designated;
- N. Any exception being requested in accordance with the requirements of Section 8.100 (Subdivision Exceptions) of these regulations shall be clearly labeled and identified as to nature and purpose;
- O. The location of all railroad rights-of-way and grade crossings;
- P. The locations of any existing or abandoned wells, septic leaching fields, springs, water impoundment's and similar features to the extent they affect the proposed use of the property;
- Q. When it is known that separate final maps are to be filed on portions of the property shown on the tentative map, the subdivision boundaries which will appear on the final maps and the sequence in which the final maps will be filed;
- R. Maps for condominium projects shall indicate the address of the property and the number, size and location of proposed dwelling units, parking spaces and private or public open spaces. For all condominium projects, the floor area of each floor shall be shown in proper scale and location together with the plan view of each ownership unit.
- S. The location of proposed building sites ~~and septic system leach fields shall be shown~~ for any proposed lot having an average cross slope of 10% or greater.

8.40.030 Additional Information on Vesting Tentative Subdivision or Parcel Maps

- A. At the time a vesting tentative subdivision or parcel map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Parcel / Subdivision Map".
- B. At the time a vesting tentative map is filed, an applicant ~~subdivider~~ shall also supply the following information:
 - 1. Site plans for each lot or parcel indicating proposed locations for all improvements (e.g., utilities, structures, septic systems, driveways, etc.)
 - 2. Preliminary floor plans for all structural uses;
 - 3. Architectural elevations of all structures identifying all exterior finish and roofing materials;

4. ~~Septic system design details including design of a replacement leach field located in the 100% expansion area;~~
5. Detailed grading plans for each lot or parcel as provided in Article ~~VIII~~ IX Chapter 4 5 of the Municipal Code.
6. 5. Road improvement plans for all adjacent and interior roads.

8.40.040 Other Material to Accompany Tentative Subdivision or Parcel Map

The following supplementary material shall be filed with the tentative map:

- A. A vicinity map of appropriate scale showing sufficient adjoining territory to clearly indicate surrounding streets, other land in the ~~subdivider's~~ applicant's ownership, and other features which have a bearing on the proposed subdivision;
- B. A statement of existing and proposed zoning and land use;
- C. A statement of proposed improvements ~~and landscape modifications, including the estimated time of completion in relation to subdivision of the property;~~
- D. A description of proposed public or commonly held areas and draft open space easement agreements, if applicable;
- E. Draft covenants, conditions and restrictions if they are integral to the development concept or proposed atypical requirements;
- F. A description of requested exceptions from the subdivision design standards for such items as dimensions, street sections or utility easements;
- ~~G. Proposed building setbacks and yards if different from those in the zoning regulations;~~
- G. ~~H.~~ If required by the ~~Public Works Director~~ City Engineer, a preliminary grading plan as provided in the grading ordinance as codified in Article ~~VIII~~ IX, Chapter ~~45~~ 5 of the Municipal Code;
- ~~I. An engineering geology report, prepared by a register geologist, may be required in areas of moderate, high and very high landslide risks, and in areas of high and high+ liquefaction potential and subsidence potential as noted in the General Plan Safety Element. The engineering geology report shall include definite statements, conclusions and recommendations concerning the following, as applicable:~~
 1. ~~Location of major geologic features;~~
 2. ~~Topography and drainage in the subject areas;~~
 3. ~~Distribution and general nature of rock and soils;~~
 4. ~~A reasonable evaluation and prediction of the performance of any proposed cut or fill in relation to geologic conditions;~~
 5. ~~An evaluation of existing and anticipated surface and subsurface water in relation to proposed development;~~

6. ~~Recommendations concerning future detailed subsurface sampling and testing that may be required prior to building;~~
7. ~~Capability of soils and substrata to support structures;~~
- H. ~~J.~~ A soils engineering report, prepared by a civil engineer registered in the state and based upon adequate test borings, ~~may be required for every subdivisions~~shall be required. ~~The City Engineer may determine that, due to existing information available on the soils of the subdivision, no analysis is necessary. If the soils engineering report indicates soil problems which, if not corrected, could lead to structural defects, a soils investigation of each lot in the subdivision may be required.~~ The soils engineering report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, when necessary, and opinions and recommendations covering adequacy of sites for development;

A subdivision where soil or geologic problems exist may be approved if the City Review Authority determines recommended corrective measures are sufficient to prevent damage to structures or public improvements within or adjacent to the area to be subdivided. Recommended corrective measures may be required conditions of improvement plans and building permits.
- I. ~~K.~~ In potential noise problem areas identified in the Noise Element of the General Plan, specific site analysis by an acoustical engineer or other approved professional with qualifications in acoustic design may be required by the Community Development Director. Such study shall define the noise exposure problems, conclusions and recommendations for corrective or mitigating measures, when necessary, and opinions and recommendations covering the suitability of the site for development,
- J. ~~L.~~ Preliminary title report (current within six months);
- K. ~~M.~~ An authorization consenting to the proposed subdivision signed by all parties having a fee title interest in the property to be subdivided;

~~N. In areas where septic systems will be utilized for waste disposal, a representative set of percolation test(s) shall be required.~~
- L. ~~O.~~ Any other information which the Community Development or Public Works Director determines is necessary for full evaluation of the proposed subdivision.

8.40.050 Application Requirements

The ~~subdivider~~ applicant shall provide the Community Development Department with as many copies of the tentative map and supplementary material as requested by the Community Development Director.

8.50 Final Map Form, Preparation, and Other Requirements

Sections:

- 8.50.010 - General preparation requirements
- 8.50.020 - ~~Form and contents~~ Reserved
- 8.50.030 - Title sheet of final ~~tract~~ map
- 8.50.040 - Statements, documents and other data to accompany final ~~tract~~ map
- 8.50.050 - Separated property
- 8.50.060 - Final parcel maps - Preparation

8.50.010 General Preparation Requirements

Final ~~tract~~ maps shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall be based on survey, and shall substantially conform to the approved or conditionally approved tentative ~~tract~~ parcel or subdivision map. They shall be prepared in accordance with the Subdivision Map Act and the provisions set forth in this Section.

8.50.020 ~~Form and Contents~~ Reserved

- ~~A. The final tract map shall be legibly drawn, printed or reproduced by a process assuring a permanent record in black on durable, transparent material. All lines, letters, figures, certificates, affidavits and acknowledgments shall be legibly stamped or printed upon the map with waterproof opaque ink. If ink is used on polyester base film, the ink surface shall be in such condition when filed so that legible prints may be made from it.~~
- ~~B. Each sheet of the final tract map shall be eighteen inches by twenty-six inches, with a marginal line drawn on all sides, leaving a one-inch blank margin. The map shall be to a minimum scale of one inch equals one hundred feet unless otherwise approved by the City Engineer. Drafting symbols shall be as shown in the standard details adopted by the City.~~
- ~~C. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. A map containing more than four (4) sheets shall have a key map.~~
- ~~D. Each sheet of the final tract map shall state the number and name, if any, of the tract, the scale and north point.~~
- ~~E. The map shall show all survey data necessary to locate all monuments and to locate or retrace all interior and exterior boundary lines, lot lines, and block lines appearing on the final tract map, including bearings and distances, to the nearest one-hundredth foot, of straight lines, and radii and arc length or chord bearings and length for all curves, and such information as may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish subdivision boundaries. When bearings or lengths of lot lines in any series of lots are the same,~~

~~those bearings or lengths may be omitted from each interior parallel lot line of the series. Any non-tangent curve shall have either a bearing on the radial at the beginning of curve or end of curve or on the true tangent. Each required bearing and length shall be shown in full; no ditto marks or other designation of repetition shall be used.~~

~~F. The final tract map shall show monuments found or set in the manner described in Subsection E of this Section. If monument setting has been deferred, the map shall note which monuments are in place and which are to be set noting a specific date. Securities Performance Guarantees shall be posted with the City Engineer insuring the monuments will be set.~~

~~G. The final tract map shall show the definite location of the subdivision, particularly in relation to surrounding surveys.~~

~~H. Lots shall be numbered consecutively beginning with the numeral "1" and continuing without omission or duplication throughout the entire subdivision. No prefix or suffix or combination of letter and number shall be used. Each lot shall be shown entirely on one sheet.~~

~~I. Blocks shall not be designated by number or letter.~~

~~J. The area of each lot containing one acre or more shall be shown to the nearest one-hundredth acre; the area of each lot containing less than one acre shall be shown to the nearest square foot.~~

~~K. The boundary lines of the subdivision shall be clearly identified. The tract boundary shall be based on record data on file at the office of the County Recorder and must be reestablished by methods commonly accepted in the field of surveying and in accordance with state law. The method of survey and basis of bearing shall be clearly indicated on the final map.~~

~~L. The centerline or side lines of each easement to which the lots in the subdivision are subject shall be shown upon the final tract map. If such easement cannot be definitely located from the records, a statement showing the existence of such easement shall be placed on the title sheet of the final tract map and the approximate location shall be shown. All easements shall be designated on the final tract map by fine dashed lines. Distances and bearings on the side lines of lots which are cut by easements shall be so arrowed or shown that the final tract map will indicate clearly the actual length and bearing of each lot line. The width of such easement or the lengths and bearings of the side lines and sufficient ties thereto to locate it definitely with respect to the subdivision shall be shown. Each easement shall be clearly labeled, identified and marked as to nature and purpose, and if already of record, its record reference shall be shown, if not of record, a statement of such easement shall be placed on the title sheet of the final tract map. If such easement is being dedicated by the final tract map, it shall be properly set out in the owner's certificate and dedication on the title sheet of the map. All notes or figures pertaining to existing easements shall be smaller and lighter than those relating to the subdivision itself. Figures pertaining to easements shall be subordinated in form and appearance to those relating to the subdivision.~~

- ~~M. Each street, or other public way or public utility right-of-way within the boundaries of the subdivision shall be shown on the final tract map. The centerline and width of each street shall be shown; and, in the case of a proposed street or way, the width of that portion to be dedicated, if any, shall also be shown. On each centerline, the bearing and length of each tangent and radius, central angle and length of each curve shall be indicated.~~
- ~~N. In the event the City Engineer, State Highway Engineer, or County Engineer shall have established the centerline of any street in or adjoining the subdivision, such centerline shall be shown and the monuments which determine its position indicated with reference to a field book or map showing such centerline. If such position is determined by ties, that fact shall also be indicated on the map.~~
- ~~O. The location, width and extent of future streets and alleys shall be shown on the final tract map and shall be offered for dedication as public streets by a dedicatory clause conforming to the requirements of the Subdivision Map Act.~~
- ~~P. Any street or way which is intended to be kept physically closed to public travel or posted as a private street at all times may be shown as a private street. Sufficient data shall be shown on each private street to define its boundaries and to show clearly the portion of each lot within such street. In order to provide for utility service to individual lots, such streets may be offered and accepted as public utility easements.~~
- ~~Q. The names of all streets and highways within and/or adjacent to the subdivision shall be shown on the final map, spelled out in full and including suffixes such as "road", "street", "avenue", "place", "court" or other designation.~~
- ~~R. All watercourses, storm drains and areas subject to inundation during a one hundred year storm shall be outlined and marked on a separate document and be filed or recorded simultaneously with the final tract map and shall be covered by easements for access and maintenance. Elevations of floodwater based on City datum shall be noted on the separate document. All other natural watercourses or bodies of water shall also be delineated. The City Engineer may require that a benchmark monument or monuments be set and shown on the final map.~~
- ~~S. All areas shown on the final tract map which do not constitute a part of the subdivision shall be labeled "not a part". All lines delineating those areas shall be dashed.~~
- ~~T. Any City boundary crossing or adjoining the subdivision shall be shown on the final tract map.~~
- ~~U. The total acreage within the subdivision shall be stated on the final tract map.~~
- ~~V. When a subdivision is of a portion of any unit or units of improved or unimproved land, the map may designate as a remainder that portion which is not divided for the purpose of sale, lease or financing. Such designated remainder parcel need not be indicated as a manner of survey, but only by deed reference to existing boundaries of such remainder if such remainder has a gross area of five acres or more. If so designated, such remainder parcel shall be treated as set out in Section 66424.6 of the California Government Code, or its successor Section, as it may be amended from time to time.~~

8.50.030 Title Sheet of Final Tract Map

The title sheet of each final tract map shall contain:

- A. A title consisting of the number and name of the ~~tract~~ subdivision, if any, and the words "in the City of Grover Beach";
- B. A description of all of the real property being subdivided, referring to such map(s) as have been previously recorded or filed with the County Recorder pursuant to a final judgment in any action in partition. When necessary for greater clarity or definiteness, supplemental reference may be made to any other map on file in the office of the County Recorder. Each reference to any ~~tract or~~ subdivision shall be so noted as to be a unique description and must show a complete reference to the book and page records of the county;
- C. A statement signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the final tract map, subject to the exceptions and under the conditions set out in Section 66436 of the California Government Code.
- D. In the case of final maps filed for reverting subdivided land to acreage, the title sheet shall carry a subtitle consisting of the words "a reversion to acreage of (description as required);"
- E. A basis of bearing shall be shown on every map containing a field survey. A basis of bearing is a line or record which has been reestablished based on points found on the line. The points shall be the same points used to identify the line on the map of record which shows the line's bearing;
- F. In case of dedication or offer of dedication, a statement signed and acknowledged by those parties having any record title interest in the real property subdivided, offering certain parcels of real property for dedication for certain specified public use, subject to such reservations as may be contained in any such offer, as required by the Subdivision Map Act. If the offer includes dedication for street or highway purposes, and the council has so required, the statement shall include a waiver of direct access rights from any property shown on the final map as abutting on the street or highway;

If any street shown on the final map is not offered for dedication, the map certificate shall contain a statement to that effect. If such a statement appears on a map approved by the Council, public use of such street shall be permissive only but shall include use by emergency vehicles. Map certificates shall state the extent to which any street not offered for dedication is offered as a public utility easement.

An offer of dedication for utility or street purposes shall be deemed not to include any public facilities located within the area being dedicated unless, and only to the extent, the intent to dedicate such facilities is expressly stated in the certificate;
- G. The following certificates for execution as specified and as required by the State Subdivision Map Act.

1. CITY COUNCIL'S STATEMENT

I hereby certify that this subdivision was duly adopted and approved and (the dedication of all streets and easements shown hereon were accepted, accepted subject to improvement, rejected without prejudice) was accepted by the Council of the City of Grover Beach on _____, and that the City Clerk was duly authorized and directed to endorse hereon its approval of the same.

Dated: _____ City Clerk _____

2. ~~CITY~~ PLANNING COMMISSION STATEMENT

This is to certify that I have examined this map and have determined that said map substantially conforms to the tentative map as approved _____, and the conditions thereon.

Dated: _____ Secretary of the Commission _____

3. ~~TRACT~~ SUBDIVISION MAP NO. _____/OR PARCEL MAP AT _____

Being a subdivision of (or: adjustment of the lines between) brief legal..... in the City of Grover Beach, County of San Luis Obispo, State of California.

4. OWNER'S STATEMENT

(I, We), the undersigned, hereby certify that (I, We) (are, am) (all) the owner(s) of, and all record holder(s) of security interest in, and all parties having any record title in the real property included within the subdivision and project shown on this map, and that each of us does hereby consent to the filing and/or recordation of this map. And we hereby (add dedications or easement reservations or relinquishment of access rights. Must be specific as to type of dedication/easement and whether public or private).

We hereby dedicate to the public for public use and the benefit of the several public utility companies which are authorized to serve in said subdivision, easements for public utility purposes, delineated on said map as "Public Utility Easement" or P.U.E. by the City of Grover Beach or imposed thereon.

(owner)

(owner)

Dated: _____

State _____

County of _____

On _____, _____, before me, the undersigned, a said state, personally appeared (owner's name(s)) personally known to me, or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) (is/are) subscribed to the within instrument and acknowledged to me that he, she, they) executed the same as owner (s). Witness my hand and official seal.

(notary signature) SEAL

5. ENGINEERS/SURVEYORS STATEMENT

This map was prepared by me or under my direction (and is based upon a field survey) (and was compiled from record data) in conformance with the Subdivision Map Act and local ordinances, at the request of (name) on (date). I hereby state that it conforms to the approved or conditionally approved tentative map, if any.

(name) R.C.E. (or L.S.) (expiration date) SEAL

6. MONUMENT STATEMENT

I, (engineer/surveyor's name) hereby state that all monuments are of the character and occupy the positions shown, (or that they will be set in such positions on or before date). The monuments shown hereon are (or will be) sufficient to enable the survey to be retraced.

Engineer/Surveyor signature SEAL

7. COUNTY RECORDER'S STATEMENT

Filed this ____ day of ____, ____ at _____. in Book ____ of (Parcel) ____ Maps, at page ____ at the request of _____. Document No.: _____

Fee: _____

By: _____

County Recorder Deputy

8. UNPLOTTABLE EASEMENTS

There are certain unplottable easements affecting this property.

(name) _____ document #1

9. CITY ENGINEER'S STATEMENT (~~TRACT~~ SUBDIVISION MAPS ONLY)

I hereby certify that I have examined this Subdivision Map, that the subdivision as shown hereon is substantially the same as it appeared on the tentative map, that all provisions of the Subdivision Map Act and the Subdivision Ordinance of the City of Grover Beach have been complied with and that I am satisfied that this map is technically correct.

Date _____

City Engineer R.C.E.

(expiration date)

10. CITY ENGINEER'S STATEMENT (PARCEL MAPS)

This map conforms to the requirements of the Subdivision Map Act and local ordinances.

Date _____

City Engineer R.C.E.

(expiration date)

8.50.040 Statements, Documents and Other Data to Accompany Final ~~TRACT~~ Map

- A. If any part of an area to be subdivided, lot or parcel, is subject to flood hazard, inundation, or geological hazard, it shall be clearly shown on a separate document to be filed or recorded simultaneously with the final ~~tract~~ map. Benchmark location shall be shown on the final map ~~if~~ as required by the City Engineer.
- B. When a soils or geological report has been prepared, this fact shall be noted, together with the date of the report and the name and address of the soils engineer or geologist making the report and the name and address of the person making the report, on a separate document to be filed or recorded simultaneously with the final map. The note shall indicate any soil problems that exist.

The City shall keep those reports on file for public ~~inspection in the Public Works Department~~ review.

- C. If a noise analysis has been prepared, as provided in these regulations, this fact shall be noted on the final tract map, together with the date of the report. The City shall keep these reports on file for public inspection in the office of the City Engineer.
- D. A copy of the required covenants, conditions and restrictions shall be submitted with the final tract map.

- E. Copies of reference maps, deeds, traverses of the boundaries or of the parcels being created and whatever other information is required by the City Engineer to verify the accuracy of the survey.
- F. If all required improvements have not been accepted by the City prior to filing of the final map, an agreement and ~~bond~~ [financial mechanisms](#), as provided by these regulations, shall be submitted.
- G. No final ~~tract~~ map shall be accepted by the City Engineer unless it is accompanied by a certification of the county tax collector that there are no liens for unpaid state, county, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable, against any of the land to be subdivided.
- H. No final ~~tract~~ map shall be accepted unless it is accompanied by a preliminary title report issued by a title company authorized by the laws of the state to write such insurance, showing the names of all persons having any record title interest in the land to be subdivided and the nature of their respective interest. The title report shall be less than 10 days old.

~~I. A non-refundable filing fee in the amount prescribed by resolution of the Council shall accompany the final tract map.~~

8.50.050 Separated Property

When property is separated or divided by any parcel of land other than a public right-of-way and when the property is not contiguous (exclusive of such rights-of-way), each portion of the property so separated or divided shall be divided as a separate parcel and shall be shown on a separate map.

8.50.060 Final ~~Parcel~~ Maps – ~~Preparation~~ [4 Parcels or Less](#)

Final ~~parcel~~ maps ~~shall be prepared by or under the direction of licensed land surveyor or registered civil engineer,~~ shall substantially conform to the approved or conditionally approved tentative parcel map [\(except for parcel map waivers\)](#), shall be prepared in the manner required by the Subdivision Map Act and with the following exceptions, and shall comply with the requirements of this Section:

- A. Normally, a final parcel map shall be labeled by number(s) only,
- B. The certificate dedicating or offering dedication may be combined with the owner's certificate;
- C. There shall be a certificate for execution by the ~~Public Works Director~~ [City Engineer](#) ~~instead of those of the City Clerk and Commission~~ certifying to the information of the sort contained in those certificates;
- D. The final ~~parcel~~ map shall be based upon a field survey made in conformity with the Land Surveyor's Act.

8.60 LOT LINE ADJUSTMENT

Sections:

- 8.60.010 - Application for lot line adjustment
- 8.60.020 - Criteria for lot line adjustment
- 8.60.030 - Procedures for lot line adjustment

8.60.010 Application for Lot Line Adjustment

Application for lot line adjustment shall be in the same form as prescribed for tentative parcel maps (see Section 8.40.010).

8.60.020 Criteria for Lot Line Adjustment

A. The following criteria must be met for a lot line adjustment:

1. Adjustment must be made between four or fewer existing adjacent parcels,
2. The land taken from one parcel is added to an adjacent parcel,
3. A greater number of parcels than originally existed cannot be created,
4. Lot line adjustment must be approved by the ~~local agency or advisory agency~~ review authority. ~~(Am. Ord. 14-04)~~

The ~~local agency or advisory agency~~ review authority shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to local zoning and building ordinances. ~~An advisory agency or local agency~~ The review authority shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to local zoning and building ordinances, or except to facilitate the relocation of existing utilities, infrastructure or easements. No tentative map, parcel map, or final map shall be required as a condition to the approval of a lot line adjustment. The lot line adjustment shall be reflected in the deed, which shall be recorded. No record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code.

8.60.030 Procedures for Lot Line Adjustment

- A. The procedures for review and action on lot line adjustments shall be as provided in Section 8.30 ~~for tentative parcel maps~~. Action of lot line adjustments shall be ~~administrative and shall not require Commission action except where existing nonconforming lots are proposed to be reduced in size~~ consistent with Table 8.1.
- B. Upon a determination ~~by the Community Development Director~~ by the review authority that the parcels resulting from the lot line adjustment will conform with this Development Code and the City's Building Codes, that the environmental protection measures established by the City will be complied with, and that the lot line adjustment

will not result in a greater number of buildable parcels than originally existed, the lot line adjustment shall be approved.

- C. Conditions or exaction's imposed on the approval of a lot line adjustment shall be limited to those necessary to insure conformance with this Development Code and the City's Building Codes, facilitate the relocation of existing utilities, infrastructure, and/or easements. Monuments shall be set at each new property corner.
- D. Upon acceptance of all statements, guarantees, and other documents which are required in conjunction with the lot line adjustment, the Public Works Director may file a certificate of compliance, which shall refer to the approved lot line adjustment map, for each parcel affected by the change and shall cause a ~~record of survey,~~ deed, ~~or a final map~~ to be recorded in the office of the County Recorder.
- ~~E. The Public Works Director's action may be appealed as provided in Section 7.20 (Appeals).~~

8.70 Subdivision Design and Improvements

Sections:

- 8.70.010 - General considerations
- 8.70.020 - General requirements – Lots
- 8.70.030 - Lot dimensions
- 8.70.040 - Solar orientation
- 8.70.050 - Multiple frontages
- 8.70.060 - Depth-width relationship
- 8.70.070 - Lot lines
- 8.70.080 - Taxing district boundary
- 8.70.090 - Flag lots (deep lot subdivisions)
- 8.70.100 - General requirements – Streets
- 8.70.110 - Access restrictions
- 8.70.120 - Street names
- 8.70.130 - Slope easements
- 8.70.140 - Street types and requirements
- 8.70.150 - General requirement – Design Criteria and Improvement Standards
- 8.70.160 - Improvements

8.70.010 General Considerations

The layout of streets and lots within a subdivision shall be consistent with the densities and types of uses authorized by the general plan, specific plans and zoning. The subdivision design shall also recognize the physical conditions of the site, such as slope, soil types, and adjacent land use, which may further limit uses of the property. The ~~subdivider~~ applicant must simultaneously consider such factors as terrain, solar exposure, development objectives, and options available under these regulations in order to design a subdivision which best meets the needs of those who will occupy it as well as the community as a whole.

8.70.020 General Requirements – Lots

The design of lots should be based on intended use, topography and access requirements. Lots which are impractical for intended uses due to terrain, location of natural features, inadequate access, frontage, or buildable area, or other physical limitations will not be approved.

8.70.030 Lot Dimensions

Each lot shall have the minimum area and dimensions indicated in this Development Code for the zone in which it is located, unless otherwise increased by the provisions of this Chapter. Each lot shall front on a street, or approved ingress and egress easement.

8.70.040 Solar Orientation

The longest dimension of each lot should be oriented within thirty degrees of south, unless the ~~subdivider~~ applicant demonstrates that for certain lots:

- A. The lots are large enough to allow proper building orientation and maximum feasible control of solar exposure by the lot owner, regardless of lot orientation;
- B. Buildings will be constructed as part of the subdivision project (as in condominium or planned development), and the buildings themselves will be properly oriented, with adequate solar exposure;
- C. Topography makes variations from the prescribed orientation desirable to reduce grading or tree removal or to take advantage of a setting which favors early morning or late afternoon exposure, or where topographical conditions make solar energy unfeasible;
- D. The size of the subdivision in relation to surrounding streets and lots precludes desirable lot orientation.

8.70.050 Multiple Frontages

Single-family residential lots with frontage on more than one street are discouraged, except for corner lots or where topography makes a single frontage impractical. The City may require the release of access rights on one frontage which shall be noted on the subdivision map.

8.70.060 Depth-Width Relationship

Lots with a ratio of depth to width greater than three shall not be permitted unless there is adequate assurance that deep lot subdivision will not occur or that deep lot subdivision and subsequent development will be accomplished without detriment to adjacent properties.

8.70.070 Lot Lines

- A. Lot lines should be at the top of slope banks.
- B. Side lot lines should be perpendicular to the street on straight streets, or radial to the street on curved streets, unless another angle would provide better building orientation for solar exposure or more lot area to the south of the likely building site, or unless another lot configuration would better suit the site topography or planned design of the development.
- C. On corner lots, the intersection lot lines adjacent to streets shall be rounded with a twenty-foot radius.

8.70.080 Taxing District Boundary

No lot shall be divided by a taxing district boundary.

8.70.090 Flag Lots (deep lot subdivisions)

- A. Flag lots may be approved for subdividing deep lots subject to the following findings ([urban lot splits creating a flag lot shall comply with Section 8.160.020](#)):
 - 1. the subdivision is consistent with the character of the immediate neighborhood;
 - 2. the installation of a standard street, either alone or in conjunction with neighboring properties is not feasible; and
 - 3. the flag lot is justified by topographical conditions.
- B. Such subdivisions shall conform with the following:
 - 1. The access way serving the flag lot(s) shall not be included in the determination of required lot area for any lot.
 - 2. The original lot shall have frontage on a dedicated street of at least the minimum length required by these regulations for the zone in which it is located, plus the access way required to potential rear lots.
 - 3. The access way to the rear shall be a ~~minimum~~ at least 20 10 feet wide (developed to City standards) for residential zones, except where the access way is more than 150 feet long, it shall be at least 24 feet wide with 20 feet of pavement. For all other zones, the access way shall be at least 30 feet wide with a paved roadway at least 24 feet wide.
 - 4. Each lot shall have ~~yards~~ setbacks as required by this Development Code, including a ~~40~~ 2 foot setback along any access way, whether easement or lot line.
 - 5. The lot farthest from the street shall own the access way ~~in fee~~. Other lots using the access way shall have an access and utility easement over it.
 - 6. ~~Lots utilizing the access way of a flag lot may be required to enter into a road maintenance agreement to insure perpetual maintenance and repair of the access way.~~
 - 7. ~~A reflectorized house number master sign shall be located at the intersection of the street and access way and individual reflectorized address signs shall be placed on the right hand side of the driveway to each individual lot.~~

8.70.0100 General Requirements – Streets

The design of a subdivision street system should result from an evaluation of topographical conditions, the traffic likely to be generated by the types and numbers of planned uses, and the purpose of each street. The street system must allow an acceptable pattern of lots.

8.70.0110 Access Restrictions

Reserve strips of land to control access from adjoining property to public streets may be required by the City. Such reserve strips shall be at least one foot wide. They shall be shown and clearly labeled on the final map. Access restrictions may also be incorporated by note on the map.

8.70.0120 Street Names

Streets which are continuations of existing streets shall have the same names. Streets which are not continuations or which have significantly changed alignments shall have names which do not duplicate or closely resemble any other street names. Names for proposed streets shall be submitted on the tentative map for approval by the City. Street names shall be of beach or resort origin or shall honor a non-living individual of historic significance to the community.

8.70.0130 Slope Easements

Where excavation or fill slopes extend beyond the street right-of-way, easements for the slopes may be required by the City.

8.70.0140 Street Types and Requirements

Requirements (i.e., travel lane width, right-of-way width, etc.) for various types of streets shall be as established by the City Engineer and Director of Public Works.

8.70.0150 General Requirement – Design Criteria and Improvement Standards

The design criteria for subdivisions and the required physical improvements for them shall be in compliance with this Development Code, the City's grading ordinance, and other applicable regulations or standards.

8.70.0160 Improvements

Improvement work, including grading, shall not be commenced until plans for all such work have been approved by the City Engineer. All improvements shall be constructed under the inspection of and to the satisfaction of the City. Improvements to be installed by the ~~subdivider~~ applicant, in accordance with the subdivision standards established by the Public Works Department, include the following:

- A. Streets, curb, gutters, and sidewalks as required by the City Engineer.

- B. The ~~subdivider~~ applicant shall make provisions for any railroad crossing necessary for the subdivision, including application to the California Public Utilities Commission.
- C. Separate bicycle paths or bicycle areas may be required.
- D. Storm drainage, erosion and flood-control facilities shall be constructed for the collection and transmission of storm water from the subdivision to the nearest point of disposal which is satisfactory to the City Engineer. The ~~subdivider~~ applicant shall be responsible for proper drainage of all storm water which runs onto his property from adjacent properties.
- E. Durable boundary monuments shall be installed and shown on the final map.
- F. Street name signs and traffic control and warning signs shall be installed as specified by the City Engineer. Traffic signals and traffic signal control conduits may be required by the City Engineer.
- G. Utilities to be installed by the ~~subdivider~~ applicant shall include those listed in this Subsection. The development of these facilities may require financial contribution for previous improvements to the systems, as provided in the most recent Council resolution on utility connection charges, or in any agreement affecting a particular portion of a system, or applicable easement.

1. Sanitary sewer laterals shall be stubbed to the front property line of each lot if sanitary sewers are available. All facilities for the transmission of sewage from each of the lots to the nearest adequate point of connection to the City's sewer system shall be installed as acceptable to the City Engineer.

Sewer lines need not be provided to lots which will be in perpetual open space use.

All sewer mains shall be located within a dedicated City street or alley or within a recorded easement. (The City may make available its powers of condemnation, if needed, to acquire a sewer easement for development of a subdivision. All costs shall be borne by the ~~subdivider~~ applicant.) All manholes not within a street or paved drive shall be within an easement to the City and accessible by an all-weather dust-free road.

2. A water system for domestic service and fire protection shall be provided, including all facilities necessary for the transmission of water to each lot of the proposed subdivision from the nearest point of adequate supply, satisfactory to the City Engineer and Fire Department. Water service shall be stubbed to a meter vault at the front of each lot. Fire hydrants shall be installed according to the City's Fire Code and to the satisfaction of the Fire Chief and City Engineer. Water lines need not be provided to lots which will be in perpetual open space use and which will not require irrigation or fire suppression. The Fire Chief may determine, however, that fire hydrants are required.
3. Electric power, gas and telephone services shall be stubbed to each lot and all facilities to distribute such services shall be provided according to the requirements of the responsible utility companies.

4. Cable television service and fiber connection shall be provided.
 5. Fire alarm conduit may be required by the Fire Chief.
- H. All new utility distribution facilities shall be placed underground, except accessory facilities such as terminal boxes, meter cabinets and transformers may be installed above ground. The ~~subdivider~~ applicant shall make all necessary arrangements with the utility companies for these facilities. The ~~subdivider~~ applicant shall carry out protective measures as required by the City to assure the proper functioning and maintenance of other required improvements and properties adjacent to the subdivision. Temporary protective improvements may be required prior to or concurrent with the construction of permanent improvements.

8.80 Dedications

Sections:

- 8.80.010 - General requirements
- 8.80.020 - Offer to dedicate easements to remain open
- 8.80.030 - Waiver of direct street access
- 8.80.040 - Title insurance for dedication

8.80.010 General Requirements

All parcels of land intended or needed for public use shall be offered for dedication to the City before any subdivision is approved - typically, when the final map is filed. The ~~subdivider~~ applicant shall grant whatever land or easements the City determines are necessary to fulfill the purposes of these regulations. Such dedication of parcels or easements and improvements may be required for the following uses:

- A. Streets and alleys, including future streets;
- B. Private streets (conditional dedication) for emergency services;
- C. Pedestrian and bicycle paths, or sidewalks;
- D. Bus stops;
- E. Public utilities;
- F. Natural watercourses, storm drains and flood-control channels;
- G. Public access, including access for maintenance or fire protection;
- H. Protection of scenic and environmentally sensitive lands;
- I. Street trees;
- J. Parks and recreation facilities;
- K. Protection of slope banks, areas subject to flooding, and other potentially hazardous areas;
- L. School sites as may be necessary in accordance with the Subdivision Map Act;
- M. Sites to be preserved for public use as provided in the Subdivision Map Act;
- N. Such other public purposes as the City may deem necessary, provided the amount of property required to be dedicated bears a reasonable relationship to the increased need for public facilities created by the subdivision.

8.80.020 Offer to Dedicate Easements to Remain Open

If, at the time the final tract map or parcel map is approved, any of the easements set out in Section 66477.2 of the California Government Code are rejected, subject to California Code of Civil Procedure Section 771.010, the offers of dedication shall be irrevocable and

the Council may, by resolution at any later date and without further action by the ~~subdivider~~ [applicant](#), rescind its action and accept and open any of these easements for public use. The acceptance shall be recorded in the office of the County Recorder.

8.80.030 Waiver of Direct Street Access

The City may require that any dedication or offer of dedication of a street shall include a waiver of direct access rights to such street from any property shown on a final tract map or parcel map as abutting thereon, and that if the dedication is accepted, such waiver shall become effective in accordance with the provisions of the waiver of direct access.

8.80.040 Title Insurance for Dedication

Before a final map is recorded, or if dedication and offers of dedication are supplemented by separate instrument, before such instrument or instruments are recorded, a policy of title insurance shall be issued for the benefit and protection of the City. Any expense involved in complying with the provisions of this Section shall be borne by the ~~subdivider~~ [applicant](#).

8.90 Subdivision Improvement Requirements

Sections:

- 8.90.010 - General requirements
- 8.90.020 - Preparation and form of improvement plans
- 8.90.030 - Grading plan
- 8.90.040 - Plan check fees
- 8.90.050 - Commencement of improvement work
- 8.90.060 - Inspection of improvement work
- 8.90.070 - Coordination of improvement work
- 8.90.080 - Improvements deferred or waived
- 8.90.090 - Over sizing improvements reimbursements
- 8.90.100 - Improvement agreement
- 8.90.110 - Form. Filing and term of improvement agreement
- 8.90.120 - Minimum agreement provisions
- 8.90.130 - Additional agreement provisions
- 8.90.140 - Improvement security required
- 8.90.150 - Form. Filing and term of improvement security
- 8.90.160 - Labor and materials
- 8.90.170 - Liability for alterations or changes
- 8.90.180 - Release of improvement security – Assessment District proceedings
- 8.90.190 - Release of improvement security – Completion of work
- 8.90.200 - Withholding building permits
- 8.90.210 - Acceptance of improvements
- 8.90.220 - Deferral of improvements for parcel maps

8.90.010 General Requirements

All improvements shall conform to these regulations and the subdivision standards. Improvement plans shall be completed by the ~~subdivider's~~ applicant's civil engineer prior to the acceptance of the final map for filing. Improvements not completed shall be guaranteed or bonded for, at the option of the City, prior to filing the final map.

8.90.020 Preparation and Form of Improvement Plans

- A. Improvement plans shall be prepared by a registered civil engineer and shall show full details of all improvements required to be installed by the provisions of these regulations, and of all other improvements proposed to be installed by the ~~subdivider~~ applicant within any street, alley, pedestrian way, easement or other public area or right-of-way. Full details shall include cross sections, plans, profiles, estimated costs and specifications. Preliminary plans may be submitted prior to the final plans to allow time for checking and correction.
- B. The form, layout, scale and other particulars of the plans, and the number of copies to be provided, shall be in accordance with the requirements of the City Engineer.

8.90.030 Grading Plan

A grading plan and specifications prepared substantially in accordance with the preliminary grading plan approved as part of the approved or conditionally approved tentative map shall be submitted as part of the improvement plans. A permit must be obtained in accordance with the provisions of the City's grading regulations.

8.90.040 Plan Check Fees

At the time of the submission of the final improvement plans, the ~~subdivider~~ applicant shall pay a fee for plan checking, in an amount established by the City's Master Fee Schedule.

8.90.050 Commencement of Improvement Work

Prior to the commencement of construction or installation of any improvements within any street, alley, path, easement or other public area or right-of-way, improvement plans shall have been approved by the City Engineer and Encroachment Permits issued.

8.90.060 Inspection of Improvement Work

All improvements shall be constructed under the inspection of the City Engineer and the ~~subdivider~~ applicant shall cause all such improvement work to be inspected at all times as the City Engineer may establish. The ~~subdivider~~ applicant shall obtain an encroachment permit, pay an inspection fee, in an amount established by resolution of the City Council, and enter into an Inspection Agreement, prior to the commencement of construction of the improvements as specified in the Encroachment Permit Ordinance.

8.90.070 Coordination of Improvement Work

All work and improvements contemplated by and performed under the provisions of these regulations shall be accomplished so as to coordinate and minimize interference with other private or public development and to minimize its threat to public safety.

8.90.080 Improvements Deferred or Waived

The ~~Council~~ Review Authority may defer or waive all or a portion of the improvements which would otherwise be required if the subdivision map is for the purpose of consolidating existing lots and unsubdivided parcels, eliminating abandoned streets or alleys, or adjusting boundaries, when there is not public need for such improvements, or such improvements are not immediately necessary.

8.90.090 Over Sizing Improvements Reimbursements

As a condition of approval of a tentative map, it may be required that improvements installed by the ~~subdivider~~ applicant for the benefit of the subdivision be of a supplemental size, capacity or number for the benefit of property not within the subdivision, and that the improvement be dedicated to the public. If such condition is imposed, provision for reimbursement to the ~~subdivider~~ applicant, in the manner provided by the Subdivision Map Act, shall be contained in the subdivision improvement agreement entered into pursuant to these regulations, prior to any work being undertaken.

8.90.0100 Improvement Agreement

If the required improvements are not satisfactorily completed before a final map is filed, the ~~subdivider~~ applicant shall enter into an agreement with the City to make all improvements as may be required upon approval of such map.

8.90.0110 Form. Filing and Term of Improvement Agreement

- A. The improvement agreement shall be in writing, shall be approved as to form by the City Attorney, and shall be secured and conditioned as provided in this Chapter. The agreement shall be recorded prior to or simultaneously with the final map.
- B. The foregoing improvement agreement shall be complete and executed by the City Manager and on file with the city before the final map is filed for recording. The term of each improvement agreement filed pursuant to the provisions of this Section shall begin on the date of recording and end upon the date of completion and fulfillment of all terms and conditions contained therein, to the satisfaction of the Council.

8.90.0120 Minimum Agreement Provisions

The agreement shall include the following provisions as minimum terms and conditions:

- A. Mutually agreeable terms to complete all required improvements at the ~~subdivider's~~ applicant's expense;
- B. A provision that the ~~subdivider~~ applicant shall comply with all requirements of these regulations, of this code, and of other applicable laws, and with all terms and conditions of required improvement permits;
- C. A statement indicating a period of time within which the ~~subdivider~~ applicant shall complete all improvement work;
- D. A provision that, if the ~~subdivider~~ applicant fails to complete the work within the specified period of time, or any extended period of time that may have lawfully been granted to the ~~subdivider~~ applicant, the City may, at its option, complete the required improvement work and the ~~subdivider~~ applicant and his surety shall be firmly bound,

under a continuing obligation, for payment of the full cost and expense incurred or expended by the City in completing such work;

- E. Provision for the repair and replacement of defective material and workmanship of the improvements by the ~~subdivider~~ applicant for a period of twelve months after the improvements have been accepted by the Council;
- F. A provision guaranteeing payment to the City for all engineering and inspection costs and fees not previously paid and all other incidental costs incurred by the City in enforcing the agreement.

8.90.0130 Additional Agreement Provisions

The foregoing improvement agreement may also include the following provisions and such other additional terms and conditions as may be required upon approval of the tentative map or as are determined necessary by the Council, the City Manager, or the Public Works Director to carry out the intent and purposes of these regulations:

- A. Provision for the repair, at the ~~subdivider's~~ applicant's expense, of any damage to public streets which may reasonably be expected to result from hauling operations necessary for subdivision improvements required by these regulations, including the importing or exporting of earth for grading purposes;
- B. Mutually agreeable terms to acquire public easements which are outside the boundaries of the subdivision, at the ~~subdivider's~~ applicant's expense;
- C. Mutually agreeable terms to improve, at some undetermined future date, easements offered and reserved for future public use at the ~~subdivider's~~ applicant's expense; and providing that such improvements shall be secured by separate security in the manner prescribed in Section 8.90.140, and further providing that the requirements of this provision shall not delay the release of any other improvement security provided pursuant to Section 8.90.140;
- D. Provision for reimbursement to be paid the ~~subdivider~~ applicant under the provisions of the Subdivision Map Act;
- E. A provision that the ~~subdivider~~ applicant shall provide to the City, prior to the filing of the final map, letters from each utility company indicating that such companies have agreed to install, and will so install, the public utilities necessary to serve the subdivision.

8.90.0140 Improvement Security Required

The ~~subdivider~~ applicant shall secure the foregoing improvement agreement in the amount of 100% of the amount determined by the City Engineer to be the total estimated cost of the improvements, including a factor for inflationary cost increases, and any additional act to be performed by the ~~subdivider~~ applicant under the foregoing improvement agreement, including a factor for inflationary cost increases, plus such additional amounts as the City

Manager may determine are necessary to cover costs, reasonable expenses and fees, including reasonable attorney's fees, which may be incurred by the City in successfully enforcing the agreement. The requirement of the improvement security shall not be waived under any circumstances.

8.90.0150 Form. Filing and Term of Improvement Security

- A. The improvement security shall be conditioned upon the faithful performance of the improvement agreement and shall be in one of the forms provided in the Subdivision Map Act. The form shall be the choice of the City in each improvement agreement. (Improvement security for public utility improvements may be in the form of a letter of assurance from the utility.)
- B. Improvement security shall be filed with the City, together with the improvement agreement, before the City accepts the final map for filing. The form of the improvement security shall be subject to the approval of the City Attorney.
- C. The term of the improvement security, filed pursuant to the provisions of this Section to secure the faithful performance of the agreement, shall begin on the date of filing and end upon the date of completion or fulfillment of all terms and conditions of the improvement agreement, to the satisfaction of the Council.

8.90.0160 Labor and Materials

When the improvement security provided pursuant to Section 8.90.140 is a surety bond, it shall be accompanied by a bond for the security of laborers and materialmen in an amount to be determined by the City Manager, but not less than 50 percent of the City Engineer's estimated cost of the improvements. When the improvement security is a cash deposit or an instrument of credit, such security shall include an additional amount necessary for the protection of laborers and materialmen, but in no event less than 50 percent of the City Engineer's estimated cost of the improvements.

8.90.0170 Liability for Alterations or Changes

The liability upon the security given for the faithful performance of the agreement shall include the performance of any changes or alterations in the work; provided, however, that all such changes or alterations do not exceed ten percent of the original estimated cost of the improvement.

8.90.0180 Release of Improvement Security – Assessment District Proceedings

If the required subdivision improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing by the contractor of the faithful performance and payment bond required by the special assessment act being used, the improvement

security to the ~~subdivider~~ applicant may be reduced by the Council by an amount corresponding to the amount of such ~~bonds~~ financial instruments furnished by the contractor.

8.90.0190 Release of Improvement Security – Completion of Work

- A. Improvement security may be released upon the final completion and acceptance of the work; provided, however, such release shall not apply to the amount of security deemed necessary by the City Engineer for the guarantee and warranty period, nor to costs and reasonable expense fees, including reasonable attorney's fees, incurred by the City in enforcing the improvement agreement.
- B. The Council shall, upon report by the City Engineer, accept and certify the satisfactory completion of improvement work prior to any release of improvement security covering such work.

8.90.0200 Withholding Building Permits

No building permit or similar entitlement of use shall be issued for the development of any lot within a subdivision until all required improvements are substantially completed or bonded for at the discretion of and to the satisfaction of the Public Works Director; provided, however, building permits and entitlement may be issued for the development of a lot designated as a model home site when the Public Works Director determines the following and executes a City Early Construction Agreement:

- A. The construction of all required improvements has progressed to the extent that completion of and acceptance of the work seems assured to occur within a reasonable period of time; and
- B. The development of the model home sites will not conflict with work in progress on the construction of the required improvements.

8.90.0210 Acceptance of Improvements

After the final parcel map or final tract map has been recorded, all subdivision improvements properly installed in accordance with previously approved plans and specifications shall be accepted by the Council and the ~~subdivider~~ applicant and any other person having an interest in such completion shall be notified in writing by the City Clerk of acceptance by the Council. At the time of acceptance, the City shall assume maintenance of the improvements except as otherwise provided in this Chapter. Parcel map improvements may be accepted by the Public Works Director; tract map improvements will be accepted by the Council.

8.90.0220 Deferral of Improvements for Parcel Maps

Improvements required for parcel maps may be deferred until a building permit or other entitlement for development of the parcel(s) is granted by the City, unless the City Engineer ~~and Community Development Director~~ find^s that completion of improvements is necessary to protect the public health and safety or is a necessary prerequisite to the orderly development of the surrounding area. If these findings are made, the City may require completion of the improvement requirements within a reasonable time following approval of the parcel map and prior to the issuance of permits for development.

8.100 Subdivision Exceptions

Sections:

- 8.100.010 - Exception authority
- 8.100.020 - Required findings and conditions
- 8.100.030 - Filing applications – Form and content
- 8.100.040 - Commission or Public Works Director action
- 8.100.050 - Council actions

8.100.010 Exception Authority

Upon the recommendation of the Commission or Public Works Director, or upon its sole determination, the Council may authorize exceptions to the requirements or standards imposed by these regulations; provided, however, that no exceptions may be made to any requirements imposed by the Subdivision Map Act; and further provided that nothing in this Chapter shall be construed as altering or conflicting with the powers and duties of the City to approve variances from this Development Code.

8.100.020 Required Findings and Conditions

- A. Before any exception is authorized, all of the following findings shall be made:
 - 1. That the Property to be divided is of such size or shape, or is affected by such topographic conditions, that it is impossible, impractical or undesirable, in the particular case, to conform to the strict application of the regulations codified in this title; and
 - 2. That the cost to the ~~subdivider~~ applicant of strict or literal compliance with the regulations is not the sole reason for granting the modification;
 - 3. That the modification will not be detrimental to the public health, safety and welfare, or be injurious to other properties in the vicinity; and
 - 4. That granting the modification is in accord with the intent and purposes of these regulations, and is consistent with the General Plan and with all applicable specific plans or other plans of the City.
- B. In granting any exception, the Council shall impose such conditions as are necessary to protect the public health, safety and welfare, and assure compliance with the General Plan, with all applicable specific plans, and with the intent and purposes of these regulations.

8.100.030 Filing Applications – Form and Content

- A. Applications for exceptions shall be filed, in writing, by the ~~subdivider~~ applicant with the Community Development Director, upon a form and in the number of copies required for that purpose.
- B. Each application shall state fully the nature and extent of the exception requested, the specific reasons for it, and the facts relied upon to reach those conclusions.

8.100.040 Commission or Public Works Director Action

The Commission (tract map) or Public Works Director (parcel map) shall separately consider any request for an exception and shall recommend approval or conditional approval only after determining that findings can be made which substantiate the criteria set out in Section 8.70.010.

8.100.050 Council Action

Within 30 days of its receipt of the Commission's recommendation, the City Council shall consider and approve, conditionally approve, or deny the request for exceptions.

8.110 Reversion to Acreage

Sections:

8.110.010 – ~~Purpose~~ [Procedures for Reversion To Acreage](#)

~~8.110.020 – Initiation of proceedings~~

~~8.110.030 – Public hearing~~

~~8.110.040 – Required findings~~

~~8.110.050 – Required conditions~~

~~8.110.060 – Delivery of reversion map to county recorder~~

~~8.110.070 – Effect of filing reversion map with the County Recorder~~

~~8.110.080 – Tax bond not required~~

8.110.010 ~~Purpose~~ [Procedures for Reversion To Acreage](#)

This Section is intended to enable the aggregation of subdivided real property [Reversion to acreage shall be completed consistent with Subdivision Map Act section 66499.11 through 66499.20.3](#)

8.110.020 ~~Initiation of Proceedings~~

~~Proceedings for reversion to acreage may be initiated by the Council on its own motion or by petition of all of the owners of record of the real property within the area to be reverted. The petition shall contain the following:~~

~~A. Adequate evidence of title to the real property within the subdivision;~~

~~B. A statement outlining the use, non-use, viability or lack of necessity for existing easements, offers of dedication or similar attachments which are to be vacated or abandoned or maintained;~~

~~C. Sufficient data to enable the Council to make all of the determinations and findings required by this Chapter.~~

~~D. A final map which delineates dedications which will not be vacated and dedications which are a condition to reversion, and the boundary of the area to be reverted to acreage.~~

~~E. Any other pertinent information as may be required by the Public Works Director.~~

8.110.030 ~~Public Hearing~~

~~After giving notice as provided in Section 7.10 (Public Hearings), the Council shall hold a public hearing on the proposed reversion to acreage.~~

8.110.040 ~~Required Findings~~

~~Before approving the map, the Council shall find that:~~

~~A. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary to present or prospective public purposes; and~~

~~B. Either:~~

- ~~1. All owners having an interest in the real property to be reverted to acreage have consented to reversion; or~~
- ~~2. None of the improvements required to be made have been made within two years from the date the final tract or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or~~
- ~~3. No lots shown on the final tract or parcel map have been sold within five years from the date such map was filed for record.~~

8.110.050 Required Conditions

~~As conditions of reversion, the Council shall require:~~

~~A. Dedications or offers of dedication necessary for the purposes specified by the regulations set out in this title;~~

~~B. Retention of all previously paid fees if necessary to accomplish the purposes of the regulations set out in this title;~~

~~C. Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this Chapter.~~

8.110.060 Delivery of Reversion Map to County Recorder

~~After the hearing and approval of the final reversion to acreage map by the Council, the City Clerk shall transmit the map to the County recorder for recordation.~~

8.110.070 Effect of Filing Reversion Map with the County Recorder

~~A. The filing of the map with the County Recorder shall constitute reversion to acreage of the real property affected, and thereupon all dedications and offers of dedication not shown thereon shall be of no further force or effect.~~

~~B. When a reversion is effective, all fees and deposits shall be returned and all improvement security released, except those retained pursuant to Section 8.110.050.~~

8.110.080 Tax Bond Not Required

~~A tax bond shall not be required in reversion proceedings.~~

8.120 Lot Merger

Sections:

~~8.120.010 Purpose~~

~~8.120.020 Application~~

8.120.030 [010](#) - Procedures for lot merger

8.120.010 Purpose

~~A. This Section is intended to enable the merger of contiguous parcels where the Community Development Director and City Engineer have determined that requirements for on-site and off-site improvements have been satisfied or will be imposed as a condition of a future entitlement for use of the subject parcel(s).~~

8.120.020 Application

~~A. Application for lot merger shall be made in a form prescribed by the Community Development Director.~~

8.120.030 [8.120.010](#) Procedures for Lot Merger

~~Upon a determination by the Community Development Director and City Engineer that the lots proposed for merger are legal lots, that the owners of the subject lots consent to the proposed merger, and that on-site and offsite improvements which were imposed as conditions of approval have either been installed and accepted or will be required as part of a future entitlement for use or development of the subject lot(s), a certificate of lot merger shall be prepared. Said certificate shall describe the new exterior boundary of the lot after merger and shall be recorded in the Office of the County Recorder. Lot mergers shall be completed consistent with Subdivision Map Act Section 66451.~~

8.130 Condominium Conversions

Sections:

- 8.130.010 - Purpose and intent
- 8.130.020 - Applicability of other laws
- 8.130.030 - Provisions to govern condominium conversion projects
- 8.130.040 - Application requirements

8.130.010 Purpose and Intent

Condominiums, community apartments and stock cooperatives provide for ownership of separate dwellings or equity coupled with a right of exclusive occupancy, as well as common areas within multi-family housing normally managed and maintained by an owner's association. This mix of individual and common ownership and the potential problems of converting existing apartments make special regulations necessary.

The City has determined that condominiums differ from apartments in some respects and, for the benefit of public health, safety and welfare, the conversion of such projects should be treated differently from apartments.

These regulations are intended to:

- A. Establish requirements and procedures for the conversion of existing rental housing to residential condominiums and other forms of occupant housing.
- B. Provide for compliance with the Land Use Element and Housing Element of the City's General Plan.
- C. Assure purchasers of converted apartments are aware of the condition of the structure which is offered for purchase.
- D. Provide design and property improvement standards for condominium conversion projects.
- E. Maintain a healthy inventory of rental housing suitable for persons of low and moderate-income.

8.130.020 Applicability of Other Laws

All condominium projects shall be subject to all applicable provisions of the Subdivision Map Act and this Development Code, and all other applicable state and local laws and ordinances.

8.130.030 Provisions to Govern Condominium Conversion Projects

The procedures and standards contained in this Chapter shall govern condominium conversion projects.

8.130.040 Application Requirements

The following shall be provided at the time of application for a condominium conversion:

- A. Property Condition Report. The application shall be accompanied by a Property Condition Report. This report shall be in addition to and shall not replace any public report required by Government Code Section 66427.1 (a) to be submitted to the Department of Real Estate. The Property Condition Report shall include at least the following:
 1. A report detailing the condition of all elements of the property including foundations, ventilation, utilities, walls, roofs, windows, mechanical equipment, appliances which will be sold with the units, common facilities and parking areas. The report shall state, to the best knowledge of the applicant, and for each element: the date of construction, the condition, the expected useful life, the cost of replacement, and any variation from the zoning regulations in effect when the last building permit was issued for the subject structures. The report shall include evidence that the internal walls would meet current sound attenuation standards and that all current energy conservation standards are met. In the event the noise and energy standards are not currently met, the report shall explain proposed corrective measures to be used. The report shall identify all defective or unsafe elements or those which may impair use and enjoyment of the property, and explain the proposed corrective measures to be used. The report shall be prepared by or under the supervision of a registered civil or structural engineer, licensed general contractor, or architect;
 2. A report from a licensed pest-control operator describing in detail the presence and effects of any wood destroying organisms;
 3. A report of any known soil or geological problems. Reference shall be made to any previous soil reports for the site.
- B. Site Plan. The application shall be accompanied by a site plan which shall include at least the following:
 1. The location, number of stories, number of dwellings, and proposed use of each structure to remain and for each proposed new structure;
 2. The location, use and type of surfacing for all open storage areas;
 3. The location and type of surfacing for all driveways, pedestrian ways, vehicle parking areas and curb cuts;
 4. The location and number of all covered and uncovered parking spaces;
 5. The location of all existing and proposed utility lines and meters;
 6. The location, height and type of materials for walls and fences;
 7. The location of all landscaped areas, the type of landscaping, method of irrigation, and a statement specifying private or common maintenance;
 8. The location and description of all recreational facilities;

8.140 Fees

Sections:

8.140.010 - Council Authority

8.140.010 Council Authority

The Council shall, by resolution, establish fees to be charged of ~~subdivider~~ applicant, and procedures of collection and refunds for any activities authorized or required by this Chapter, including appeals and requests for continuance or time extension.

8.150 Enforcement

Sections:

- 8.150.010 - Generally
- 8.150.020 - Illegal subdivisions – Notification of Public Works Director required
- 8.150.030 - Certificate of compliance – Application – Fee
- 8.150.040 - Certificate of compliance – Application – Determination
- 8.150.050 - Certificate of compliance – Recordation
- 8.150.060 - Illegal subdivision – Permit issuance prohibited

8.150.010 Generally

Except as otherwise provided in this Chapter, the Public Works Director is authorized and directed to enforce the regulations set out in this Chapter and the Subdivision Map Act for subdivision within the City.

8.150.020 Illegal Subdivisions – Notification of Public Works Director Required

Any officer or employee of the City who has knowledge that real property has been divided in violation of the Subdivision Map Act or the regulations set out in this title, shall immediately so notify the Public Works Director. Upon receipt of the information, the Public Works Director shall file the notices required by the Subdivision Map Act.

8.150.030 Certificate of Compliance – Application – Fee

- A. Any person owning real property, or the agent or representative of such person, may file an application for a certificate of compliance to determine whether such real property complies with the provisions of the Subdivision Map Act and of this ordinance. Such applications shall be filed with the Public Works Director, who shall be responsible for the issuance and recordation of the same. The form of the application shall be prescribed by the Public Works Director.
- B. A non-refundable fee in an amount specified by resolution of the Council for each lot or parcel for which a certificate is sought, shall accompany the application.

8.150.040 Certificate of Compliance – Application – Determination

- A. Within fifteen days after the filing of the application for a certificate of compliance, the Public Works Director shall grant, conditionally grant, or deny such application.
- B. If at any time during the processing of the application for a certificate of compliance, the Public Works Director determines that additional information or data is required, the applicant shall be promptly advised in writing, by mail, of the additional material to be supplied before further action will be taken on the application.

- C. If the application for a certificate of compliance is to be conditionally granted, the Public Works Director shall impose all conditions reasonably necessary to protect the public health, safety and welfare.
- D. The applicant shall be notified, in writing, of the action taken on the application and of the findings of fact supporting the decision.

8.150.050 Certificate of Compliance – Recordation

- A. The certificate of compliance shall be filed for recording with the County Recorder by the Public Works Director. Such certificate shall identify the real property and shall state that the configuration thereof complies with applicable provisions of these regulations and all other provisions of this Code regulating the division of land within the City.
- B. A certificate of compliance granted with conditions shall not be recorded until all conditions have been met, or until assurance that such conditions will be met, in a form approved by the City Attorney and accepted by the Public Works Director.
- C. If the application for a certificate of compliance is to be conditionally granted, the Public Works Director shall impose all conditions reasonably necessary to protect the public health, safety and welfare.
- D. The applicant shall be notified, in writing, of the action taken on the application and of the findings of fact supporting the decision.

8.150.060 Illegal Subdivision – Permit Issuance Prohibited

No board, commission, officer or employee of the City shall issue any certificate or permit, or grant any approval necessary to develop any real property within the City which has been divided, or which resulted from a division, in violation of the provisions of the Subdivision Map Act or of this title.

8.160 Urban Lot Splits

Sections:

[8.160.010 – Authority and Purpose](#)

[8.160.020 – Subdivision Standards](#)

[8.160.030 – General Requirements and Restrictions](#)

[8.160.040 – Approval Process](#)

8.160.010 Authority and Purpose

- A. [The purpose of this Section is to implement the provisions of California Government Code Sections 66452.6, 65852.21, and 66411.7 regarding the allowance for urban lot splits and establishment of more than one dwelling unit on properties in zones formerly limiting development to a single primary dwelling unit, specifically the R1, CR1, and CPR1 zones. Urban lot splits shall comply with the subdivision standards and general requirements and restrictions set forth in this Section.](#)

8.160.020 Subdivision Standards

[The following objective subdivision standards supersede any other standards to the contrary that may be provided in this Development Code, as they pertain to creation of an urban lot split under Section 66411.7 of the Government Code.](#)

- A. [Flag/Corridor Lots. The access corridor of a flag/corridor lot parcel shall be in fee as part of the parcel and/or as an easement and shall be a minimum width of 14 feet, or 10 feet for lots with a depth of 200 feet or less.](#)
- B. [Public Access. Each existing and newly created lot shall have access to a public street. Such access may be provided via an easement of a minimum width 14 feet, or 10 feet for lots with a depth of 200 feet or less, or as a flag/corridor lot.](#)
- C. [Lot Lines. The side lines of all lots shall be at right angles, to the maximum extent feasible, to streets or radial to the centerline of curved streets.](#)
- D. [Minimum Lot Size. Each new parcel created shall be approximately equal in lot area, provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision. In no event shall any new parcel be less than 1,200 square feet in lot area. The minimum lot area for a flag/corridor lot shall be exclusive of the access corridor portion of the flag lot.](#)
- E. [Minimum Lot Width. Each new parcel shall maintain a minimum lot width of 35 feet.](#)
- F. [Number of Lots. The parcel map to subdivide an existing parcel shall create no more than two new parcels.](#)

8.160.030 General Requirements and Restrictions

The following requirements and restrictions apply to all proposed urban lot splits:

- A. Adjacent Parcels. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously conducted an urban lot split to create an adjacent parcel as provided for in this Section.
- B. Dedication and Easements. The City Engineer shall not require dedications of rights-of-way nor the construction of offsite improvements as part of the urban lot split. However, the City Engineer may require recording of easements necessary for the provision of future public services, facilities, and future public improvements. This subsection does not preclude the requirement for dedications and off-site improvements required as part of the building permit process.
- C. Existing Structures. Existing structures located on a parcel subject to an urban lot split shall not be subject to a setback requirement. However, any such existing structures shall not be located across the shared property line resulting from an urban lot split unless the structure is converted to an attached unit. All other existing structures shall be modified, demolished, or relocated prior to recordation of a parcel map.
- D. Grading. All grading activity shall comply with Section 5.50 (Grading and Drainage).
- E. Intent to Occupy. The applicant shall submit a signed affidavit to the Community Development Director attesting that the applicant intends to occupy one of the newly created parcels as his/her principal residence for a minimum of three years from the date of the approval of the urban lot split or certificate of occupancy, whichever is later. This requirement shall not apply to an applicant that is a "community land trust," as defined clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the California Revenue and Taxation Code, or a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.
- F. Utility Connections. Any and all existing units on a newly created lot shall be required to have their own utility connections and shall not share connections with any units on adjacent lots.
- G. Nonconforming Conditions. The City shall not require, as a condition of approval, the correction of nonconforming zoning conditions. However, no new nonconforming conditions shall result from the urban lot split other than interior side and rear setbacks as set forth for the applicable zone as required by this Development Code.
- H. Number of Remaining Units. No parcel created through an urban lot split shall be allowed to include more than two existing dwelling units as defined by Government Code section 66411.7(j)(2). Any excess dwelling units that do not meet these requirements shall be relocated, demolished, or otherwise removed prior to approval of a parcel map.
- I. Prior Subdivision. A parcel created through a prior urban lot split may not be further subdivided under the provisions of these regulations. The applicant shall submit a signed covenant to the Community Development Director documenting this restriction. The covenant shall be recorded on the title of each parcel concurrent with recordation of the parcel map.

- J. Restrictions on Demolition. The proposed urban lot split shall not require the demolition or alteration of any of the following types of housing:
 - 1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 - 2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power; or
 - 3. Housing that has been occupied by a tenant in the last three years.
- K. Stormwater Management. The development shall comply with Chapter 5.60 (Stormwater Construction and Post-Construction Management).
- L. Utility Providers. The requirements of the parcel's utility providers shall be satisfied prior to recordation of a parcel map.

8.160.040 Approval Process

Applications for urban lot splits shall be submitted and processed in compliance with the following requirements:

- A. Application Type. Urban lot splits require a parcel map application and a Zoning Clearance which shall be reviewed ministerially for compliance with the applicable regulations. A parcel map waiver shall not be permitted.
- B. Application Filing. The parcel map application, including the required application materials and fees, shall be filed with the Community Development Department.
- C. Development. Development on the resulting parcels is limited to the project approved by the two-unit housing development process, as allowed by this Section and Section 4.25.060 (Two-Unit Housing Developments in the R1, CR1, and CPR1 zones).
- D. Denial. The Building Official may deny an urban lot split only if the Building Official makes a written finding, based upon a preponderance of the evidence, that an urban lot split or two-unit housing development located on the proposed new parcels would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

CHAPTER 9. DEFINITIONS

9.10 Definitions.....	2
9.10.010 Purpose.....	2
9.10.020 Definitions of Specialized Terms and Phrases	2
9.10.030 Coastal Act Definitions	29
9.10.040 Adult Business Definitions	34
9.10.050 Short-Term Rental Definitions.....	37
9.10.060 Sign Regulation Definitions.....	38

9.10 Definitions

Sections:

- 9.10.010 - Purpose
- 9.10.020 - Definitions of Specialized Terms and Phrases
- 9.10.030 - Coastal Act Definitions
- 9.10.040 - Adult Business Definitions
- 9.10.050 - Short-Term Rental Permit Definitions
- 9.10.060 - Sign Regulation Definitions

9.10.010 Purpose

This Chapter provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Development Code. If a word is not defined in this Chapter, or in other provisions of the City of Grover Beach Municipal Code, the Director shall determine the definition.

9.10.020 Definitions of Specialized Terms and Phrases

Abut. Having property lines, street lines, and/or zoning lines in common.

Accessory or Incidental Use. A use customarily incidental to, related and clearly subordinate to a primary use on the same lot, which does not alter the primary use nor serve property other than the lot where the primary use is located.

Accessory Dwelling Unit or ADU. An attached or detached dwelling unit which provides complete independent living facilities for one or more persons and provides permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary unit. Does not include "Junior Accessory Dwelling Unit" and "Tiny Home", [which are separately defined.](#)

Accessory Structure. A structure that is attached or detached from, secondary and incidental to, and commonly associated with a primary structure on the same site. Examples include sheds, covered patios, workshops, decks greater than 30 inches above ground level, ~~residential occupancies with no overnight stays,~~ and detached garages. Does not include "Accessory Dwelling Units" such as detached living areas permitted as an ADU or Junior ADU, or structure with living areas located above an accessory structure or share a common wall such as a garage with an ADU above, or detached living areas.

[Acting in Concert. Persons, as defined by Government Code Section 82047, acting jointly to pursue development of real property, whether or not pursuant to a written agreement and irrespective of individual financial interest.](#)

[Addition. New habitable space added to an existing structure or conversion of existing non-habitable space to habitable space.](#)

Administrative Development Permit. A discretionary permit issued by the Director for certain construction and development projects. See Section 6.20.020 (Administrative Development Permit).

~~**Administrative Use Permit.** A discretionary permit issued by the Director for certain land uses. See Section 6.20.030 (Administrative Use Permit).~~

[Affordable Housing. As defined in the California Health and Safety Code Section 50052.5](#)

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contacts with City employees, Commissions, and the Council, regarding matters regulated by this Development Code.

Aggrieved Person. Anyone who, in person or through an explicitly identified representative, appeared at a public hearing before the Director, Commission, or Council in connection with the decision or appeal of any development, or who by other appropriate means before a hearing, informed the City of the nature of their concerns, unless for good cause was unable to do either.

Alcoholic Beverage Sales. The retail sale of beer, wine, and/or distilled spirits for on-premise or off-premise consumption.

Alley. A public or private roadway that provides vehicle access to the rear or side of lots having other public street frontage, which is not intended for general traffic circulation.

Allowed (Allowed Use). A land use identified by Chapter 2 as a permitted or conditional use that may be established with a ~~development permit~~ [Development Permit, Coastal Development Permit, Administrative Development Permit, Zoning Clearance](#), and/or building permit approval, subject to compliance with all applicable provisions of this Development Code.

Animal Boarding or Kennel. A commercial facility for the overnight keeping or boarding of household pets. Does not include uses where overnight boarding is an accessory use such as “Animal Care Facilities” and pet stores.

Animal Care Facility. Office and indoor medical treatment facility used by veterinarians for the care of household pets, where boarding is incidental to the primary use. If boarding is the primary use, see “Animal Boarding”.

Applicant. Any individual, firm, or any other entity that applies to the City for the applicable permits to undertake any land use, construction or development project within the City.

Approval. Includes both approval and approval with conditions.

[Architectural Treatment. Design elements on a building facade such as doors, windows, shutters, and accent materials which are not strictly necessary for the structural integrity of a building but are used to add texture and variety.](#)

Automobile Service Station. A building and/or lot or use having pumps and storage tanks where motor vehicle fuels, lubricating oil, grease, or accessories for motor vehicles are dispensed, sold, or offered for sale at retail only. Car washing and repair services are incidental to the primary use.

Automated Teller Machine (ATM). A computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. The machines may be located at or within banks, or in other locations. Does not include drive-thru ATMs (drive-thru businesses are regulated separately).

Awning. A light roof-like structure, supported entirely by the exterior wall of a building; consisting of a fixed or movable frame covered with cloth, plastic or metal; extending over doors, windows, and/or show windows; with the purpose of providing protection from sun and rain and/or embellishment of the façade.

Bar/Tavern/Night Club. A business which is not part of a larger restaurant where alcoholic beverages are sold for on-site consumption. Includes bars, taverns, pubs, and similar establishments. Food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery. Entertainment must be authorized as part of the required Use Permit.

Bed and Breakfast Inn (B&B). The use of a single residential structure with up to five bedrooms that is used for the purpose of lodging transient guests. No meals may be prepared or sold to persons other than overnight guests.

~~**Boarding House.** A dwelling or part of a dwelling where lodging is furnished for compensation to three or more persons living independently from each other. Meals may also be included. Does not include "Residential Care Facilities" or "High Occupancy Residential Use".~~

Building. See "Structure".

Building and Landscape Materials Sales. A retail establishment selling hardware, tools, appliances, lumber and other building materials, plants and other landscaping materials. Includes paint, wallpaper, flooring, glass, fixtures, and similar products. Includes these types of stores selling to the general public, even if contractor sales account for a major proportion of total sales. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Wholesaling and Distribution. "Establishments primarily selling plants are classified as a "Plant Nursery".

Building Height. See Section 3.10.030 (Height Limits and Exceptions).

Business Support Service. An establishment that provides services to other businesses. Examples of these services include: blueprinting; computer-related service (rental, repair); copying, duplicating, quick printing service; courier, messenger, and delivery service (small scale without fleet vehicle storage); mailing, telegram, and mail box service; outdoor advertising service; and security services.

California Environmental Quality Act (CEQA). The California Environmental Quality Act (CEQA) and its implementing guidelines.

Canopy Structures. All structures, canopies, temporary carports, membrane structures or other canopies that are temporary coverings of plastic, cloth, nylon, or other similar materials supported by a frame, including, but not limited to, prefabricated canopies available from retail outlets.

Car Share. A car rental arrangement in which people rent a vehicle for short periods of time, often by the hour, and where available vehicles typically are parked on a public street or in a small parking lot.

Caretaker Residence. A permanent residence that is accessory to the primary use of the property, and used for housing a caretaker on the site of a non-residential use where needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

Catering Service. A business that prepares food for consumption on the premises of a client and/or at their place of business.

Certificate of Occupancy. A clearance issued by the City indicating that a building or structure meets all code requirements for human occupancy and use.

Change in Plane. A shift in the vertical wall surface of a building.

Child Day Care. Facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours. This land use includes the following types of facilities, all of which are required to be licensed by the California State Department of Social Services:

1. **Day Care Center.** Commercial or non-profit child day care facilities designed and approved to accommodate 15 or more children, or fewer than 15 children in a non-residential building. Includes infant centers, preschools, sick-child centers, child nurseries and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use. May be counted towards satisfying the commercial component of a mixed-use development.
2. **Large Family Day Care Home.** A day care facility located in a ~~single-family residence~~ dwelling unit where an occupant of the ~~residence~~ dwelling unit provides care and supervision for seven to 14 children. Children under the age of 10 years who reside in the ~~home~~ dwelling unit count as children served by the day care facility.
3. **Small Family Day Care Home.** A day care facility located in a ~~single-family residence~~ dwelling unit where an occupant of the ~~residence~~ dwelling unit provides care and supervision for either six or fewer children, or eight or fewer children provided that no more than two of the children are under the age of two and at least two of the children are over the age of six. Children under the age of 10 years who reside in the ~~home~~ dwelling unit count as children served by the day care facility.

City. The City of Grover Beach.

City Council. The City of Grover Beach City Council referred to in this Development Code as the “Council.”

Coastal Act. The California Coastal Act of 1976, California Public Resources Code Sections 33000 et seq., as amended.

Coastal Commission. The California Coastal Commission.

Coastal Development Permit. A discretionary permit issued by the Commission or Director for certain construction and development projects. See Section 6.20.040 (Coastal Development Permit).

Commercial Cannabis Uses. The uses are limited to commercial Medical and Adult Uses licensed in Chapter 5, Division 10, Cannabis, of the Business and Professions Code, and those Cannabis regulations issued by the California Bureau of Cannabis Control, Department of Public Health and the Department of Food and Agriculture as modified and restricted hereafter, and in Municipal Code Article III Chapter 18.

Commercial recreation facilities, Indoor. Establishments that provide amusement and services for a fee or admission charge. May also include related commercial facilities, including bars and restaurants. Examples include bowling alleys, card rooms, coin-operated amusement arcades, electronic game arcades (video games, etc), pool and billiard rooms (as primary use), and theaters (performing or cinema).

Commercial recreation facilities, Outdoor. Establishments that provide outdoor amusement and entertainment services for a fee or admission charge. May also include related commercial facilities, including bars and restaurants, video game arcades, etc. Examples include miniature golf, swim clubs, and aquariums.

Commercial Terrace: A frontage where a terrace extends along the building's frontage providing public circulation, outdoor uses, and access to the commercial space entries. The terrace may be at grade or slightly above/below grade. This frontage is suitable for outdoor cafes and plazas.

Common Area Development. A subdivision or development that constructs and shares facilities, including but not limited to shared driveways, drainage basins, utility lines and components that serve areas utilized for the benefit of residents, sidewalks, clubhouses, open space, trails, and other facilities, regardless of underlying lots or parcel ownership.

Common Interest Development. Any of the following: a community apartment project, a condominium project, a planned development, or a stock cooperative identified in Civil Code Section 1351.

Communal Housing. Shared living quarters without separate kitchen facilities for each room or unit, where five or more rooms or beds are rented individually to tenants under separate rental agreements, with or without meal service included. This classification includes rooming and boarding houses, dormitories and other types of organizational housing intended for long-term occupancy (more than 30 consecutive calendar days) but excludes “Lodging”, and “Residential Care Facilities”, “Supportive Housing”, and “Transitional Housing”.

Communication Facilities. See “Telecommunications Facilities”.

Community Development Director. See “Director”.

Community Gardens. A site used for growing plants for food, fiber, herbs, flowers, and others, which is shared and maintained by community residents.

Concession. As used with regard to a density bonus, 1) reduction in site development standards or a modification of Development Code or architectural design requirements, such as a reduction in setback or minimum square footage requirements; 2) approval of mixed-use zoning; or 3) other regulatory incentives which actually result in identifiable and actual reductions in the cost of constructing affordable housing.

Continuous Plane. The wall of a building that extends in an uninterrupted manner.

Cornice. A projecting shelf along the top of an exterior wall often supported by brackets or structural pieces of stone or wood.

Courtyard. An unroofed area completely or mostly enclosed by the walls of a building or buildings.

Cut Out. An architectural design approach that involves modifying a building façade by inseting a portion of the wall.

Demolish. As defined in GGMC Section 4.10.075.

Density. The number of dwellings per gross acre, unless otherwise stated. The calculation of gross acreage in ~~residential~~ all zones shall include the adjacent right of way to centerline of the street.

Density Bonus. As defined by Government Code Section 65915 et seq. and subject to requirements of Section 3.20 (Affordable Housing Density Bonuses and Concessions/Incentives).

Department. The City of Grover Beach Community Development Department.

Development Permit. A discretionary permit issued by the Commission for certain construction and development projects. See Section 6.20.060 (Development Permit).

Development ~~Permits~~Applications. Authority granted by the City to use a specified site for a particular purpose. “Development ~~Permits~~Applications” includes Home Occupation Permit, Temporary Use Permit, Administrative Development Permit, ~~Administrative Use Permit,~~ Use Permit, Development Permit, Coastal Development Permit, Modification to Standards, Zoning Clearance, Subdivision Maps, and Variance, as established by Article 6.20 (Permit Review and Decisions) of this Development Code.

Director. The City of Grover Beach Community Development Director or his/her designee. Referred to in this Development Code as the “Director”.

Discretionary Permit. A City land use review and entitlement process where the Review Authority exercises discretion in deciding to approve or disapprove the permit. Includes

all “Development ~~Permits~~” and ~~Subdivision Maps~~ Applications” except for Zoning Clearances.

Drive-thru business. Any business that either by design or operation provides services or products directly to occupants of a motor vehicle, except gasoline service stations.

Duplex. A residential use of property consisting of a building designed for and containing two dwelling units entirely under one roof, completely separated from each other by one solid wall common to each unit.

Dwelling, Dwelling Unit, or Unit. A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen (with exception of Accessory Dwellings and Tiny Homes, as defined further in this section), which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

Emergency Shelter. ~~A facility for the temporary overnight shelter of indigents operated by a public or non-profit agency.~~ As defined in Government Code Section 65582(d), housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person, and open to anyone irrespective of his/her inability to pay for services. See also “Low Barrier Navigation Center”.

Entry, Primary. The main doorway used to enter a building from a sidewalk or parking lot.

Entryway. The doorway or doorways used to access a building.

Equipment Rental. A service establishment that may offer a wide variety of household and business equipment, furniture, and materials for rental. Does not include the rental of heavy construction equipment such as tractors. See “Wholesaling and Distribution”.

Extremely Low Income Household. Extremely low income household as defined by State Health and Safety Code Section 50106 as 30% of county median income.

Extrusion. Any component of a building facade that projects from the horizontal surface of the façade, such as a bay window or façade break.

Façade Articulation. Vertical or horizontal modulations in the façade of a building.

Fence. A constructed, un-roofed barrier of wood, metal, masonry, or other material as allowed by this Development Code, that is intended to enclose, separate, define, secure, protect, and/or screen one or more areas of a site.

1. **Transparent Fencing.** A barrier constructed of materials including rails, pickets, wrought iron, or wire, with the materials spaced ~~to~~ that leaves at least 75 percent of the surface area open, allowing air and light to pass through the fence.
2. **Razor or Concertina Wire.** Sharp fencing materials that are designed to lacerate unauthorized persons attempting to climb or cross the fence through other than a gate.

Financial Institutions. Financial institutions including banks and trust companies, credit unions, and savings and loan. See also, "Automated Teller Machine." Does not include check cashing stores, which are defined under "Personal Services – Restricted".

Finding. A factual conclusion of the Review Authority based on the evidence presented during the approval process.

Floor Area Ratio. The Floor Area Ratio (FAR) is the ratio of floor area to total lot area. FAR restrictions are used to limit the maximum floor area allowed on a site. The maximum floor area of all structures on a site shall be determined by multiplying the FAR by the total net area of the site.

Forecourt. A frontage where a portion of the main façade of the building is at or near the right-of-way / property line and a (generally central) portion is set back, creating a small courtyard. The space could be used as an entry court or shared garden space for residential uses, or as an additional shopping or restaurant seating area within commercial areas.

Freight Terminal. A transportation facility furnishing services incidental to air, motor freight, and rail transportation. Examples include: freight forwarding services; packing, crating, inspection and weighing services; freight terminal facilities; postal service bulk mailing distribution centers; joint terminal and service facilities; transportation arrangement services; overnight mail processing facilities; and trucking facilities, including transfer and storage.

Fuel Dealer. A retail trade establishment that sells fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, to consumers.

Gallery. A frontage where the main façade of the building is aligned at or close to the right-of-way / property line and the gallery element (an attached cantilevered shed roof or lightweight colonnade) overlaps the sidewalk. This frontage type is intended for buildings with ground floor commercial or retail uses. An encroachment permit is required for any structure in the public right-of-way. Galleries shall have a consistent depth along the frontage of at least 10 feet.

Garage or Carport. Parking space and shelter for automobiles or other vehicles, where the size of the parking space complies with the provisions of Section 3.50 (Parking Regulations).

1. A garage is a completely enclosed attached or detached accessory structure, with an operational door.
2. A carport is an attached or detached accessory structure enclosed on no more than two sides.

General Plan. The City of Grover Beach General Plan, including all its elements and all amendments, as adopted by the City Council in compliance with Government Code Section 65300 et seq. and referred to in this Development Code as the "General Plan".

General Retail. Stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include: art galleries; bicycle sales, service, and rental; bookstores (except adult bookstores); apparel and accessories; bakeries; food stores (including convenience markets); furniture, home furnishings and appliances sales, service, and rental; and miscellaneous retail (including candy or ice cream stores, computer stores, drug stores, hobby or craft shops, jewelry stores, newsstands, pet stores, specialty shops, variety stores, or vehicle part sales).

Does not include "Resale Stores" or "Thrift Stores", which are separately defined.

Gross Acreage. The entire area of a lot measured to the centerline of the street and including all rights-of-way or easements granted to the City or other public agencies.

Gross Floor Area. The total horizontal area of all floors below the roof within the perimeter of the outside walls of a building as measured from the inside surface of the exterior walls, with no deduction for hallways, stairs, closets, thickness of walls, columns, or other interior features

Gross Lot Area. See "Lot Area".

Habitable Space. Space within a dwelling unit for living, sleeping, eating, cooking, bathing.

Health/Fitness Facility. A fitness center, gymnasium, health and athletic club, which may include any of the following: sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, and other indoor sports activities.

Height. See Section 3.10.030 (Height Limits and Exceptions).

~~**High Occupancy Residential Use.** Any dwelling with an occupancy of six or more adults. Does not include "Residential Care Facilities".~~

High Technology Uses. Uses that incorporate high technology related to engineering, design, research and development, photonics/optics, computer assisted design, robotics research, numerical control equipment (CAD/CAM), prototype development, biotechnology lasers, medical research, materials testing, telecommunications, and related storage with limited assembly operations associated with the principal use. All activities shall be within a building. More intensive operations shall be classified as "Light Manufacturing/Processing".

Historic structure. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on the City's master list of historic structures, provided this local inventory is consistent with State-approved or certified historic preservation programs as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

Home Occupation Permit. A discretionary permit issued by the Director for home businesses located in a dwelling. See Section 6.20.070 (Home Occupation Permit).

Horizontal Wall Plane. That portion of a room or structure that defines the volume of space between it and the ground plane.

Hotel or Motel. See "Lodging".

Income Protected. As defined in GBMC Section 4.10.075.

Junior Accessory Dwelling Unit or JADU. A type of accessory dwelling unit defined by Government Code Section 65852.22 as a unit that is contained entirely within the area of a single-unit dwelling. It shall include an efficiency kitchen and may include a bathroom facility or share bathroom facilities within the single-unit dwelling. JADUs are subject to different requirements than ADUs. Does not include "Tiny Home", which is separately defined.

Kitchen. A room or space within a building used or intended to be used for the cooking or preparation of food, which includes any of the following: stove, oven, range top, dishwasher, kitchen sink.

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

Live/Work Unit: An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes: Complete kitchen space and sanitary facilities in compliance with the City's Building Code; and working space reserved for and regularly used by one or more occupants of the unit.

Live Entertainment. See Section 4.10.080.

Local Coastal Program (LCP). The Local Coastal Program (LCP) specifies land use policies within the Coastal Zone.

Lodging. A facility with guest rooms or suites, with or without kitchen facilities, rented to the general public for transient lodging. Facilities include hotels, motels, and inns.

Lot Area.

1. **Gross area.** Gross lot area is the total area included within the lot lines of a lot, ~~exclusive~~ inclusive of adjacent dedicated street rights of way and alleys. ~~For density calculations using gross acreage, see "Density".~~

2. **Net area.** Net lot area is the gross lot area, not including dedications for public right of ways.

Lot or Parcel. A recorded lot or parcel of real property under single ownership, lawfully created as required by applicable Subdivision Map Act and City ordinance requirements, including this Development Code. Types of lots include the following.

1. **Corner Lot.** A lot located at the intersection of two or more streets.
2. **Flag Lot.** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.
3. **Interior Lot.** A lot abutting only one street.
4. **Double frontage lot.** A lot with frontage on two generally parallel streets. The Review Authority shall determine which frontage is the front or the rear lot line.

Lot Coverage ~~or Building Coverage~~. The portion of the lot that is covered by buildings or structures that are 30 inches in height or more above adjacent existing grade, excluding covered patio structures, covered entryways or porches that are open on at least two sides, and swimming pools/hot tubs.

Lot Depth. The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. The Director shall determine lot depth for lots of irregular configuration.

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

Lot Line or Property Line. For purposes of this Development Code the front property line shall be considered the outside boundary of the city right-of-way that encroaches upon the subject property. ~~Any recorded boundary of a lot.~~ Types of lot lines are as follows:

1. **Front Lot Line.** On an interior lot, the property line separating the lot from the street. The front lot line on a corner lot is the line with the shortest frontage. If the street fronting lot lines of a corner lot are equal or the difference is no greater than five feet, the front lot line shall be determined by the Director.
2. **Rear Lot Line.** A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.
3. **Side Lot Line.** Any lot line that is not a front or rear lot line.

Lot Width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. The Director shall determine lot width for lots of irregular shape.

Low Barrier Navigation Center. A housing first, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities and case managers who connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

Lower Income Households. Lower income households as defined by State Health and Safety Code Section 50079.5 as 80% of county median income.

Maintenance Service – Client Site Services. Base facilities for various businesses that provide services on the premises of their clients. Includes gardening, janitorial, pest control, water and smoke damage recovery, and similar services; and appliance, computer, electronics, elevator, equipment, HVAC, instrument, plumbing, security systems, and other maintenance and repair services not operating from a retail establishment that sells the products being maintained or repaired. When these services operate from a retail establishment that sells the products being maintained or repaired, they are instead considered part of the retail use.

Manufacturing – Artisan. An establishment that manufactures and/or assembles small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products. Also includes small scale wine production of less than 500 cases annually. Retail sales of the products are also allowed on-site.

Manufacturing/Processing, Heavy. The manufacturing, assembling, processing, storing, or packaging of products involving: 1) chemicals, petroleum, heavy agricultural products, or other hazardous materials; 2) vehicle-dismantling or scrap and waste yards; or 3) primary production of raw materials. Examples of heavy intensity manufacturing uses include the following.

1. **Chemical Product Manufacturing.** An establishment that produces or uses basic chemicals, and other establishments creating products predominantly by chemical processes. Examples of these products include: basic chemicals, including acids, alkalis, salts, and organic chemicals; chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and finished chemical products to be used for ultimate consumption, including drugs/pharmaceuticals, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above, except as part of retail trade.
2. **Glass Product Manufacturing.** An establishment that manufactures glass and/or glass products by melting silica sand or cullet, including the production of flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Artisan and craftsman type operations are instead “Manufacturing – Artisan”.
3. **Lumber and Wood Product Manufacturing.** Manufacturing, processing, and sales involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products: containers, pallets and skids trusses and structural beams manufactured and modular homes turning and shaping of wood products matches (wood) wholesaling of basic wood products milling operations wood product assembly.

4. **Paving and Roofing Materials Manufacturing.** The manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar.
5. **Plastics, other Synthetics, and Rubber Product Manufacturing.** The manufacture of rubber products including: tires, rubber footwear, mechanical rubber goods, heels and soles, flooring, and other rubber products from natural, synthetic, or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires; products from recycled or reclaimed plastics or Styrofoam; molding primary plastics for other manufacturers, manufacturing miscellaneous finished plastics products, fiberglass manufacturing, and fiberglass application services.
6. **Primary Metal Industries.** An establishment engaged in: the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; the rolling, drawing, and alloying of metals; the manufacture of castings, forgings, stampings, extrusions, and other basic metal products; and the manufacturing of nails, spikes, and insulated wire and cable. Also includes merchant blast furnaces and by-product or beehive coke ovens.
7. **Pulp and Pulp Product Manufacturing.** An establishment that manufactures pulp, paper, or paperboard. Includes pulp, paper, and paperboard mills. Does not include establishments primarily engaged in converting paper or paperboard without manufacturing the paper or paperboard, including envelope manufacturing, converted paper products, paper coating and glazing, paper bags, assembly of paperboard boxes, wallpaper which are classified as "Manufacturing/Processing – Light".
8. **Scrap or Dismantling Yard.** Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles.
9. **Textile and Leather Product Manufacturing.** An establishment that converts basic fibers (natural or synthetic) into a product, including yarn or fabric, that can be further manufactured into usable items ("Manufacturing – Light – Clothing and Fabric Product Manufacturing"), and industries that transform hides into leather by tanning or curing. Includes: coating, waterproofing, or otherwise; treating fabric; manufacturing of woven fabric, carpets, and rugs from yarn; dressed and dyed furs preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage; dyeing and finishing fiber, yarn, fabric, and knit apparel; scouring and combing plants; leather-tanned, curried, and finished; upholstery manufacturing; manufacture of knit apparel and other finished products from yarn; yarn and thread mills; manufacture of felt goods, lace goods, non- woven fabrics and miscellaneous textiles.

Manufacturing/Processing, Light. A facility accommodating manufacturing processes involving and/or producing: apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical instruments. Light manufacturing also includes other establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. Examples of light manufacturing/processing uses include the following.

1. **Clothing and Fabric Product Manufacturing.** An establishment that assembles clothing, draperies, and/or other products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics and furs. Does not include custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store (see "Personal Services"). See also, "Manufacturing/Processing, Heavy - Textile and Leather Product Manufacturing".
2. **Electronics, Equipment, and Appliance Manufacturing.** An establishment that manufactures equipment, apparatus, and/or supplies for the generation, storage, transmission, transformation and use of electrical energy, including: appliances including stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines; optical instruments and lenses; aviation instruments; photographic equipment; computers, computer components, peripherals; radio and television receiving equipment; electronic components and accessories; surgical, medical and dental instruments, equipment, and supplies; semiconductors, integrated circuits, related devices; storage media, blank and pre-recorded, including magnetic, magneto-optical, and optical products such as compact disks (CDs), computer electrical welding apparatus diskettes and hard drives, digital versatile disks (DVDs), magnetic tape products, phonograph records, etc.; lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting; surveying and drafting instruments; instruments for measurement, testing, analysis and control, associated sensors and accessories; switch gear and switchboards; miscellaneous electrical machinery, equipment and supplies such as x-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines; telephone and telegraph apparatus; motors and generators; watches and clocks. Does not include research and development facilities separate from manufacturing (see "High Technology").
3. **Furniture and Fixtures Manufacturing, Cabinet Shop.** A business that manufactures wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture, and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes furniture re-upholstering businesses, wood and cabinet shops.
4. **Laboratory - Medical, Analytical.** A facility for testing, analysis, and/or research. Examples of this use include medical labs, soils and materials testing labs, and forensic labs.

5. **Metal Products Fabrication, Machine or Welding Shop.** An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these uses include: blacksmith and welding shops; sheet metal shops; plating, stripping, and coating shops; and machine shops and boiler shops.
6. **Paper Product Manufacturing.** An establishment that converts pre-manufactured paper or paperboard into boxes, envelopes, paper bags, wallpaper, etc., and/or that coats or glazes premanufactured paper. Does not include the manufacturing of pulp, paper, or paperboard (see "Manufacturing/Processing, Heavy - Pulp and Pulp Product Manufacturing").
7. **Photo/Film Processing Lab.** A facility that provides high volume and/or custom processing services for photographic negative film, transparencies, and/or prints, where the processed products are delivered to off-site retail outlets for customer pick-up. Does not include small scale photo processing machines accessory to other retail businesses.
8. **Winemaking.** A facility engaged in the large scale production of wine involving more than 500 cases annually. For production of less than 500 cases annually, see "Manufacturing – Artisan".

Manufacturing/Processing - Medium. A facility accommodating manufacturing processes that involve and/or produce building materials, fabricated metal products, machinery, and/or transportation equipment, where the intensity and/or scale of operations is greater than those classified under "Manufacturing - Light," but where impacts on surrounding land uses or the community can typically be mitigated to acceptable levels. Examples of medium intensity manufacturing uses include the following.

1. **Food and Beverage Product Manufacturing.** Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Examples of these uses include: bottling plants; fats and oil product manufacturing (not animal rendering); breweries; fruit and vegetable canning; confectionery products; grain mill products and by-products; manufacturing; meat, poultry, and seafood canning, curing, byproduct processing; soft drink production; miscellaneous food item preparation from raw products; dairy products manufacturing. Does not include: bakeries or beer brewing as part of a brew pub, bar or restaurant.
2. **Laundry, Dry Cleaning Plant.** A service establishment engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry cleaning and garment pressing; commercial laundries; linen supply. These facilities may include accessory customer pick-up facilities. These facilities do not include laundromats or dry cleaning/laundry pick-up stores with limited processing equipment, which are instead under "Personal Services".

3. **Machinery Manufacturing.** An establishment that makes or processes raw materials into finished machines or parts for machines. Does not include the manufacture of electronics, equipment, or appliances ("Manufacturing/Processing, Light - Electronics, Equipment, and Appliance Manufacturing").
4. **Motor Vehicles and Transportation Equipment.** Manufacturers of equipment for transporting passengers and cargo by land, air and water, including motor vehicles, aircraft, spacecraft, ships, boats, railroad and other vehicles such as motorcycles, bicycles and snowmobiles.
5. **Stone and Cut Stone Product Manufacturing.** An establishment that cuts, shapes, and/or finishes marble, granite, slate, and/or other stone for construction and miscellaneous uses.
6. **Structural Clay and Pottery Product Manufacturing.** An establishment that produces brick and structural clay products, including pipe, china plumbing fixtures, vitreous china articles, and/or fine earthenware and porcelain products. Does not include products made primarily by hand (see "Manufacturing – Artisan").

Massage Establishment. A massage establishment as defined in Section 3900 of the Grover Beach Municipal Code.

Massing. The overall configuration of a building in terms of its height, footprint, and articulation, as well as its creation of space around it on a lot.

Media Production. Facilities for motion picture, television, video, sound, computer, and other communications media production.

Medical Services – Clinic or Urgent Care. A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include: medical offices with 5 or more licensed practitioners and/or medical specialists; out-patient care facilities; urgent care facilities; and other allied health services.

These facilities may also include incidental medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under "Office".

Medical Services – Doctor's Office. A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis. Includes dental, medical, optical, and x-ray lab offices. Counseling services by other than medical doctors or psychiatrists are included under "Office-Professional".

Medical Services - Extended Care. Residential facilities providing nursing and health-related care as a primary use with in-patient beds. Examples of these uses include: board and care homes; convalescent hospitals; congregate living health facilities; rest homes; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care" And "Residential Care for the Elderly".

Meeting facility, public or private. A facility for public or private meetings, including religious assembly facilities (e.g., churches, mosques, synagogues, etc.), auditoriums, grange halls, union halls, and meeting halls for clubs and other membership organizations. Also includes functionally related internal facilities that are clearly incidental to the primary use such as kitchens, multi-purpose rooms, and storage. Related on-site facilities such as day care centers and schools are separately defined.

Mixed-Use Project: A project that combines both residential and commercial uses on the same site. Does not include "Live/work Unit", which is separately defined.

Mobile Home. A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. A mobile home on a permanent foundation is included under the definition of "Single Dwellings".

Mobile Home Park. Any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

Mobile Vendor. An entity that sells goods or food services from a stand that is intended to be temporary, or is capable of being moved to various locations.

Moderate Income Household. Moderate income household as defined by State Health and Safety Code Section 50093 as 120% of county median income.

Mortuary, Funeral Home. Funeral homes and parlors, where deceased are prepared for burial or cremation, and funeral services may be conducted. ~~Does not~~ May include on-site cremation if allowed by Use Permit.

Motel. See "Lodging".

~~Multi-family Dwelling or Multi-family~~ Multi-Unit Dwelling/Development. Two or more dwelling units attached or detached on a lot, or when each unit is attached to an adjacent dwelling located on individual lots or air space condominium, which does not include an accessory dwelling unit. Multi-~~family~~ unit dwellings or development include a duplex, triplex, condominium, townhouse, common interest development, common area developments (detached or attached), and apartments. Multi-~~family~~ unit dwellings or developments may also be combined with nonresidential uses as part of a mixed-use development. "Multi-Unit" may also be referred to as "Multi-family".

Net Lot Area. See "Lot Area".

Nonconforming Lot. A lot that was legally created before the adoption or amendment of this Development Code, but does not comply with the current area, width, depth, or other applicable requirements of this Development Code.

Nonconforming Parking. A parking arrangement (e.g., drive aisle widths) or the number of parking spaces that was legally constructed before the adoption or amendment of this

Development Code but does not comply with the current standards of Section 3.50 (Parking Regulations), or other applicable requirements of this Development Code or City Standards and Specifications.,

Nonconforming Structure. A structure that was legally constructed before the adoption or amendment of this Development Code, but does not comply with the current area, width, depth, or other applicable requirements of this Development Code.

Nonconforming Use. A use of land and/or a structure (either conforming or nonconforming) that was legally established and maintained before the adoption or amendment of this Development Code, but does not conform to the current Development Code requirements for allowable land uses within the applicable zone.

Off-Site. An activity or accessory use that is related to a specific primary use, but is not located on the same site as the primary use.

Office. This Development Code distinguishes between the following types of offices. These do not include medical offices (see "Medical Service – Clinic/Urgent Care," and "Medical Service - Doctor Office.").

1. **Accessory.** An office facility for business administration, and/or on-site business and operations management, which is incidental and accessory to another business, sales, and/or service activity on the same site that is the primary use. These are permitted in all zones.
2. **Business/Service.** An establishment providing direct services to consumers. Examples of this use include employment agencies, elected official satellite offices, insurance agent offices, property management, real estate offices, travel agencies, utility company offices, vehicle rental/sale offices with no vehicles on site, etc. Does not include "Financial Institutions," which are separately defined.
3. **Processing.** An office-type facility characterized by high employee density, and occupied by businesses engaged in information processing, and other computer-dependent and/or telecommunications-based activities. Examples of these uses include: reservation centers, insurance claim processing, mail order and electronic commerce transaction processing, consumer credit reporting, data processing services, and telemarketing offices.
4. **Professional.** An office facility occupied by a business that provides professional services, administrative services, or is engaged in the production of intellectual property. Examples of this use include: accounting, auditing and bookkeeping services; advertising agencies; attorneys; business associations, chambers of commerce; construction contractors (office facilities only); counseling services (for medical doctors see "Medical Services- Doctor Offices"); design services including architecture, engineering, landscape architecture; educational, scientific and research organizations; financial management and investment counseling; management and public relations services; media post production services; photographers and

photography studios; political campaign headquarters; psychologists; travel agencies; and, security and commodity brokers.

5. **Visitor-Serving.** An establishment that rents beach related vehicles such as ATVs or dune buggies where the equipment is stored off-site or rents beach related equipment stored on-site such as surfboards and umbrellas.

On-Site. An activity or accessory use that is related to a specific primary use, which is located on the same site as the primary use.

Open Space, Useable. An outdoor area designed and intended to support residents' passive or active use and located on the same parcel as the dwelling units for which it is required. Usable open space shall not include any portion of parking areas, streets, driveways, sidewalks, turnaround areas, or door landings required by the California Building Code.

Overhang. Any feature of a building that projects out from the horizontal wall plane, such as a roof eave, stoop covering, or awning.

Parapet. A low wall built up above the level of a roof, generally to hide rooftop-mounted equipment.

Park, Playground. A public outdoor recreation facility that may provide a variety of recreational opportunities including community center, playground equipment, open space areas for passive recreation and picnicking, and sport facilities.

Parking Facility. Private parking lots when contiguous to a non-residential zone.

Pedestrian Orientation. A physical structure or place with design qualities and elements that contribute to an active, inviting and pleasant place for pedestrians that typically includes most of the following elements:

1. Building facades that are highly articulated at the street level, with interesting uses of material, color, and architectural detailing, located directly behind the sidewalk;
2. Visibility into buildings at the street level;
3. A continuous sidewalk, with a minimum of intrusions into pedestrian right-of-way;
4. Continuity of building facades along the street with few interruptions in the progression of buildings and stores;
5. Signs oriented and scaled to the pedestrian rather than the motorist. Pedestrian orientation may also include: design amenities related to the street level, such as awnings, paseos, and arcades; landscaping and street furniture.

Pedestrian Oriented Use. A land use that is intended to encourage walk-in customers and that generally does not limit the number of customers by requiring appointments or otherwise excluding the general public. A pedestrian oriented use provides spontaneous draw from sidewalk and street due to visual interest, high customer turnover, and/or social interaction.

Person. Any individual, firm, partnership, corporation, company, association, joint stock association; city, county, state, or district; and includes any trustee, receiver, assignee, or other similar representative thereof.

Personal Services. Establishments providing non-medical services to individuals as a primary use. Examples of these uses include: barber and beauty shops; dressmaking and tailor shops; dry cleaning/laundry pick-up stores with limited equipment; laundromats (self-service laundries); locksmiths; pet grooming (no overnight boarding); computer and small electronic equipment repair; shoe repair shops; and tanning salons. These uses may also include accessory retail sales of products related to the services provided.

Personal Services - Restricted. Establishments providing non-medical services to individuals as a primary use. Examples of these uses include: bail bonds, check cashing services, drug paraphernalia business (as defined in Municipal Code Section 3220), hookah bars, fortune telling and related practices (reference Municipal Code Section 3600 for permit requirements), buying gold/precious metals as a primary use, pawn shops, and tattoo and/or piercing parlors.

Planning Commission. The City's Planning Commission, referred to in this Development Code as the Commission.

Plant Nursery. A commercial establishment engaged solely in the retail sale of ornamental plants and related products. Does not include the wholesale and/or retail establishments for the production and propagation of ornamental plants.

Porch. A covered shelter attached to a building, open on the sides, that projects over the entrance of a building.

Prefabricated Materials. Building materials, generally consisted of a composite of materials, that are manufactured off site.

Primary Dwelling Unit. The designated primary residential unit on a residential zoned lot with an accessory or junior accessory dwelling unit.

Primary Structure. A structure that accommodates the primary use of the site.

Primary Use. The main purpose for which a site is developed and occupied.

Printing and Publishing. An establishment engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. "Quick printing" services are included in the definition of "Business Support Services."

Property Line. See "Lot Line".

Public and Quasi-Public. Includes public, semi-public, and private schools; government, civic, and community buildings and uses; public utility buildings and uses; museums and libraries; and similar uses. Does not include "Specialized Education/Training".

Public Realm. Any publicly owned streets, pathways, sidewalks, parks, publicly accessible open spaces, and any public and civic building and facilities, or combination of such facilities, to which the public has access.

Public Works Director. The City of Grover Beach Public Works Director or his/her designee. (Am. Ord. 13-04)

Recreational Vehicle (RV). Per Section 18010 of the California Health and Safety Code, a motor home, travel trailer, truck camper, carryall, or camp trailer, house car, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, ~~which:~~

- ~~1. Contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;~~
- ~~2. Contains 400 square feet or less of gross area measured at maximum horizontal projections;~~
- ~~3. Is built on a single chassis; and~~
- ~~4. Is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.~~

~~Also includes boats, boat trailers, other types of trailers, golf carts, and busses.~~

Recreational Vehicle (RV) Park. Any area or tract of land where one or more ~~lots~~ spaces are rented for ~~relatively~~ short-term occupancy to owners or users of recreational vehicles or travel trailers. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each ~~lot~~ space. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

Recycling Facility. A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.

1. **Large Collection Facility.** Large collection facilities which occupy an area of more than 350 square feet and/or include permanent structures.
2. **Processing Facility.** A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding.
3. **Recycling or Recyclable Material.** Reusable domestic containers and other materials which can be reconstituted, re-manufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include trash or hazardous materials.
4. **Reverse Vending Machine.** An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a

redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.

5. **Small Collection Facility.** A center where the public may donate, redeem or sell recyclable materials, which occupies an area of 350 square feet or less and may include a mobile unit or reverse vending machines, where allowed by the applicable zone.

Regressed Feature. Any component of a building facade that is inset into that facade, such as an inset window, doorway, or facade break.

Remodel or ~~Altered~~Alteration. Physical change in the internal arrangement of rooms or usage of space, or to the exterior of the building or the supporting members of a structure which requires a building permit, ~~or a change in the external appearance of any structure, not including painting.~~

Repair Service – Large Equipment. A service facility where various types of electrical, electronic, and mechanical equipment, and home and business appliances are repaired and/or maintained away from the site of the equipment owner. Does not include "Vehicle Repair & Services", the repair of small electronic equipment, which is included under "Personnel Services", maintenance and repair activities that occur on the client's site, which are included under "Maintenance Service - Client Site Services", or repair services of small equipment, which are classified as "Repair Service – Small Equipment".

Repair Service – Small Equipment. A service facility where various types of small home appliances and household items are repaired at the business location. Examples include: vacuum and sewing machine repair, home electronics repair, and lawnmower repair.

Resale Store. A retail store that buys, sells, trades, accepts for sale on consignment, or accepts for auction (e.g., eBay) used products including clothing, collectibles (e.g., coins, stamps, baseball cards), household goods, jewelry, machinery and equipment, musical instruments, or any goods that have a resale market. The products or goods include tangible personal property as defined by the U.S. Department of Justice or other used goods. Does not include "Thrift Stores" and pawn shops (see "Personal Services - Restricted", which are defined separately).

Residential Care. A single-unit dwelling or multi-unit facility licensed or supervised by a Federal, State, or local health/welfare agency that provides 24-hour nonmedical care of unrelated persons who are handicapped and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. This use includes transitional housing or supportive housing. Does not include day care facilities, which are separately defined.

Residential Care Facility for the Elderly (RCFE). A housing arrangement chosen voluntarily by the residents, or the residents' guardians, conservators or other responsible persons; where 75 percent of the residents are at least 62 years of age, or, if younger,

have needs compatible with other residents; and where varying levels of care and supervision are provided, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal (definition from California Code of Regulations Title 22, Division 6, Chapter 6, Residential Care Facilities for the Elderly). RCFE projects may include basic services and community space. RCFE projects include assisted living facilities, congregate housing, independent living centers/senior apartments, and life care facilities as defined below.

1. **Assisted Living Facility.** A residential building or buildings that also provide housing, personal and health care, as permitted by the Department of Social Services, designed to respond to the daily, individual needs of the residents. Assisted Living Facilities may include kitchenettes (small refrigerator, sink and/or microwave oven) within individual rooms. Assisted Living Facilities are required to be licensed by the California Department of Social Services, and do not include skilled nursing services.
2. **Independent Living Center/Senior Apartment.** Independent living centers/senior apartments and multi-unit dwelling projects reserved for senior citizens, where common facilities may be provided (for example, recreation areas), but where each dwelling unit has individual living, sleeping, bathing, and kitchen facilities.
3. **Life Care Facility.** Sometimes called Continuing Care Retirement Communities, or Senior Continuum of Care Complex, these facilities provide a wide range of care and supervision, and also provide health care (skilled nursing) so that residents can receive medical care without leaving the facility. Residents can expect to remain, even if they become physically incapacitated later in life. Life Care Facilities require multiple licensing from the State Department of Social Services, the State Department of Health Services, and the State Department of Insurance.

Restaurant. A retail business where the primary activity is selling food prepared on site for on- or off-premise consumption. These include eating establishments where customers are served from a walkup counter and establishments where customers are served food at their tables. Examples include: cafes, coffee shops, donut shops, ice cream parlors, delicatessens, etc. The sale of alcoholic beverages is allowed as an accessory use when the restaurant is a bona fide eating place which maintains a suitable kitchen facility and shall make actual and substantial sales of meals prepared for consumption on the premises. However, if the sale of alcoholic beverages becomes the primary use and/or the kitchen facilities are not suitable and/or meals prepared for consumption on the premises are not substantial, the use shall be classified as a "Bar/Tavern/Night Club".

Review Authority. The individual or official City body (Director, Planning Commission, or City Council) identified by this Development Code as having the responsibility and authority to review, and approve or disapprove the development ~~permit~~ applications described in Chapter 6 (Procedures).

Roof Deck. Any usable area or portion of a structure thereof provided on the exterior of a building above the finished floor of that building.

Roof Pitch/Roof Slope Angle. The degree to which a roof or roof portion slopes down from the apex (peak) of the roof to the edge or eave line of that roof.

Second Hand Store. See “Resale Store”.

~~**Second-Story Roof Deck.** A platform designed for use located at or above a second story of a two-story, single-family residential structure.~~

Setback. The distance by which a structure, parking area or other development feature must be separated from a lot line, other structure or development feature. The setback area is as follows:

1. **Front Setback.** An area extending across the full width of the lot between the front lot line and the applicable setback measurement.
2. **Rear Setback.** An area extending the full width of the lot between a rear lot line and the applicable setback measurement.
3. **Interior Side Setback.** An area between a side lot line and the applicable setback measurement extending between the front and rear setbacks.
4. **Street Side Setback.** An area between a side lot line adjacent to the street and the applicable setback measurement extending from the front setback line to the rear lot line.

Shopfront. A frontage where the main façade of the building is at or near the right-of-way / property line, with the building entrance at sidewalk grade. This type is conventional for retail use. It has substantial glazing on the sidewalk level and a canopy or awning element may overlap the sidewalk along portions or all of the frontage.

~~**Single-Family Dwelling**~~**Single-Unit Dwelling/Development.** One detached residence designed for and occupied exclusively by one house keeping unit with one interior kitchen, whose members are an interactive group of persons jointly on a single lot, that does not include any shared facilities including but not limited to driveways, drainage basins, landscaping, etc. that is found in a common area development. A single-family ~~unit~~ dwelling may also include, as an accessory use, a legally established Accessory Dwelling Unit. This definition also includes individual manufactured housing units installed on a foundation system pursuant to California Health and Safety Code Section 18551. “Single-Unit” may also be referred to as “Single-family”.

Single Room Occupancy (SRO) Facility. A structure with one room residential rental units often with cooking facilities. May have private or shared bathroom facilities.

Site. A lot or adjoining lots under single ownership or single control, considered a unit for the purposes of development or other use.

Specialized Education/Training. A school that provides education and/or training, including vocational training, in limited subjects. Examples of these schools include: establishments providing courses by mail, language school, business, secretarial, and vocational schools, computers and electronics schools, and religious/ ministry training facility.

Specific Plan. A detailed plan for the systematic implementation of the General Plan, for all or part of the area covered by the General Plan, as authorized by Government Code Sections 65450 et seq.

Step back. A break in the façade of a building that involves inseting a higher story from the story immediately below it.

Stoop. A platform, entrance stairway, or similar raised area directly adjacent to the front door of a building.

Storage - Outdoor. The storage of various materials outside of a structure either as an accessory or primary use.

Storage – Personal Storage Facility. A structure containing generally small, individual compartments, stalls or lockers rented as individual storage spaces and characterized by low parking demand.

Storage - Vehicle. A facility for the storage of operative cars and other fleet vehicles, trucks, buses, recreational vehicles, and other motor vehicles. Includes facilities for the storage and/or servicing of fleet vehicles. Does not include commercial parking lots, or "Scrap or Dismantling Yards" (See Manufacturing/Processing - Heavy).

Storage - Warehouse. Facilities for the indoor storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public ("Storage - Personal Storage Facility"); warehouse facilities primarily used for wholesaling and distribution (see "Wholesaling and Distribution"); or terminal facilities for handling freight (see "Freight Terminal").

Story.

1. The segment of a building between the following levels:
 - a. Upper surface of a floor.
 - b. Upper surface of the floor or roof directly above.
2. For floors other than the top floor, a story is measured in one of the following ways:
 - a. From top to top of successive tiers of beams.
 - b. From top to top of successive tiers of finished floor surfaces.
3. For the top floor, a story is measured as follows:
 - a. From top of finished floor to top of ceiling joints where there is a ceiling.
 - b. From top of finished floor to top of roof rafters where there is no ceiling.

Street. A public or private thoroughfare which affords principal means of access to abutting property, including avenue, street, place, way, court, drive, land, boulevard, highway, road, or any other thoroughfare except an alley as defined herein.

Structure or building. Anything constructed or erected, the use of which requires attachment to the ground, attachment to something located on the ground, or placement

on the ground. For the purposes of this Development Code, the term "structure" includes "buildings,"

Structure, Primary. See "Primary Structure".

Studio - Art, Dance, Martial Arts, etc. Small scale facilities typically accommodating a few groups of students at a time. Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; yoga studios; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

Studio Unit. A residential unit where living and sleeping space is combined in a single room.

Supportive Housing. See "Transitional Housing".

Tandem parking. The arrangement of parking where no more than two cars are arranged in tandem, one in front of the other.

Telecommunications Facilities. Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections.

Temporary Use Permit. A discretionary permit issued by the Director, which allows the use of land that is properly designed, operated and occupies a site for a limited time. See Section 6.20.080 (Temporary Use Permit).

Thrift Store. A retail store devoted primarily to the sale of used goods normally consisting of household discards. Also see "Resale Stores".

Tiny Home. A type of dwelling unit that is moveable and considered temporary housing. Does not include an RV, camper, trailer, or manufactured home as defined in Section 1801 of the California Health and Safety Code.

Transitional and Supportive Housing. Transitional housing is defined in Section 50675.2 of the Health and Safety Code as rental housing for stays of at least six months but where the units are recirculated to another program recipient after a set period. Transitional housing may be designed for homeless individuals or family transitioning to permanent housing. Supportive housing is defined in Section 50675.14 of the Health and Safety Code and has no limit on the length of stay, is linked to onsite or offsite services, and is occupied by a target population as defined in the Health and Safety Code.

[Two-unit housing development. A development application proposing no more than two dwelling units on a single parcel located within a single-unit residential zone as](#)

authorized by Government Code Section 65852.21. A two-unit housing development shall consist of either the construction of no more than two new primary dwelling units, one new primary dwelling unit and retention of one existing primary dwelling unit, or retention of two existing legal non-conforming primary dwelling units where one or both units are subject to a proposed addition or alteration.

Upper Story/Roof Deck. See "Roof Deck."

Use Permit. A discretionary permit issued by the Commission for certain land uses and/or construction and development projects. See Section 6.20.090 (Use Permit).

Use, Primary. See "Primary Use."

Variance. A discretionary permit issued by the Commission granting relief from the requirements of this Development Code that permits construction in a manner that would otherwise be prohibited by this Development Code. See Section 6.20.100 (Variance).

Vehicle Rental. A retail establishment renting automobiles, light trucks, boats, campers, and/or motorcycles where vehicles are kept on site.

Vehicle Repair and Services. The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use.

Vehicle Sales. A retail or wholesale establishment selling automobiles, light trucks, boats, campers, and/or motorcycles. Vehicles for sale may be displayed outdoors or indoors. May also include repair shops and the sales of parts and accessories, incidental to vehicle sales. Does not include the sale of auto parts/accessories separate from a vehicle dealership.

Vehicle Storage. See "Storage – Vehicle".

Very Low Income Household. Very low income household as defined by State Health and Safety Code Section 50105 as 50% of county median income.

Warehouse. See "Storage - Warehouse".

Wholesaling and Distribution. An establishment engaged in selling and/or renting merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include: agents, merchandise or commodity brokers, and commission merchants, merchant wholesalers, assemblers, buyers and associations engaged in the cooperative marketing of farm products, stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment. Also includes storage, processing, packaging, and shipping facilities for mail order and electronic-commerce retail establishments.

Wine Tasting. A retail sales facility where customers may taste and purchase wine and/or other food products.

9.10.030 Coastal Act Definitions

Definitions of the terms used in the Coastal Act, which can be found in Section 30100 et. Seq. of the Public Resources Code of the State of California and apply to properties within the Coastal Zone, have been reprinted and are set forth as follows:

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

Allowable Use. Any use allowed by right which does not require a public hearing or any discretionary or non-discretionary permit of the approving authority.

Appealable Development. In accordance with Public Resources Code Section 30603 (2), any of the following:

1. Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extend of any beach or of the mean high tide line of the sea where there is no beach, whichever is greater distance.
2. Development approved by the local government not included within paragraph (a) of this section, located on tidelands, submerged lands, public trust lands, within one hundred (100) feet of any wetland, estuary, stream or within three hundred (300) feet of the top of the seaward face of any coastal bluff.
3. Any development which constitutes a major public works project or a major energy facility. The phrase "major public works project or a major energy facility" as used in Public Resources Code Section 30603 (a) (5) and these regulations shall mean any proposed public works project as defined by Section 13012 of the Coastal Commission Regulations (Title 14 California Administrative Code, Division 5.5) or energy facility as defined by Public Resources Code Section 30107.

Appellant. Any person who may file an appeal and includes an applicant or any aggrieved person.

Applicant. The person, partnership, corporation, state or local government agency applying for a Coastal Development Permit.

Approving Authority. The City Officer, Planning Commission or Council approving a Coastal Development Permit.

Categorically Excluded Development. A development (upon request of the city, public agency, or other person) by which the Coastal Commission has determined pursuant to Section 30610 (e) of the Public Resources Code to have no potential for significant adverse environmental effects and, therefore, has issued an exclusion in accordance with the applicable restrictions.

Coastal Commission. "Commission" means the California Coastal Commission. Whenever the term California Coastal Zone Conservation Commission appears in any law, it means the California Coastal Commission.

Coastal-Dependent Development or Use: Any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

Coastal Development Permit. A letter or certificate issued; by the City in accordance with the provisions of this chapter, after the applicant has submitted all necessary supplementary documentation required to satisfy the conditions precedent in the notice to issue a Coastal Development Permit.

Coastal Plan. The California Coastal Zone Conservation Plan prepared and adopted by the California Coastal Zone Conservation Commission and submitted to the Governor and the Legislature on December 1, 1975, pursuant to the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000). Pursuant to Public Resources Code Section 30103, "Coastal Zone" means that land and water area of the State of California from the Oregon border to the border of the Republic of Mexico, specified in the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division, extending seaward to the state's outer limit of jurisdiction, including offshore islands, and extending inland generally 1,000 yards, from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards. The Coastal Zone does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control drainage channel flowing into such area.

Coastal-Related Development. Any use that is dependent on a coastal-dependent development or use.

Coastal Resources. Include, but are not limited to, public access and public access facilities and opportunities, recreation areas and recreational facilities and opportunities (including for recreational water-oriented activities), public views, natural landforms, marine resources, watercourses (e.g., rivers, streams, creeks, etc.) and their related corridors, waterbodies (e.g. wetlands, estuaries, lakes, etc.) and their related uplands, ground water resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources. (Am. Ord. 14-04)

Conditional Use. Any use which requires a public hearing.

Development. On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government

Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line

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

Energy Facility. Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

Environmentally Sensitive Habitat Area (ESHA). Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. (Am. Ord. 14-04)

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

Fill. Earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area.

Implementing Actions. The ordinances, regulations, or programs which implement either the provisions of the certified Local Coastal Program or the policies of this division and which are submitted pursuant to Section 30502.

Land Use Plan. The relevant portion of a local government's general plan, or local coastal element which is sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resources protection and development policies and, where necessary, a listing of implementing actions.

Local Coastal Element. That portion of a general plan applicable to the coastal zone which may be prepared by local government pursuant to this division, or such additional elements of the local government's general plan prepared pursuant to subdivision (k) of Section 65303 of the Government Code, as such local government deems appropriate.

Local Coastal Program. The City's land use plan, zoning ordinances, zoning maps, and other implementing actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.

Local Government. Any chartered or general law city, chartered or general law county, or any city and county.

Minor Development. A development which a local government determines satisfies all of the following requirements:

4. Is consistent with the certified local coastal program, as defined in Public Resources Code Section 30108.6.
5. Requires no discretionary approvals other than a Coastal Development Permit.
6. Has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

Notice to Issue Coastal Development Permit. A letter or certificate issued by the City in accordance with the provisions of this Chapter, approving a development subject to fulfillment of conditions prior to issuance of a Coastal Development Permit, but if such conditions are fulfilled, as being in conformance with an adequate to carry out the Local Coastal Program

Permit. Any license, certificate, approval, or other entitlement for use granted or denied by any public agency which is subject to the provisions of this division.

Permitted Use. Any use allowed by right which does not require a public hearing, but does require a discretionary or non-discretionary permit (e.g. building permit) to be issued by the approving authority.

Person. Any individual, organization, partnership, or other business association or corporation including any utility, and any federal, state, local government, or special district or any agency thereof.

Prime Agricultural Land. Those lands defined in Section 51201 of the Government Code.

Public Works. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. For purposes of this division, neither the Ports of Hueneme, Long Beach, Los Angeles, nor San Diego Unified Port District nor any of the developments within these ports, shall be considered public works. All publicly financed recreational facilities, or projects of the State Coastal Conservancy, and any development by a special district. All community college facilities.

Sea. The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels. "Sea" does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 666000) of the Government Code, including any river, stream,

tributary, creek, or flood control or drainage channel flowing directly or indirectly into such area.

Sensitive Coastal Resource Areas. Those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:

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

Special District. Any public agency, other than a local government as defined in this chapter, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "Special District" includes, but is not limited to, a county service area, a maintenance district area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefitting that area.

Special Treatment Area. An identifiable and geographically bounded forested area within the coastal zone that constitute a significant habitat area, area of special scenic significance, and any land where logging activities could adversely affect a public recreation area or the biological productivity or any wetland, estuary, or stream especially valuable because of its role in a coastal ecosystem.

Treatment Works. Treatment works shall have the same meaning as set forth in the Federal Water Pollution Control Act (33 U.S.C. 1251, et. seq.) and any other federal act which amends or supplements the Federal Water Pollution Control Act.

Wetland. Lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

Zoning Ordinance. An ordinance authorized by Section 65850 of the Government Code or, in the case of a charter city, a similar ordinance enacted pursuant to the authority of its charter.

9.10.040 Adult Business Definitions

Definitions of terms related to Adult Businesses in Section 4.20:

Adult. A person 18 years of age and older.

Adult Bookstore. Any establishment, which as a regular and substantial course of conduct, displays and/or distributes adult merchandise, books, periodicals, magazines, photographs, drawings, sculptures, motion pictures, videos, DVDs, CD ROMs, slides, films, or other written, oral or visual representations which are distinguished or characterized by an emphasis on a matter depicting, describing or relating to specified sexual activities or specified anatomical areas. (See "Adult Business" for definition of regular and substantial portion of its business.)

Adult Cabaret. A nightclub, bar, lounge, restaurant or similar establishment or concern which features as a regular and substantial course of conduct, any type of live entertainment, films, motion pictures, videos, slides, other photographic reproductions, or other oral, written, or visual representations which are characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult Entertainment Business. Any business establishment or concern which as a regular and substantial course of conduct performs as an adult bookstore, adult theater, adult motion picture arcade, adult cabaret, stripper, adult model studio or adult hotel/motel (but not clothing optional hotel/motel); any business establishment or concern which as a regular and substantial course of conduct sells or distributes sexually oriented merchandise or sexually oriented material; or any other business establishment or concern which as a regular and substantial course of conduct offers to its patrons products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical parts. "Adult Entertainment Business" shall also include any business establishment or concern which, as a regular and substantial course of conduct provides or allows performers, models, actors, actresses, or employees to appear in any place in attire that does not opaquely cover specified anatomical areas. "Adult Entertainment Business" does not include those uses or activities, the regulation of which is preempted by state law.

Adult Hotel or Motel. A hotel or motel which, as a regular and substantial course of conduct provides to its patrons, through the provision of rooms equipped with closed-circuit television or other medium, material which is distinguished or characterized by the emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas and/or which rents, leases, or lets any room for less than a 12-hour period and/or rents, leases or lets any room more than once in a 24-hour period and/or which advertises the availability of any of the above. (Ord. 04-02)

Adult Model Studio. Any premises where there is furnished, provided or procured a figure model or models who pose in any manner which is characterized by its emphasis on matter depicting, describing, or relating to specified sexual activities or specified

anatomical areas where such model(s) is being observed or viewed by any person for the purpose of being sketched, painted, drawn, sculptured, photographed, filmed, or videotaped for a fee, or any other thing of value, as a consideration, compensation, or gratuity for the right or opportunity to so observe the model or remain on the premises. "Adult Model Studio" shall not include any live art class or any studio or classroom which is operated by any public agency, or any private educational institution authorized to issue and confer a diploma or degree under Section 94300 et seq. of the Education Code of the State of California.

Adult Motion Picture Arcade. Any business establishment or concern containing currency, coin or slug operated or manually or electronically controlled still, motion picture or video machines, projectors, or other image producing devices that are maintained to display images to an individual in individual viewing areas when those images are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. **Adult Theatre.** A business establishment or concern which, as a regular and substantial course of conduct, presents live entertainment, motion pictures, videos, slide photographs, or other pictures or visual reproductions which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

G-string. An article of clothing that opaquely covers the buttocks at least one inch on either side of the natal cleft and covers the entirety of the genitalia and pubis.

Individual Viewing Area. Any area used for viewing live performances, pictures, movies, videos or other presentations which has a potential maximum occupancy of ten persons or less as determined by the Building Official under the adopted Uniform Building Code.

Live Art Class. Any premises on which all of the following occur:

1. There is conducted a program of instruction involving the drawing, photographing, or sculpting of live models exposing specified anatomical areas;
2. Instruction is offered in a series of at least two classes;
3. The instruction is offered indoors;
4. An instructor is present in the classroom while any participants are present ; and
5. Preregistration is required at least 24 hours in advance of participation in the class.

Live Entertainment. Any existent display by a human being which is characterized by an emphasis on specified anatomical areas or specified sexual activities.

Nude, Nudity, or State of Nudity. The showing of the human male or female genitals, pubic area, vulva, anus, or anal cleft with less than a fully opaque covering, the showing of the female breast with less than fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

Pasties. An article of clothing that opaquely covers the nipple and areola of the female breast.

Performer. Any dancer, entertainer, model, or other person who performs specified sexual activities or displays specified anatomical areas in an adult business.

Religious Institution. A building which is used primarily for religious worship and related religious activities.

Residentially Zoned Properties. Properties in the R-1, R-2, R-3, C-P-R-1, C-R-1, C-R-2, and C-R-3 zones (with or without planned development overlay).

School. An institution of learning for minors, whether public or private which is maintained pursuant to standards set by the State Board of Education and made applicable to the particular type of school (For example, it is recognized that curriculum standards that are applicable to public schools are not applicable to private schools. Accordingly, a private school is not disqualified from being considered a “school” simply because it does not comply with curriculum standards applicable to public schools.) This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school, or any special institution of learning under the jurisdiction of the State Department of Education, but does not include a vocational or professional institution or an institution of higher education including a community or junior college, college, or university.

Sexually Oriented Material. Any element of any merchandise, including but not limited to any book, periodical, magazine, photograph, slides, drawing, sculpture, motion picture film, videos, DVDs, CD ROMs, compact disks, other types of photographic reproductions, or other written, oral, or visual representation or presentation which, for purposes of sexual arousal, provides depictions which are characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Sexually Oriented Merchandise. Sexually oriented implements and paraphernalia, including, but not limited to: dildos, auto sucks, sexually oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery-operated vaginas, and similar sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sadomasochistic activity.

Specified Anatomical Area.

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities.

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of clothed or unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory function in the context of a sexual relationship, any of the following depicted sexually

oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerastia; or

2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
4. Fondling or touching of clothed or unclothed human genitals, pubic region, buttocks or female breast; or
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
6. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation; or
8. The presence of any person who performs, or appears in attire where specified anatomical parts are either not opaquely covered or minimally covered with devices commonly referred to as pasties and g-strings or any other opaque covering over the nipple and areola of the female breast, and, while covering the cleft between the buttocks and pubic area, covers less than one inch on either side of the entire length of the cleft between the buttocks and two inches across the pubic area.

9.10.050 Short-Term Rental Definitions

"Advertise", "Advertisement" or "Advertising" shall mean the publication of any statements, phrases, words, photographs, drawings or other images for the purpose of informing any member of the public of the ability or availability to use a specific dwelling unit for short-term rental purposes, as described in this Section. For purposes of this definition, publication shall include but not be limited to verbal, written, printed, electronic, televised or broadcast set forth or contained in any newspaper, magazine, newsletter, website, solicitation, handbill, business card, flyer, outdoor advertising display, billboard, cable, satellite or digital radio or television broadcast, social networking site or any other electronic and digital media.

"Applicable laws, rules and regulations" means any federal, state and local laws, rules, and regulations and private governing documents, including, without limitation, conditions, covenants and restrictions ("CC&Rs") that are valid and enforceable pursuant to the Davis-Stirling Common Interest Development Act, as set forth in California Civil Code Section 4000 et seq., pertaining to the use and occupancy of a privately owned single-unit dwelling, multi-unit dwelling or mobile home as a short-term rental.

"Bedroom" means any habitable room normally occupied with no less than 70 square feet of floor area and no horizontal dimension less than seven feet with at least one wall

located along an exterior wall with a window and equipped with a heating source as required by the California Building Code.

“Good Neighbor Brochure” means a document prepared by the City that summarizes the general rules of conduct and applicable short-term rental regulations to be adhered to by renters.

“Guest” means an invitee of a renter or other person visiting a renter of a short-term rental unit who does not rent the unit. Guests shall only be allowed at the short-term rental between the hours of 7:00 a.m. and 10:00 p.m.

“Hotline” means the telephonic service operated by or for the city for the purpose of receiving complaints regarding the operation of any Short-Term Rental and forwarding the complaints to the local contact person.

“Local Contact Person” means the person designated on the short-term rental permit who shall be available 24-hours a day, seven days a week for the purpose of responding in-person to the short-term rental site within 30 minutes of receiving a complaint regarding the condition, operation, or conduct of guests and is authorized by the owner to take remedial action and who responds to violations.

“Non-Owner Occupied Short-Term Rental” is a short-term rental in which the owner does not reside in the residence during the time a renter is occupying the residence.

“Owner Occupied Short-Term Rental” is a short-term rental in which the owner resides on the property during the time a renter is occupying the residence.

“Owner” means the person or entity holding legal title and/or equitable title to the real property that is the subject of a short-term rental permit. The owner may allow a person to act as their authorized agent.

“Renter” means a person renting or occupying a short-term rental property in accordance with the terms of this Section. For purposes of this Section, “renter” shall have the same meaning as “transient,” as defined in Municipal Code Article X Chapter 6.

“Short-term rental” or **“STR”** shall mean the rental of a private residence, or any portion of the private residence, for less than thirty or less consecutive days for which a rental contract for occupancy has been made which the short-term rental use is permitted to operate, pursuant to a current and valid short-term rental permit on file with the city. A short-term rental may be either an owner-occupied or non-owner occupied short term rental.

9.10.060 Sign Regulation Definitions

For the purposes of Section 3.60, Sign Regulations, the following definitions shall apply:

Abandoned Sign. Any lawfully erected sign that, for a period of 180 days or more, no longer advertises or identifies an ongoing business, activity, product, service, or other use available on the premise where the sign is located.

A-frame Sign. A freestanding portable sign ordinarily in the shape of an “A” or some variation thereof, which is readily moveable and not permanently attached to the ground or any structure; also referred to as a sandwich board sign.

Alteration. Any change of size, shape, illumination, position, location, construction or supporting structure of an existing sign.

Animated Sign. A sign with action or motion, rotating, flashing or color changes.

Art Mural. A non-commercial message that does not use an image, logo, or trademark to promote a commercial product or service and therefore not subject to sign ordinance regulations.

Awning Sign. A covering attached to the exterior wall of a building. It is typically composed of canvas woven of acrylic, cotton or polyester yarn, or vinyl laminated to polyester fabric that is stretched tightly over a light structure of aluminum, iron or steel, possibly coated or transparent material.

Banner Sign. A temporary sign composed of cloth, canvas, plastic, fabric, or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method.

Base. Constructed of material such as wood, steel, aluminum, concrete block, brick or other types of materials that support a solid freestanding sign structure.

Building Face. Any exterior elevation of a building.

Building Frontage. The width of a building occupied by a single business tenant that fronts on a public street where customer access to the building is available. Width is measured as the widest point on an architectural elevation.

Business Information Sign. Signs that are a part of a business operation that are non-illuminated signs that provide business information including types of purchase methods accepted such as credit card, business hours, menus, and other informational signs that pertain to the business.

Cabinet Sign. Also referred to as “can sign”. A sign that contains all the text and/or logo symbols on the display face of an enclosed cabinet, where text is static and non-digitally displayed. Cabinet signs typically are internally illuminated with sign faces transparent to be visible during evening hours.

Canopy Sign. Any sign that is part of a projecting awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance or window or outdoor service area, or otherwise attached to a building face.

Changeable Copy Sign. A sign with changeable copy, regardless of the method of attachment or the materials of construction, that is non-digital.

Commercial Message. Any wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a commercial or industrial business, product, good, service or other commercial or industrial activity.

Commercial Sign. Any sign with wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Commercial Zones. Commercial zones include the following zones: OP, NC, CB, CBO, VS, CVS, RC, CC, and CGC.

Digital Display. The portion of a sign message made up of internally illuminated components capable of changing a message periodically. Digital displays may include but not limited to LCD, LED, plasma, or high intensity displays (hid).

Directional Sign. Signage that directs pedestrians or drivers to locations such as parking, drop off, or other wayfinding elements.

Directory Sign. A sign less than 8 square feet that directs pedestrians or visitors to tenants within a multi-tenant building.

Event. An occasion, gathering, or activity that is temporary in nature and has a set start time and end time. An example of an event includes but not limited to a sale or rental of a property, an "open-house" for the sale or rental of a property, a religious gathering, a federal/state/local election, garage or yard sale, etc.

Flag. A device, generally made of flexible materials, usually cloth, paper or plastic, usually used as a symbol of a government, school, or religion, corporation, or other lettering or symbols, and may contain either a not containing a commercial message or non-commercial message.

Foot Candle. A unit of illuminance or illumination, equivalent to the illumination produced by a source of one candle at a distance of one foot and equal to one lumen incident per square foot.

Freestanding Sign. Any sign supported by structures or supports that are placed on, or anchored in, the ground which are independent from any building or other structure. These signs are also known as monument signs, and pylon signs.

Feather Flag. Also known as a blade sign, teardrop sign, or similar type of temporary signage that is constructed of cloth, canvas, plastic fabric, or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or portable structure for means of advertising.

Illegal Sign. Any sign erected without complying with all ordinances and regulations in effect at the time of its construction and erection or use.

Illuminated Sign. Any sign employing the use of lighting sources for the purpose of decorating, outlining, accentuating or brightening the sign area.

Industrial Zones. Industrial zones include the following zones: I, CI, and CIC.

Inflatable Sign. Any air or gas filled device located, attached, or tethered to the ground, site, merchandise, building, or roof and used for the purpose of signage, advertising or attention-getting.

Legal Nonconforming Sign. A sign which was legal when first erected, with all necessary permits, but due to a change in the law it became nonconforming (inconsistent with the current requirements of this Section).

Lumen. A unit equal to the light emitted in a unit solid angle by a uniform point source of one candle intensity.

Mobile Sign. The use of a moving trailer, automobile, truck, or any other vehicle to display commercial or noncommercial messages primarily for advertising purposes unrelated to the principal use of such vehicle.

Multi-Faced Sign. A sign with two or more sign faces where any two sign faces are oriented such that they have an interior angle of greater than forty-five (45) degrees from each other.

Noncommercial Signage. Any signage which is not determined to be commercial signage, as defined herein.

Noncommercial Message. Any wording, logo or other representation that does not directly or indirectly, name, advertise or calls attention to a commercial or industrial business, product, good, service or other commercial or industrial activity.

Off-Site Sign. Signage that is not located on the same legal lot of the business, accommodations, services, or commercial activity served by the sign. In commercial centers where there are multiple legal lots that comprise a commercial center and there is an agreement that allows the use of the sign by the business.

Off-Site Directional Sign. Signs displaying direction to a limited duration event that is located off-site and not located within the public right-of-way.

On-Site Sign. A sign advertising the business, accommodations, services or commercial activities provided on the site on which the sign is located.

Open Space Zones. Open spaces zones include the following zones: COS, OS, CVB, CPB and PR.

People Sign. A person, live or simulated, who is attired or decorated with insignia, images, costumes, masks, or other symbols that display commercial messages with the purpose of drawing attention to or advertising for an on-premise activity. Such person may or may not be holding a sign. Also known as human mascots, sign spinner, or walking signs.

Perforated Window Film. A calendared adhesive-backed PVC vinyl that contains pattern of round, evenly spaced holes that allow graphics printed on a glass surface, such as windows, to be seen from the outside, but appear invisible from the inside building space.

Permitted Sign. Signs permitted pursuant to Section 3.60.

Pole Signs. A sign wholly supported by a singular shape and separated from the ground by air.

Portable Sign. Any freestanding, moveable sign.

Projection. A sign that extends beyond the building wall, where the horizontal sign face is not parallel to a building wall.

Projecting Sign. A sign which projects more than two (2) feet from the exterior face of a building wall or facade and which uses the building wall as its primary source of support.

Projected Image Sign. A sign which involves an image projected on the face of a wall, structure, sidewalk, or other surface from a distant electronic device such that the image does not originate from the plan of the wall, structure, sidewalk, or other surface.

Residential Zones. Residential zones include the following zones: CPR1, R1, CR1, R2, CR2, R3, and CR3.

Residential Subdivision Sign. A sign which advertises for sale or lease residential units being constructed or rented within the City of Grover Beach.

Right-of-way. A public or private highway, road or thoroughfare which affords the principal means of property access. For the purposes of the signage section, this means roadway/ alleyway, sidewalk (if present), gutter (if present) and curb, whether concrete or asphalt.

Roof Sign. A sign erected upon or above a roof (angled surface) or a parapet of a building or structure, and not contained within a dormer (flat surface).

Sign. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public, with the exception of the following:

Sign Copy. Any words, letters, numbers, figures, designs or other symbolic representation incorporated into a sign with the purpose of attracting attention to the subject matter.

Sign Face. The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

Sign Structure. Any structure that supports or is capable of supporting any sign as defined in this Section. A sign structure may be a single pole and may or may not be an integral part of the building.

Site. A lot, or group of contiguous lots, with or without development, in single ownership, or having multiple owners, all of whom join in an application for signage.

Snipe Signs. Means anything that is attached to trees, wires, the ground, or to other objects that has a message appearing on it that does not apply to the present use of the premises or structure upon which the sign is located.

Street. A public or private highway, road or thoroughfare which affords the principal means of access to adjacent lots.

Suspended Sign. A sign which hangs from the underside of a roof, a porch, awning, or covered walkway.

Temporary Sign. A sign that is not permanently anchored or secured to a building and not having supports or braces permanently secured in the ground, including but not limited to a-frame signs, banner signs, pennants, inflatables signs, flags, feather flags, or similar devices intended for a limited period of display.

Valance. A free-hanging projection of fabric below the main frame of an awning to create a decorative skirt.

Vertical Plane. A sign passing through the point of sight and perpendicular to the ground and to the structure of the sign.

Wall Sign. A sign attached to or painted on the exterior wall of a building or structure with the display surface of the sign approximately parallel to the building or structure wall.

Wayfinding Sign. An on or off-premises sign along the path of travel directing potential patrons to an area in which three or more businesses of the same type are located and to businesses within that area

Window Sign. A sign that is painted on, attached to, or suspended directly behind or in front of a window or the glass portion of a door.

Utility Pole. An outdoor pole consisting of either wood, metal, or other similar material, installed by an entity operating under the jurisdiction of the California Public Utilities Commission or other similar state or federal agency to support telephone, electric, and other cables.

Yard Sign. Any temporary sign placed in the ground or attached to a supporting structure, posts, or poles, that is not attached to any building, not including banners.

RESOLUTION NO. 22-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH, CALIFORNIA, AUTHORIZING AND DIRECTING THE COMMUNITY DEVELOPMENT DIRECTOR TO SUBMIT THE LOCAL COASTAL PROGRAM (LCP) AMENDMENT ASSOCIATED WITH ORDINANCE NO. 22-06 TO THE CALIFORNIA COASTAL COMMISSION FOR FINAL CERTIFICATION

WHEREAS, the LCP amendment would amend the City's Development Code with a focus on the implementation of the 2020 Housing Element programs, compliance with State law such as Senate Bill 9 and other minor amendments; and

WHEREAS, the Ordinance requires a Local Coastal Program Amendment because the Development Code amendments include sections that are part of the implementing ordinances for the Local Coastal Program consistent with Development Code Section 1.20.060; and

WHEREAS, the Local Coastal Program Amendment is intended to be carried out in a manner that is fully in conformity with the Coastal Act; and

WHEREAS, the Local Coastal Program Amendment is consistent with Chapter 3 policies of the Coastal Act and is in conformity with and adequate to carry out the certified land use plan as documented in the staff report; and

WHEREAS, the Planning Commission held a public hearing on May 3, 2022 and recommended the City Council approve the Development Code updates and Local Coastal Program Amendment; and

WHEREAS, the City Council at its meeting on May 23, 2022 conducted a first reading of the Development Code updates and adopted the Ordinance at its meeting on June 13, 2022; and

WHEREAS, an Initial Study and Negative Declaration were prepared for the project as required by the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.); and

WHEREAS, the proposed Local Coastal Program Amendment will take effect automatically upon final certification by the Coastal Commission unless revisions are made by the California Coastal Commission.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Grover Beach **DOES HEREBY AUTHORIZE AND DIRECT** the Community Development Director to submit an amendment of Article IX Development Code associated with Ordinance No. 22-06 to the California Coastal Commission for final certification.

On motion by Council Member _____, seconded by Council Member _____, and on the following roll-call vote, to wit:

AYES: Council Members –
NOES: Council Members –
ABSENT: Council Members –
ABSTAIN: Council Members –
RECUSED: Council Members –

the foregoing Resolution No. 22-__ was **PASSED, APPROVED**, and **ADOPTED** at a regular meeting by the City Council on June 13, 2022.

****DRAFT****

JEFF LEE, MAYOR

Attest:

WENDI SIMS, CITY CLERK